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AN ACT

RELATING TO ELECTIONS; PROHIBITING THE POSSESSION OF A  
FIREARM WITHIN CERTAIN DISTANCES OF A POLLING PLACE DURING AN  
ELECTION; PROVIDING EXCEPTIONS; 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:

"UNLAWFUL POSSESSION OF A FIREARM AT A POLLING PLACE.--

A. Unlawful possession of a firearm at a polling  
place consists of possession of a loaded or unloaded firearm  
by any person within:

(1) one hundred feet of the door through  
which voters may enter to vote at a school building in which  
a polling place is located while early voting is in progress  
or on election day;

(2) one hundred feet of the door through  
which voters may enter to vote at the office of the county  
clerk, an alternate voting location, a mobile voting site or  
any location used as a polling place while early voting is in  
progress or on election day that is not a school; or

(3) fifty feet of a monitored secured  
container as used in Subsection E of Section 1-6-9 NMSA 1978,  
beginning twenty-eight days before an election through  
election day.

1           B. The provisions of Subsection A of this section  
2 do not apply to:

3                 (1) a certified law enforcement officer in  
4 performance of the officer's official duties;

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

9                 (3) a person in a private automobile or  
10 other private means of conveyance; or

11                (4) a person carrying a concealed firearm  
12 who is in possession of a valid concealed handgun license for  
13 that firearm pursuant to the Concealed Handgun Carry Act.

14           C. A person conducting lawful, non-election-  
15 related business nearer than one hundred feet from the door  
16 through which voters may enter to vote or nearer than fifty  
17 feet from a monitored secured container is not guilty of  
18 unlawful possession of a firearm at a polling place.

19           D. A person who commits unlawful possession of a  
20 firearm at a polling place is guilty of a petty misdemeanor  
21 and shall be sentenced pursuant to Section 31-19-1 NMSA 1978.

22           E. For the purposes of this section, "firearm"  
23 means a weapon that will or is designed to or may readily be  
24 converted to expel a projectile by the action of an explosion,  
25 or the frame or receiver of any such weapon."