

HOUSE BILL 25

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO JUVENILE DELINQUENCY; PROHIBITING AN ADULT SUBJECT TO A JUVENILE DISPOSITION INVOLVING USE OF A FIREARM FROM RECEIVING, TRANSPORTING OR POSSESSING A FIREARM OR DESTRUCTIVE DEVICE; PROVIDING ACCESS TO JUVENILE DELINQUENCY RECORDS FOR FIREARM BACKGROUND CHECKS; PROVIDING THAT A JUDGMENT IN PROCEEDINGS ON A PETITION UNDER THE DELINQUENCY ACT RESULTING IN A JUVENILE DISPOSITION INVOLVING USE OF A FIREARM SHALL BE CONSIDERED A CONVICTION OF A CRIME.

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

SECTION 1. Section 30-7-16 NMSA 1978 (being Laws 1981, Chapter 225, Section 1, as amended) is amended to read:

"30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT, TRANSPORTATION OR POSSESSION BY CERTAIN PERSONS--PENALTY.--

A. It is unlawful for the following persons to

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1 receive, transport or possess a firearm or destructive device
2 in this state:

3 (1) a felon;

4 (2) a person subject to an order of protection
5 pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978; [~~or~~]

6 (3) a person convicted of any of the following
7 crimes:

8 (a) battery against a household member
9 pursuant to Section 30-3-15 NMSA 1978;

10 (b) criminal damage to property of a
11 household member pursuant to Section 30-3-18 NMSA 1978;

12 (c) a first offense of stalking pursuant
13 to Section 30-3A-3 NMSA 1978; or

14 (d) a crime listed in 18 U.S.C. 921; or

15 (4) an adult subject to a juvenile disposition
16 for a delinquent act involving use of a firearm under the
17 Delinquency Act that would be a felony if committed by an
18 adult, regardless of whether the judgment resulted in an adult
19 sentence.

20 B. A felon or an adult subject to a juvenile
21 disposition for a delinquent act involving use of a firearm
22 under the Delinquency Act that would be a felony if committed
23 by an adult, regardless of whether the judgment resulted in an
24 adult sentence, found in possession of a firearm shall be
25 guilty of a third degree felony.

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1 C. A serious violent felon that is found to be in
2 possession of a firearm shall be guilty of a third degree
3 felony, and notwithstanding the provisions of Section 31-18-15
4 NMSA 1978, shall be sentenced to a basic term of six years
5 imprisonment.

6 D. Any person subject to an order of protection
7 pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978 or convicted
8 of a crime listed in Paragraph (3) of Subsection A of this
9 section who receives, transports or possesses a firearm or
10 destructive device is guilty of a misdemeanor.

11 E. As used in this section:

12 (1) "adult subject to a juvenile disposition
13 for a delinquent act involving use of a firearm" means a person
14 eighteen years of age or older subject to a juvenile
15 disposition for a delinquent act involving the use of a firearm
16 under the Delinquency Act; provided that:

17 (a) less than ten years have passed
18 since the juvenile disposition; and

19 (b) the person has not been pardoned for
20 the juvenile disposition by the proper authority;

21 [~~(1)~~] (2) except as provided in Paragraph
22 [~~(2)~~] (3) of this subsection, "destructive device" means:

23 (a) any explosive, incendiary or poison
24 gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge
25 of more than four ounces; 4) missile having an explosive or

1 incendiary charge of more than one-fourth ounce; 5) mine; or 6)
2 similar device;

3 (b) any type of weapon by whatever name
4 known that will, or that may be readily converted to, expel a
5 projectile by the action of an explosive or other propellant,
6 the barrel or barrels of which have a bore of more than one-
7 half inch in diameter, except a shotgun or shotgun shell that
8 is generally recognized as particularly suitable for sporting
9 purposes; or

10 (c) any combination of parts either
11 designed or intended for use in converting any device into a
12 destructive device as defined in this paragraph and from which
13 a destructive device may be readily assembled;

