

1 SENATE BILL 13  
2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2024**

3 INTRODUCED BY  
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10 AN ACT

11 RELATING TO FIREARMS; MAKING AN EXEMPTION FOR A CERTIFIED LAW  
12 ENFORCEMENT OFFICER AND A BUYER WHO HOLDS A VALID CONCEALED  
13 HANDGUN LICENSE IN ANOTHER STATE.  
14

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

16 SECTION 1. Section 30-7-7.3 NMSA 1978 (being Laws 2024,  
17 Chapter 46, Section 1) is amended to read:

18 "30-7-7.3. UNLAWFUL SALE OF A FIREARM BEFORE REQUIRED  
19 WAITING PERIOD ENDS.--

20 A. A waiting period of seven calendar days shall be  
21 required for the sale of a firearm and the transfer of the  
22 firearm to the buyer. The seven-calendar-day waiting period  
23 shall include the period required to conduct a federal instant  
24 background check; provided that, if the seven-calendar-day  
25 waiting period has expired without the completion of a required

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1 federal instant background check, the seller shall not transfer  
2 the firearm to the buyer until the federal instant background  
3 check is completed. If the required federal instant background  
4 check has not been completed within twenty days, the seller may  
5 transfer the firearm to the buyer.

6 B. The firearm shall remain in the custody of the  
7 seller or the federal firearms licensee performing the federal  
8 instant background check during the entirety of the waiting  
9 period.

10 C. Unlawful sale of a firearm before the required  
11 waiting period ends consists of the transfer of ownership,  
12 possession or physical control of the firearm from the seller  
13 to the buyer before the end of the required seven-calendar-day  
14 waiting period, but does not include temporary possession or  
15 control of a firearm provided to a customer by the proprietor  
16 of a licensed business in the conduct of that business.

17 D. Each party to an unlawful sale of a firearm  
18 before the required waiting period ends is in violation of this  
19 section and may be separately charged for the same sale.

20 E. Each firearm sold contrary to the provisions of  
21 this section constitutes a separate offense under Subsection C  
22 of this section.

23 F. Two or more offenses may be charged in the same  
24 complaint, information or indictment and shall be punished as  
25 separate offenses.

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1           G. Whoever violates the provisions of this section  
2 is guilty of a misdemeanor.

3           H. The provisions of this section do not apply to  
4 the sale of a firearm:

5                   (1) to a buyer who holds a valid federal  
6 firearms license;

7                   (2) to a buyer who is a New Mexico resident  
8 who holds a valid [~~New Mexico~~] concealed handgun license  
9 [~~pursuant to the Concealed Handgun Carry Act~~] issued by New  
10 Mexico or another state;

11                   (3) to a law enforcement agency;

12                   (4) to a commissioned and certified law  
13 enforcement officer;

14                   ~~[(4)]~~ (5) between two law enforcement officers  
15 authorized to carry a firearm and certified pursuant to federal  
16 law or the Law Enforcement Training Act; or

17                   ~~[(5)]~~ (6) between immediate family members.

18           I. As used in this section:

19                   (1) "firearm" means any weapon that will or is  
20 designed to or may readily be converted to expel a projectile  
21 by the action of an explosion; the frame or receiver of any  
22 such weapon; and includes any handgun, rifle or shotgun; but  
23 shall not include an antique firearm as defined in 18 U.S.C.  
24 Section 921(16), a powder-actuated tool or other device  
25 designed to be used for construction purposes, an emergency

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1 flare or a firearm in permanently inoperable condition; and  
2 (2) "immediate family member" means a spouse,  
3 a parent, a child, a sibling, a grandparent, a grandchild, a  
4 great-grandchild, a niece, a nephew, a first cousin, an aunt or  
5 an uncle."