

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 137

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO FIREARMS; ALLOWING THE CARRYING OF CONCEALED
HANDGUNS IN RESTAURANTS.

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

SECTION 1. Section 30-7-3 NMSA 1978 (being Laws 1975,
Chapter 149, Section 1, as amended) is amended to read:

"30-7-3. UNLAWFUL CARRYING OF A FIREARM IN LICENSED
LIQUOR ESTABLISHMENTS.--

A. Unlawful carrying of a firearm in an
establishment licensed to dispense alcoholic beverages consists
of carrying a loaded or unloaded firearm on any premises
licensed by the regulation and licensing department for the
dispensing of alcoholic beverages except:

(1) by a law enforcement officer in the lawful
discharge of the officer's duties;

.192606.1

underscored material = new
[bracketed material] = delete

1 (2) by a law enforcement officer who is
2 certified pursuant to the Law Enforcement Training Act acting
3 in accordance with the policies of the officer's law
4 enforcement agency;

5 (3) by the owner, lessee, tenant or operator
6 of the licensed premises or the owner's, lessee's, tenant's or
7 operator's agents, including privately employed security
8 personnel during the performance of their duties;

9 (4) by a person carrying a concealed handgun
10 who is in possession of a valid concealed handgun license for
11 that gun pursuant to the Concealed Handgun Carry Act on the
12 premises of:

13 (a) a licensed establishment that does
14 not sell alcoholic beverages for consumption on the premises;
15 or

16 (b) a restaurant [~~licensed to sell only~~
17 ~~beer and wine that derives no less than sixty percent of its~~
18 ~~annual gross receipts from the sale of food for consumption on~~
19 ~~the premises]~~ as defined in the Liquor Control Act, unless the
20 restaurant has a sign posted, in a conspicuous location at each
21 public entrance, prohibiting the carrying of firearms, or the
22 person is verbally instructed by the owner or manager that the
23 carrying of a firearm is not permitted in the restaurant;

24 (5) by a person in that area of the licensed
25 premises usually and primarily rented on a daily or short-term

1 basis for sleeping or residential occupancy, including hotel or
2 motel rooms;

3 (6) by a person on that area of a licensed
4 premises primarily used for vehicular traffic or parking; or

5 (7) for the purpose of temporary display;
6 provided that the firearm is:

7 (a) made completely inoperative before
8 it is carried onto the licensed premises and remains
9 inoperative while it is on the licensed premises; and

10 (b) under the control of the licensee or
11 an agent of the licensee while the firearm is on the licensed
12 premises.

13 B. Whoever commits unlawful carrying of a firearm
14 in an establishment licensed to dispense alcoholic beverages is
15 guilty of a fourth degree felony."

16 SECTION 2. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2013.