14 [~~(2)~~] (3) the term "destructive device" does
15 not include any device that is neither designed nor redesigned
16 for use as a weapon or any device, although originally designed
17 for use as a weapon, that is redesigned for use as a signaling,
18 pyrotechnic, line throwing, safety or similar device;

19 [~~(3)~~] (4) "felon" means a person convicted of
20 a felony offense by a court of the United States or of any
21 state or political subdivision thereof and:

22 (a) less than ten years have passed
23 since the person completed serving a sentence or period of
24 probation for the felony conviction, whichever is later;

25 (b) the person has not been pardoned for

1 the felony conviction by the proper authority; and

2 (c) the person has not received a
3 deferred sentence;

4 [~~(4)~~] (5) "firearm" means any weapon that will
5 or is designed to or may readily be converted to expel a
6 projectile by the action of an explosion or the frame or
7 receiver of any such weapon; and

8 [~~(5)~~] (6) "serious violent felon" means a
9 person convicted of an offense enumerated in Subparagraphs (a)
10 through (n) of Paragraph (4) of Subsection [~~E~~] N of Section
11 33-2-34 NMSA 1978; provided that:

12 (a) less than ten years have passed
13 since the person completed serving a sentence or a period of
14 probation for the felony conviction, whichever is later;

15 (b) the person has not been pardoned for
16 the felony conviction by the proper authority; and

17 (c) the person has not received a
18 deferred sentence and completed the total term of deferment as
19 provided in Section 31-20-9 NMSA 1978."

20 SECTION 2. Section 32A-2-26 NMSA 1978 (being Laws 1993,
21 Chapter 77, Section 55, as amended) is amended to read:

22 "32A-2-26. SEALING OF RECORDS.--

23 A. On motion by or on behalf of a person who has
24 been the subject of a delinquency petition or on the court's
25 own motion, the court shall vacate its findings, orders and

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1 judgments on the petition and order the legal and social files
2 and records of the court, probation services and any other
3 agency in the case sealed. If requested in the motion, the
4 court shall also order law enforcement files and records
5 sealed. An order sealing records and files shall be entered if
6 the court finds that:

7 (1) two years have elapsed since the final
8 release of the person from legal custody and supervision or two
9 years have elapsed since the entry of any other judgment not
10 involving legal custody or supervision;

11 (2) the person has not, within the two years
12 immediately prior to filing the motion, been convicted of a
13 felony or of a misdemeanor involving moral turpitude or been
14 found delinquent by a court and no proceeding is pending
15 seeking such a conviction or finding; and

16 (3) the person is eighteen years of age or
17 older or the court finds that good cause exists to seal the
18 records prior to the child's eighteenth birthday.

19 B. Reasonable notice of the motion shall be given
20 to:

21 (1) the children's court attorney;
22 (2) the authority granting the release;
23 (3) the law enforcement officer, department
24 and central depository having custody of the law enforcement
25 files and records; and

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1 (4) any other agency having custody of records
2 or files subject to the sealing order.

3 C. Upon the entry of the sealing order, the
4 proceedings in the case shall be treated as if they never
5 occurred and all index references shall be deleted. The court,
6 law enforcement officers and departments and agencies shall
7 reply, and the person may reply, to an inquiry that no record
8 exists with respect to the person. Copies of the sealing order
9 shall be sent to each agency or official named in the order.

10 D. Inspection of the files and records or the
11 release of information in the records included in the sealing
12 order may thereafter be permitted by the court only:

13 (1) upon motion by the person who is the
14 subject of the records and only to those persons named in the
15 motion; and

16 (2) in its discretion, in an individual case,
17 to any clinic, hospital or agency that has the person under
18 care or treatment or to other persons engaged in fact finding
19 or research.

20 E. Any finding of delinquency or need of services
21 or conviction of a crime subsequent to the sealing order may at
22 the court's discretion be used by the court as a basis to set
23 aside the sealing order.

24 F. A court may set aside a sealing order for the
25 juvenile disposition of a youthful offender and any evidence

1 given in a hearing in court for a youthful offender for the
2 purpose of considering the setting of bail or other conditions
3 of release of a person charged with a felony whether charged as
4 an adult or a juvenile.

