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AN ACT

RELATING TO CRIME; CREATING THE CRIMES OF NEGLIGENTLY MAKING
A FIREARM ACCESSIBLE TO A MINOR AND NEGLIGENTLY MAKING A
FIREARM ACCESSIBLE TO A MINOR RESULTING IN GREAT BODILY HARM
OR DEATH; PROVIDING PENALTIES; PROVIDING EXCEPTIONS.

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:

"NEGLIGENTLY MAKING A FIREARM ACCESSIBLE TO A
MINOR--NEGLIGENTLY MAKING A FIREARM ACCESSIBLE TO A MINOR
RESULTING IN GREAT BODILY HARM OR DEATH--PENALTIES.--

A. A person commits the crime of negligently
making a firearm accessible to a minor if:

(1) the person keeps or stores a firearm in
a manner that negligently disregards a minor's ability to
access the firearm; and

(2) a minor accesses the firearm and
displays or brandishes the firearm in a threatening manner or
causes injury to the minor or another person not resulting in
great bodily harm or death.

Whoever commits negligently making a firearm accessible
to a minor is guilty of a misdemeanor.

B. A person commits the crime of negligently
making a firearm accessible to a minor resulting in great

1 bodily harm or death if:

2 (1) the person keeps or stores a firearm in
3 a manner that negligently disregards a minor's ability to
4 access the firearm; and

5 (2) a minor accesses the firearm and uses it
6 in a manner that causes great bodily harm to or death of the
7 minor or another person.

8 Whoever commits negligently making a firearm accessible
9 to a minor resulting in great bodily harm or death is guilty
10 of a fourth degree felony.

11 C. A person does not violate Subsection A or B of
12 this section if a minor obtains a firearm:

13 (1) that was either kept in a locked
14 container and was securely stored or kept in a location that
15 a reasonable person would believe to be secure when obtained
16 by a minor;

17 (2) that was carried on the person or within
18 the person's immediate control;

19 (3) that was locked with a firearm safety
20 device that rendered the firearm inoperable;

21 (4) in the course of self-defense or defense
22 of another person;

23 (5) by illegal entry to the person's
24 property; or

25 (6) with the authorization of the minor's

1 parent or guardian for lawful hunting, lawful recreational
2 use or any other lawful purpose.

3 D. As used in this section:

4 (1) "brandish" means to display or make a
5 firearm known to another person while the firearm is present
6 on the person of the minor with intent to intimidate or
7 injure a person;

8 (2) "firearm" means a weapon that will or is
9 designed to or may readily be converted to expel a projectile
10 by the action of an explosion;

11 (3) "firearm safety device" means a gun safe
12 or a device that prevents a firearm from being discharged or
13 from being used to expel a projectile by the action of an
14 explosion or a device other than a gun safe that locks a
15 firearm and is designed to prevent children and unauthorized
16 users from firing a firearm, which device may be installed on
17 a firearm, be incorporated into the design of the firearm or
18 prevent access to the firearm; and

19 (4) "minor" means a person under eighteen
20 years of age."

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