

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 12

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

Joy Garratt and Christine Chandler and Katy M. Duhigg  
and Heather Berghmans

AN ACT

RELATING TO FIREARMS; AMENDING THE EXTREME RISK FIREARM  
PROTECTION ORDER ACT TO ALLOW A LAW ENFORCEMENT OFFICER TO FILE  
A PETITION BASED ON INFORMATION COLLECTED WHILE CARRYING OUT  
THE OFFICER'S OFFICIAL DUTIES; REQUIRING A RESPONDENT TO  
RELINQUISH FIREARMS IMMEDIATELY UPON SERVICE OF AN EXTREME RISK  
FIREARM PROTECTION ORDER; MAKING CONFORMING AMENDMENTS.

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

SECTION 1. Section 40-17-5 NMSA 1978 (being Laws 2020,  
Chapter 5, Section 5) is amended to read:

"40-17-5. PETITION FOR EXTREME RISK FIREARM PROTECTION  
ORDER--CONTENTS.--

A. A petition for an extreme risk firearm  
protection order shall be filed only by a law enforcement  
officer employed by a law enforcement agency; provided that, if

underscoring material = new  
~~[bracketed material] = delete~~

underscored material = new  
[bracketed material] = delete

1 the respondent is a law enforcement officer, the petition shall  
2 be filed by the district attorney or the attorney general.

3 B. A petitioner may file a petition with the court  
4 requesting an extreme risk firearm protection order that shall  
5 enjoin the respondent from having in the respondent's  
6 possession, custody or control any firearm and shall further  
7 enjoin the respondent from purchasing, receiving or attempting  
8 to purchase, possess or receive any firearm while the order is  
9 in effect.

10 C. If a law enforcement officer declines to file a  
11 requested petition for an extreme risk firearm protection  
12 order, the law enforcement officer shall file with the sheriff  
13 of the county in which the respondent resides a notice that the  
14 law enforcement officer is declining to file a petition  
15 pursuant to this section.

16 D. A law enforcement officer shall file a petition  
17 for an extreme risk firearm protection order upon receipt of  
18 credible information from a reporting party that gives the  
19 ~~[agency or]~~ officer probable cause to believe that a respondent  
20 poses a significant danger of causing imminent personal injury  
21 to self or others by having in the respondent's custody or  
22 control or by purchasing, possessing or receiving a firearm;  
23 provided that a law enforcement officer may also file a  
24 petition based on credible information that the officer  
25 collected while carrying out the officer's official duties.

.228975.3

1           E. A petition for an extreme risk firearm  
2 protection order shall state the specific statements, actions  
3 or facts that support the belief that the respondent poses a  
4 significant danger of causing imminent personal injury to self  
5 or others by having in the respondent's custody or control or  
6 by purchasing, possessing or receiving a firearm.

7           F. A petition for an extreme risk firearm  
8 protection order shall be made under oath and shall be  
9 accompanied by a sworn affidavit signed by the reporting party  
10 setting forth specific facts supporting the order.

11           G. A petition for an extreme risk firearm  
12 protection order filed pursuant to the request of a reporting  
13 party shall include:

14                           (1) the name and address of the reporting  
15 party;

16                           (2) the name and address of the respondent;

17                           (3) a description of the number, types and  
18 locations of firearms or ammunition that the petitioner  
19 believes the respondent has custody of, controls, owns or  
20 possesses;

21                           (4) a description of the relationship between  
22 the reporting party and the respondent; and

23                           (5) a description of any lawsuit, complaint,  
24 petition, restraining order, injunction or other legal action  
25 between the reporting party and the respondent.

underscoring material = new  
[bracketed material] = delete

1                   H. A petition for an extreme risk firearm  
2 protection order filed based upon credible information that a  
3 law enforcement officer collected while carrying out the  
4 officer's official duties shall include:

5                   (1) the name and address of the respondent;

6                   (2) a description of the number, types and  
7 locations of firearms or ammunition that the petitioner  
8 believes the respondent has custody of, controls, owns or  
9 possesses;

10                   (3) a description of the circumstances under  
11 which the petitioner collected the credible information that  
12 gave rise to the petition; and

13                   (4) a statement regarding why the law  
14 enforcement officer believes the respondent poses a significant  
15 danger of causing imminent personal injury to self or others by  
16 having custody or control of or by purchasing, possessing or  
17 receiving a firearm."

18                   SECTION 2. Section 40-17-10 NMSA 1978 (being Laws 2020,  
19 Chapter 5, Section 10) is amended to read:

20                   "40-17-10. RELINQUISHMENT OF FIREARMS.--

21                   A. A respondent who receives a temporary or one-  
22 year extreme risk firearm protection order shall relinquish all  
23 firearms in the respondent's possession, custody or control or  
24 subject to the respondent's possession, custody or control in a  
25 safe manner to a law enforcement officer, a law enforcement

.228975.3

underscoring material = new  
~~[bracketed material] = delete~~

1 agency or a federal firearms licensee [~~within forty-eight hours~~  
2 ~~of~~] immediately upon service of the order or [~~sooner at the~~  
3 ~~discretion of~~] as directed by the court.

4 B. A law enforcement officer, law enforcement  
5 agency or federal firearms licensee that takes temporary  
6 possession of a firearm pursuant to this section shall:

7 (1) prepare a receipt identifying all firearms  
8 that have been relinquished or taken;

9 (2) provide a copy of the receipt to the  
10 respondent;

11 (3) provide a copy of the receipt to the  
12 petitioner within seventy-two hours of taking possession of the  
13 firearms;

14 (4) file the original receipt with the court  
15 that issued the temporary or one-year extreme risk firearm  
16 protection order within seventy-two hours of taking possession  
17 of the firearms; and

18 (5) ensure that the law enforcement agency  
19 retains a copy of the receipt."