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SENATE BILL 114

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

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO FIREARMS; PROVIDING FOR LICENSED CONCEALED CARRY OF
A FIREARM IN RESTAURANTS THAT SERVE SPIRITUOUS LIQUORS AND
CIDER.

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

SECTION 1. Section 30-7-3 NMSA 1978 (being Laws 1975,
Chapter 149, Section 1, as amended) is amended to read:

"30-7-3. UNLAWFUL CARRYING OF A FIREARM IN LICENSED
LIQUOR ESTABLISHMENTS.--

A. Unlawful carrying of a firearm in an
establishment licensed to dispense alcoholic beverages consists
of carrying a loaded or unloaded firearm on any premises
licensed by the regulation and licensing department for the
dispensing of alcoholic beverages except:

- (1) by a law enforcement officer in the lawful

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1 discharge of the officer's duties;

2 (2) by a law enforcement officer who is
3 certified pursuant to the Law Enforcement Training Act acting
4 in accordance with the policies of the officer's law
5 enforcement agency;

6 (3) by the owner, lessee, tenant or operator
7 of the licensed premises or the owner's, lessee's, tenant's or
8 operator's agents, including privately employed security
9 personnel during the performance of their duties;

10 (4) by a person carrying a concealed handgun
11 who is in possession of a valid concealed handgun license for
12 that gun pursuant to the Concealed Handgun Carry Act on the
13 premises of:

14 (a) a licensed establishment that does
15 not sell alcoholic beverages for consumption on the premises;
16 or

17 (b) a restaurant licensed to sell ~~[only]~~
18 spirituous liquors, cider, beer ~~[and]~~ or wine that derives no
19 less than sixty percent of its annual gross receipts from the
20 sale of food for consumption on the premises, unless the
21 restaurant has a sign posted, in a conspicuous location at each
22 public entrance, prohibiting the carrying of firearms, or the
23 person is verbally instructed by the owner or manager that the
24 carrying of a firearm is not permitted in the restaurant;

25 (5) by a person in that area of the licensed

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1 premises usually and primarily rented on a daily or short-term
2 basis for sleeping or residential occupancy, including hotel or
3 motel rooms;

4 (6) by a person on that area of a licensed
5 premises primarily used for vehicular traffic or parking; or

6 (7) for the purpose of temporary display,
7 provided that the firearm is:

8 (a) made completely inoperative before
9 it is carried onto the licensed premises and remains
10 inoperative while it is on the licensed premises; and

11 (b) under the control of the licensee or
12 an agent of the licensee while the firearm is on the licensed
13 premises.

14 B. Whoever commits unlawful carrying of a firearm
15 in an establishment licensed to dispense alcoholic beverages is
16 guilty of a fourth degree felony."