

HOUSE BILL 127

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO FIREARMS; ESTABLISHING A MINIMUM AGE OF TWENTY-ONE TO PURCHASE OR POSSESS AN AUTOMATIC FIREARM, A SEMIAUTOMATIC FIREARM OR A LARGE-CAPACITY AMMUNITION 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

.226702.2GLGAIC February 3, 2024 (9:16am)

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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, except the person may possess the firearm when the person:

(1) is attending a hunter's safety course or other firearm safety course;

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

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

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

(5) engages in legal hunting or trapping activities HJC→ or is a registered guide pursuant to Section

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17-2A-3 NMSA 1978←HJC;

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

(7) is on private property under the control of the person's parent, grandparent or legal guardian and the person is being supervised by a parent, grandparent or legal guardian.

C. It is unlawful for a person under the age of twenty-one to purchase or possess a large-capacity ammunition feeding device.

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

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

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

(3) an active or reserve member of the armed

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forces of the United States, the army national guard of New Mexico or the air national guard of New Mexico; or

(4) a security officer licensed and allowed to carry a firearm pursuant to the Private Investigations Act.

E. It is unlawful to knowingly sell or transfer ownership of an automatic firearm, a semiautomatic firearm or a large-capacity ammunition feeding device to a person under the age of twenty-one who is prohibited from purchasing such automatic firearm, semiautomatic firearm or large-capacity ammunition feeding device pursuant to Subsections A through C of this section.

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

G. As used in this section:

(1) "automatic firearm" means a firearm that continuously feeds cartridges or fires, extracts and ejects cartridge cases as long as the trigger is fully depressed and the feed system contains cartridges. Actuation of the trigger may be from an internal power source such as gas pressure or recoil or an external power source such as electricity. "Automatic firearm" includes rifles and shotguns that fire automatically;

(2) "firearm" means a weapon that can expel or

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is designed to or may readily be converted to expel a projectile by the action of an explosion;

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

(4) "semiautomatic firearm" means a firearm that requires a separate pull or activation of the trigger for each shot fired and that uses the energy of discharge to perform a portion of the operating or firing cycle. "Semiautomatic firearm" includes any rifle or shotgun that is semiautomatic, but excludes .22 caliber rifles."

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