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SENATE BILL 44

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

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO ELECTIONS; PROHIBITING THE CARRYING OF A FIREARM
WITHIN ONE HUNDRED FEET OF A POLLING PLACE DURING AN ELECTION
WITH AN EXCEPTION FOR PEACE OFFICERS; PROVIDING A PENALTY.

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

SECTION 1. A new section of Chapter 1, Article 20 NMSA
1978 is enacted to read:

"[NEW MATERIAL] UNLAWFUL CARRYING OF A FIREARM AT A
POLLING PLACE.--

A. Unlawful carrying of a firearm at a polling
place consists of carrying a loaded or unloaded firearm within
one hundred feet of a polling place on election day or while
early voting is in progress.

B. This section shall not apply to:

- (1) a peace officer or other security

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1 personnel with written authorization of the appropriate
2 municipal or county election official to be stationed within
3 one hundred feet of the polling place; or

4 (2) a peace officer who carries a firearm in
5 the performance of the officer's official duties.

6 C. A person who commits unlawful carrying of a
7 firearm at a polling place is guilty of a petty misdemeanor and
8 shall be sentenced pursuant to Section 31-19-1 NMSA 1978.

9 D. For the purposes of this section, "firearm"
10 means a weapon that will or is designed to or may readily be
11 converted to expel a projectile by the action of an explosion;
12 the frame or receiver of any such weapon; or any firearm
13 muffler or firearm silencer."