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HOUSE BILL 127

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

INTRODUCED BY

Reena Szczepanski

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 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,

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

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

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

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

12 (4) participates in or practices for a
13 performance by an organization that has been granted exemption
14 from federal income tax by the United States commissioner of
15 internal revenue as an organization described in Section
16 501(c)(3) of the United States Internal Revenue Code of 1986,
17 as amended or renumbered;

18 (5) engages in legal hunting or trapping
19 activities;

20 (6) travels, with an unloaded automatic or
21 semiautomatic firearm in a locked container in the person's
22 possession, to or from an activity described in Paragraph (1),
23 (2), (3), (4) or (5) of this subsection; or

24 (7) is on private property under the control
25 of the person's parent, grandparent or legal guardian and the

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1 person is being supervised by a parent, grandparent or legal
2 guardian.

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

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

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

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

18 (3) an active or reserve member of the armed
19 forces of the United States, the army national guard of New
20 Mexico or the air national guard of New Mexico; or

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

23 E. It is unlawful to knowingly sell or transfer
24 ownership of an automatic firearm, a semiautomatic firearm or a
25 large-capacity ammunition feeding device to a person under the

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1 age of twenty-one who is prohibited from purchasing such
2 automatic firearm, semiautomatic firearm or large-capacity
3 ammunition feeding device pursuant to Subsections A through C
4 of this section.

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

9 G. As used in this section:

10 (1) "automatic firearm" means a firearm that
11 continuously feeds cartridges or fires, extracts and ejects
12 cartridge cases as long as the trigger is fully depressed and
13 the feed system contains cartridges. Actuation of the trigger
14 may be from an internal power source such as gas pressure or
15 recoil or an external power source such as electricity.

16 "Automatic firearm" includes rifles and shotguns that fire
17 automatically;

18 (2) "firearm" means a weapon that can expel or
19 is designed to or may readily be converted to expel a
20 projectile by the action of an explosion;

21 (3) "large-capacity ammunition feeding device"
22 means a magazine or a receptacle for a firearm that holds
23 cartridges or shells under spring pressure preparatory for
24 feeding into the chamber or a belt, drum, feed, strip or
25 tubular device that has the capacity of or could be readily

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1 restored or converted to accept more than ten rounds of
2 ammunition; and

3 (4) "semiautomatic firearm" means a firearm
4 that requires a separate pull or activation of the trigger for
5 each shot fired and that uses the energy of discharge to
6 perform a portion of the operating or firing cycle.

7 "Semiautomatic firearm" includes any rifle or shotgun that is
8 semiautomatic, but excludes .22 caliber rifles."

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