

FIFTY-FIRST LEGISLATURE
FIRST SESSION, 2013

HB 77/a

March 7, 2013

Mr. President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

**HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 77**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 16, after the semicolon, insert "PROHIBITING A REGISTRY OF FIREARM TRANSFERS OR OWNERSHIP; PROVIDING AN EXCEPTION TO THE INSPECTION OF PUBLIC RECORDS ACT;"

2. On page 2, line 17, before the period, insert "; PROVIDING A CONTINGENT REPEAL".

3. On page 2, line 20, strike "8" and insert in lieu thereof "9".

4. On page 3, line 13, strike "explosion" and insert in lieu thereof "explosive".

5. On page 4, lines 15 and 16, strike "a fee for the licensees' services if desired" and insert in lieu thereof "for a fee, if desired, not to exceed twenty-five dollars (\$25.00) per transfer for the licensees' services".

6. On page 6, between lines 16 and 17, insert a new section to read as follows:

"SECTION 9. CONSTRUCTION OF FIREARM TRANSFER ACT--PUBLIC RECORDS INSPECTION.--

A. Nothing in the Firearm Transfer Act shall be construed to require or authorize an agency, officer or agent of the state or a political subdivision of the state to compile or maintain a registry, roster, list or other compilation of firearms transfers or

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firearms owners from any record required to be created or kept by the Firearm Transfer Act. This section shall not prohibit disclosure or access to a firearms transfer record for a criminal investigation.

B. No record created or maintained pursuant to the Firearm Transfer Act shall be subject to inspection or disclosure pursuant to the Inspection of Public Records Act."

7. Renumber the succeeding section accordingly.

8. On page 7, line 10, before the period, insert "and subject to the disabilities of 18 U.S.C. 922(d)(4) and (g)(4)".

9. On page 8, line 4, after the period, insert "The court's redetermination shall be de novo."

10. On page 9, between lines 22 and 23, insert a new section to read as follows:

"SECTION 11. CONTINGENT REPEAL.--Sections 1 through 9 of this act are repealed on the effective date of a federal law:

A. requiring a background check for the transfer of a firearm, other than a firearm defined in 26 U.S.C. 5845(a), between two persons who are not federal firearms licensees and who reside in the same state, whether or not the transfer takes place at a gun show, which requirement shall be certified by the secretary of public safety and sent to the director of the legislative council service and the New Mexico compilation commission; or

B. that expressly preempts the state from enforcing the provisions of Sections 1 through 9 of this act, which preemption shall be certified by the secretary of public safety to the director of the legislative council service and the New Mexico compilation commission.".,

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and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

Gerald Ortiz y Pino, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 3 Against

Yes: 4

No: Brandt, Griggs, Kernan

Excused: Keller

Absent: None

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