5 G. A child who has been the subject of a petition
6 filed pursuant to the provisions of the Delinquency Act shall
7 be notified in writing by the department when the child reaches
8 the age of eighteen or at the expiration of legal custody and
9 supervision, whichever occurs later, that the department's
10 records have been sealed and that the court, the children's
11 court attorney, the child's attorney and the referring law
12 enforcement agency have been notified that the child's records
13 are subject to sealing.

14 H. The department shall seal the child's files and
15 records when the child reaches the age of eighteen or at the
16 expiration of the disposition, whichever occurs later. The
17 department shall notify the children's court attorney, the
18 child's attorney and the referring law enforcement agency that
19 the child's records are subject to sealing.

20 I. Youthful offender records sealed pursuant to
21 Subsection H of this section may be unsealed by the court along
22 with any evidence given in a hearing in court for a youthful
23 offender for the purpose of considering the setting of bail or
24 other conditions of release of a person charged with a felony,
25 whether charged as an adult or juvenile.

1 J. A child who is determined by the court not to be
2 a delinquent offender shall have the child's files and records
3 in the instant proceeding automatically sealed by the court
4 upon motion by the children's court attorney at the conclusion
5 of the proceedings.

6 K. After sealing, the department may store and use
7 a person's records for research and reporting purposes, subject
8 to the confidentiality provisions of Section 32A-2-32 NMSA 1978
9 and other applicable federal and state laws.

10 L. Notwithstanding any provision of the law to the
11 contrary, the court record of a juvenile disposition involving
12 the use of a firearm for a delinquent act that would be a
13 felony if committed by an adult shall be electronically
14 transmitted to the federal bureau of investigation's national
15 instant criminal background check system and made available to
16 state and local law enforcement agencies for the purpose of
17 determining whether a person is in violation of Subsection A of
18 Section 30-7-16 NMSA 1978 for the person's receipt,
19 transportation or possession of a firearm or destructive device
20 in New Mexico."

21 SECTION 3. Section 32A-2-18 NMSA 1978 (being Laws 1993,
22 Chapter 77, Section 47, as amended) is amended to read:

23 "32A-2-18. JUDGMENT--NONCRIMINAL NATURE--
24 NONADMISSIBILITY--CONVICTION OF A CRIME.--

25 A. The court shall enter a judgment setting forth

1 the court's findings and disposition in the proceeding. Except
2 as provided in Subsection D of this section, a judgment in
3 proceedings on a petition under the Delinquency Act resulting
4 in a juvenile disposition shall not be deemed a conviction of
5 crime nor shall it impose any civil disabilities ordinarily
6 resulting from conviction of a crime nor shall it operate to
7 disqualify the child in any civil service application or
8 appointment. The juvenile disposition of a child and any
9 evidence given in a hearing in court shall not be admissible as
10 evidence against the child in any case or proceeding in any
11 other tribunal whether before or after reaching the age of
12 majority, except in sentencing proceedings after conviction of
13 a felony and then only for the purpose of a presentence study
14 and report.

15 B. If a judgment resulting from a youthful offender
16 or serious youthful offender proceeding under the Delinquency
17 Act results in an adult sentence, a record of the judgment
18 shall be admissible in any other case or proceeding in any
19 other court involving the youthful offender or serious youthful
20 offender.

21 C. If a judgment on a proceeding under the
22 Delinquency Act results in an adult sentence, the determination
23 of guilt at trial becomes a conviction for purposes of the
24 Criminal Code.

25 D. A judgment in proceedings on a petition under

1 the Delinquency Act resulting in a juvenile disposition for a
2 delinquent act involving use of a firearm that would constitute
3 a felony if committed by an adult shall be considered a
4 conviction of a crime punishable by imprisonment for a term
5 exceeding one year for the purpose of the federal Gun Control
6 Act of 1968 for a period of ten years following the
7 disposition, regardless of whether the judgment results in an
8 adult sentence."

9 SECTION 4. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2026.

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