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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Bill B. O'Neill

AN ACT

RELATING TO FIREARMS; ESTABLISHING A MINIMUM AGE OF TWENTY-ONE TO PURCHASE OR POSSESS AN AUTOMATIC FIREARM, SEMIAUTOMATIC FIREARM OR FIREARM CAPABLE OF ACCEPTING A LARGE-CAPACITY FEEDING DEVICE; PROVIDING EXCEPTIONS; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new Section 30-7-2.5 NMSA 1978 is enacted to read:

"30-7-2.5. [NEW MATERIAL] UNLAWFUL PURCHASE OR POSSESSION OF CERTAIN FIREARMS BY A PERSON UNDER THE AGE OF TWENTY-ONE-- EXCEPTIONS--PENALTY.--

A. It is unlawful for a person under the age of twenty-one to purchase an automatic or semiautomatic firearm.

B. It is unlawful for a person under the age of twenty-one to possess an automatic or semiautomatic firearm,

1 except the person may possess such a firearm when the person:

2 (1) attends a hunter's safety course or other
3 firearm safety course;

4 (2) engages in the use of an automatic or
5 semiautomatic firearm for target shooting at an established
6 range authorized by the governing body of the jurisdiction in
7 which the range is located or in an area where the discharge of
8 an automatic or semiautomatic firearm without legal
9 justification is not prohibited by law;

10 (3) engages in an organized competition
11 involving the use of an automatic or semiautomatic firearm;

12 (4) participates in or practices for a
13 performance by an organization that has been granted exemption
14 from federal income tax by the United States commissioner of
15 internal revenue as an organization described in Section
16 501(c)(3) of the United States Internal Revenue Code of 1986,
17 as amended or renumbered;

18 (5) engages in legal hunting or trapping
19 activities;

20 (6) travels, with an unloaded automatic or
21 semiautomatic firearm in the person's possession, to or from an
22 activity described in Paragraph (1), (2), (3), (4) or (5) of
23 this subsection; or

24 (7) is on private property under the control
25 of the person's parent, grandparent or legal guardian and the

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1 person is being supervised by a parent, grandparent or legal
2 guardian.

3 C. It is unlawful for a person under the age of
4 twenty-one to purchase or possess a firearm that is capable of
5 accepting a large-capacity feeding device.

6 D. The provisions of Subsections A through C of
7 this section shall not apply to:

8 (1) a peace officer, in accordance with the
9 policies of the peace officer's law enforcement agency, who is
10 certified pursuant to the Law Enforcement Training Act;

11 (2) a peace officer, in accordance with the
12 policies of the peace officer's law enforcement agency, who is
13 employed on a temporary basis by that agency and who has
14 successfully completed a course of firearms instruction
15 prescribed by the New Mexico law enforcement academy or
16 provided by a certified firearms instructor who is employed on
17 a permanent basis by a law enforcement agency; or

18 (3) an active or reserve member of the armed
19 forces of the United States, the army national guard of New
20 Mexico or the air national guard of New Mexico.

21 E. It is unlawful to knowingly sell or transfer
22 ownership of an automatic firearm, semiautomatic firearm or
23 firearm capable of accepting a large-capacity feeding device to
24 a person under the age of twenty-one who is prohibited from
25 purchasing such firearms pursuant to Subsections A through C of

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1 this section.

2 F. A person who violates the provisions of this
3 section is guilty of a misdemeanor and upon conviction shall be
4 sentenced in accordance with the provisions of Section 31-19-1
5 NMSA 1978.

6 G. As used in this section:

7 (1) "automatic firearm" means a firearm that
8 continuously feeds cartridges or fires, extracts and ejects
9 cartridge cases as long as the trigger is fully depressed and
10 the feed system contains cartridges. Actuation of the trigger
11 may be from an internal power source such as gas pressure or
12 recoil or an external power source such as electricity.

13 "Automatic firearm" includes rifles and shotguns that fire
14 automatically, but excludes .22 caliber rifles;

15 (2) "firearm" means a weapon that can expel or
16 is designed to or may readily be converted to expel a
17 projectile by the action of an explosion;

18 (3) "large-capacity feeding device" means a
19 magazine or a receptacle for a firearm that holds cartridges or
20 shells under spring pressure preparatory for feeding into the
21 chamber or a belt, drum, feed, strip or tubular device that has
22 the capacity of or could be readily restored or converted to
23 accept more than ten rounds of ammunition; and

24 (4) "semiautomatic firearm" means a firearm
25 that requires a separate pull or activation of the trigger for

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1 each shot fired and that uses the energy of discharge to
2 perform a portion of the operating or firing cycle.
3 "Semiautomatic firearm" includes any rifle or shotgun that is
4 semiautomatic, but excludes .22 caliber rifles."

5 SECTION 2. SEVERABILITY.--If any part or application of
6 this act is held invalid, the remainder or its application to
7 other situations or persons shall not be affected.

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