

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 129

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL SALE OF A
FIREARM BEFORE THE REQUIRED WAITING PERIOD ENDS; REQUIRING A
FOURTEEN-DAY WAITING PERIOD WHEN CONDUCTING THE SALE OF A
FIREARM; PROVIDING AN EXCEPTION; PRESCRIBING PENALTIES.

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

SECTION 1. A new Section 30-7-7.3 NMSA 1978 is enacted to
read:

"30-7-7.3. [NEW MATERIAL] UNLAWFUL SALE OF A FIREARM
BEFORE REQUIRED WAITING PERIOD ENDS.--

A. In addition to the crime created in Section
30-7-7.1 NMSA 1978, a required waiting period of fourteen
calendar days shall be required for the sale of a firearm and
the transfer of the firearm to the buyer. The fourteen-
calendar-day waiting period shall include the period required

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underscoring material = new
[bracketed material] = delete

1 to conduct a federal instant background check; provided that,
2 if the fourteen-calendar-day waiting period has expired without
3 the completion of a required federal instant background check,
4 the seller shall not transfer the firearm to the buyer until
5 the federal instant background check is completed.

6 B. The firearm shall remain in the custody of the
7 seller during the entirety of the waiting period.

8 C. Unlawful sale of a firearm before the required
9 waiting period ends consists of the transfer of ownership,
10 possession or physical control of the firearm from the seller
11 to the buyer before the end of the required fourteen-calendar-
12 day waiting period or, if required, before the completion of
13 the required federal instant background check, but does not
14 include temporary possession or control of a firearm provided
15 to a customer by the proprietor of a licensed business in the
16 conduct of that business.

17 D. Each party to an unlawful sale of a firearm
18 before the required waiting period ends is in violation of this
19 section and may be separately charged for the same sale.

20 E. Each firearm sold contrary to the provisions of
21 this section constitutes a separate offense under Subsection C
22 of this section.

23 F. Two or more offenses may be charged in the same
24 complaint, information or indictment and shall be punished as
25 separate offenses.

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1 G. Whoever violates the provisions of this section
2 is guilty of a misdemeanor.

3 H. Records of firearm sales shall be made available
4 by the seller for inspection upon request of a law enforcement
5 agency.

6 I. The provisions of this section do not apply to
7 the sale of a firearm between immediate family members.

8 J. As used in this section:

9 (1) "firearm" means any weapon that will or is
10 designed to or may readily be converted to expel a projectile
11 by the action of an explosion; the frame or receiver of any
12 such weapon; or any firearm muffler or firearm silencer; and
13 includes any handgun, rifle or shotgun; but shall not include
14 an antique firearm as defined in 18 U.S.C. Section 921(16), a
15 powder-actuated tool or other device designed to be used for
16 construction purposes, an emergency flare or a firearm in
17 permanently inoperable condition; and

18 (2) "immediate family member" means a spouse,
19 a parent, a child, a sibling, a grandparent, a grandchild, a
20 great-grandchild, a niece, a nephew, a first cousin, an aunt or
21 an uncle."