

HOUSE BILL 238

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

INTRODUCED BY

Joy Garratt and Martin Hickey and Yanira Gurrola

AN ACT

RELATING TO CRIME; MAKING IT UNLAWFUL TO DISCHARGE A FIREARM IN
A DENSELY POPULATED AREA; PROVIDING AN EXCEPTION; PROVIDING A
PENALTY.

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

SECTION 1. A new section of the Criminal Code is enacted
to read:

"[NEW MATERIAL] UNLAWFUL DISCHARGE OF A FIREARM IN A
DENSELY POPULATED AREA.--

A. Unlawful discharge of a firearm in a densely
populated area consists of discharging a firearm while in a
densely populated area.

B. The provisions of Subsection A of this section
shall not apply to a peace officer or other public employee who
is required or authorized by law to carry or use a firearm in

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1 the course of the person's employment and who carries, handles,
2 uses or discharges a firearm while lawfully engaged in carrying
3 out the duties of the person's office or employment.

4 C. The exceptions from criminal liability provided
5 in Subsection B of this section shall not preclude or affect
6 civil liability for the same conduct.

7 D. Whoever commits unlawful discharge of a firearm
8 in a densely populated area is guilty of a fourth degree
9 felony."

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