

1 HOUSE BILL 101

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO FIREARMS; MAKING AN EXEMPTION TO UNLAWFUL  
12 POSSESSION OF A FIREARM AT A POLLING PLACE FOR COMMISSIONED LAW  
13 ENFORCEMENT OFFICERS.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 1-20-24 NMSA 1978 (being Laws 2024,  
17 Chapter 50, Section 1) is amended to read:

18 "1-20-24. UNLAWFUL POSSESSION OF A FIREARM AT A POLLING  
19 PLACE.--

20 A. Unlawful possession of a firearm at a polling  
21 place consists of possession of a loaded or unloaded firearm by  
22 any person within:

23 (1) one hundred feet of the door through which  
24 voters may enter to vote at a school building in which a  
25 polling place is located while early voting is in progress or

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1 on election day;

2 (2) one hundred feet of the door through which  
3 voters may enter to vote at the office of the county clerk, an  
4 alternate voting location, a mobile voting site or any location  
5 used as a polling place while early voting is in progress or on  
6 election day that is not a school; or

7 (3) fifty feet of a monitored secured  
8 container as used in Subsection E of Section 1-6-9 NMSA 1978,  
9 beginning twenty-eight days before an election through election  
10 day.

11 B. The provisions of Subsection A of this section  
12 do not apply to:

13 (1) a certified law enforcement officer in  
14 performance of the officer's official duties;

15 (2) a law enforcement officer who is certified  
16 pursuant to the Law Enforcement Training Act acting in  
17 accordance with the policies of the officer's law enforcement  
18 agency;

19 (3) a commissioned law enforcement officer  
20 with the power to arrest in performance of the officer's  
21 official duties;

22 (4) a commissioned law enforcement officer  
23 with the power to arrest acting in accordance with the policies  
24 of the officer's law enforcement agency;

25 [~~3~~] (5) a person in a private automobile or

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1 other private means of conveyance; or

2                   ~~[(4)]~~ (6) a person carrying a concealed  
3 firearm who is in possession of a valid concealed handgun  
4 license for that firearm pursuant to the Concealed Handgun  
5 Carry Act.

6                   C. A person conducting lawful, non-election-related  
7 business nearer than one hundred feet from the door through  
8 which voters may enter to vote or nearer than fifty feet from a  
9 monitored secured container is not guilty of unlawful  
10 possession of a firearm at a polling place.

11                   D. A person who commits unlawful possession of a  
12 firearm at a polling place is guilty of a petty misdemeanor and  
13 shall be sentenced pursuant to Section 31-19-1 NMSA 1978.

14                   E. For the purposes of this section, "firearm"  
15 means a weapon that will or is designed to or may readily be  
16 converted to expel a projectile by the action of an explosion,  
17 or the frame or receiver of any such weapon."