

1 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 17

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10 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

11 AN ACT

12 RELATING TO FIREARMS; ENACTING THE STOP ILLEGAL GUN TRADE AND
13 EXTREMELY DANGEROUS WEAPONS ACT; REQUIRING DEALER SECURITY
14 MEASURES TO PREVENT THEFT AND LOSS OF FIREARMS; PROVIDING A
15 MINIMUM AGE FOR EMPLOYMENT AT A FIREARMS DEALER; REQUIRING
16 DEALER MAINTENANCE OF RECORDS; REQUIRING DEALER REPORTING OF
17 CRIME GUN TRACES, MULTIPLE FIREARM SALES, THEFTS AND LOSSES;
18 PROHIBITING THE SALE OF EXTREMELY DANGEROUS WEAPONS; PROVIDING
19 FOR INSPECTIONS; REQUIRING DEALERS TO POST LEGAL AND SAFETY
NOTICES TO FIREARM PURCHASERS; PROVIDING PENALTIES.

20
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. A new section of Chapter 30, Article 7 NMSA
1978 is enacted to read:

23
24 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
25 "Stop Illegal Gun Trade and Extremely Dangerous Weapons Act"."

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underscored material = new
[bracketed material] = delete

1 SECTION 2. A new section of Chapter 30, Article 7 NMSA
2 1978 is enacted to read:

3 "[NEW MATERIAL] DEFINITIONS.--As used in the Stop Illegal
4 Gun Trade and Extremely Dangerous Weapons Act:

5 A. ".50 caliber cartridge" means a cartridge in .50
6 browning machine gun caliber, either by designation or actual
7 measurement, that is capable of being fired from a centerfire
8 rifle. ".50 caliber cartridge" does not include a memorabilia
9 or display item that is filled with a permanent inert substance
10 or that is otherwise permanently altered in a manner that
11 prevents ready modification for use as live ammunition or
12 shotgun ammunition with a caliber measurement that is equal to
13 or greater than .50 caliber;

14 B. ".50 caliber rifle" means a centerfire rifle
15 capable of firing a .50 caliber cartridge. ".50 caliber rifle"
16 does not include an antique firearm, a shotgun that has a rifle
17 barrel or a muzzle-loader that uses black powder for hunting or
18 historical reenactments;

19 C. "antique firearm" has the meaning given to it in
20 18 U.S.C. Section 921(a)(16);

21 D. "dealer" means a person or business in the state
22 that holds a federal firearms license issued in accordance with
23 18 U.S.C. Section 923(a)(3);

24 E. "department" means the department of public
25 safety;

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1 F. "detachable magazine" means an ammunition
2 feeding device that is not attached to a firearm and may be
3 removed from the firearm without rendering the firearm
4 incapable of accepting a magazine;

5 G. "firearm" has the same meaning as in Section
6 30-7-16 NMSA 1978;

7 H. "fixed magazine" means an ammunition feeding
8 device contained in, or permanently attached to, a firearm in
9 such a manner that the device cannot be removed without
10 disassembly of the firearm action;

11 I. "gas-operated firearm" means any firearm that
12 harnesses or traps a portion of the high-pressure gas from a
13 fired cartridge to cycle the action using:

14 (1) a long-stroke piston, in which gas is
15 vented from the barrel to a piston that is mechanically fixed
16 to the bolt group and moves to extract the fired cartridge case
17 and chamber the next cartridge;

18 (2) a short-stroke piston, in which gas is
19 vented from the barrel to a piston that moves separately from
20 the bolt group so that the energy is imparted through a gas
21 piston to extract the fired cartridge case and chamber the next
22 cartridge;

23 (3) a system that traps and vents gas from
24 either the barrel or the chamber to directly strike or impinge
25 the bolt, bolt carrier or slide assembly to extract the fired

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cartridge case and chamber the next cartridge;

(4) a hybrid system that combines elements of a system described in Paragraph (3) of this subsection with a system described in Paragraph (1) or (2) of this subsection to capture gas vented from the barrel to extract the fired cartridge case and chamber the next cartridge; or

(5) a blowback-operated system that directly uses the expanding gases of the ignited propellant powder acting on the cartridge case to drive the breechblock or breech bolt rearward;

J. "gun show" means an event at which twenty-five or more firearms are on site and available for sale or transfer to the public;

K. "law enforcement agency" means the police department of any city or town, the sheriff's office of any county, the New Mexico state police division of the department of public safety, a district attorney's office in the state and the attorney general;

L. "law enforcement officer" means a public official or public officer vested by law with a duty to maintain public order or to make arrests;

M. "machine gun" has the same meaning as set forth in Section 5845(b) of the federal National Firearms Act and includes a semiautomatic firearm that has been modified in any way that approximates the action or rate of fire of a machine

1 gun;

2 N. "manufacturer" means a person or business in the
3 state that holds a federal firearms license issued in
4 accordance with 18 U.S.C. Section 923(a)(1);

5 O. "semiautomatic firearm" means a firearm that is
6 not a machine gun and that, upon initiating the firing
7 sequence, fires the first chambered cartridge and uses a
8 portion of the energy of the firing cartridge to extract the
9 expended cartridge case, chamber the next round and prepare the
10 firing mechanism to fire again and requires a separate pull,
11 release, push or initiation of the trigger to fire each
12 cartridge. "Semiautomatic firearm" includes a semiautomatic
13 rifle, semiautomatic shotgun or semiautomatic handgun;

14 P. "straw purchase" means the purchase, or attempt
15 to purchase, of a firearm or ammunition for, on behalf of or
16 for use by another person known or unknown. "Straw purchase"
17 does not include a bona fide gift to a person who is not
18 prohibited from possessing or receiving a firearm or
19 ammunition; and

20 Q. "transaction" means the transfer of ownership of
21 a firearm from a seller to a buyer."

22 **SECTION 3.** A new section of Chapter 30, Article 7 NMSA
23 1978 is enacted to read:

24 "[NEW MATERIAL] REQUIRING DEALER SECURITY MEASURES TO
25 PREVENT THEFT AND LOSS OF FIREARMS.--

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underscored material = new
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1 A. No later than July 1, 2026, the department, in
2 consultation with the attorney general, shall promulgate rules
3 governing the physical security of dealer premises and
4 inventory. The rules shall be effective beginning December 1,
5 2026 and shall require:

6 (1) installation and use of security alarm
7 systems on dealer premises that meet quality and other
8 standards established by the department. Eligible security
9 alarm systems shall have the capacity to be monitored by a
10 central station and shall provide protection and monitoring for
11 all accessible openings and partial motion and sound detection
12 at all other areas of the premises;

13 (2) site hardening, including locks on doors
14 and windows and other features. Features shall be designed to
15 prevent unauthorized entry, which may include bars or grates,
16 security screens and commercial-grade metal doors;

17 (3) installation and use of video surveillance
18 systems, including video recording devices at each point of
19 sale and each entrance and exit to the premises, which shall be
20 recorded from both the indoor and outdoor vantage point, and
21 the dealer shall maintain such recordings for a period of not
22 less than two years; and

23 (4) other reasonable requirements, as
24 determined by the department, to reduce the risk of burglaries
25 at dealers' premises and the theft of firearms in shipment to

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1 and from dealers' premises.

2 B. The department shall specify in rules which, if
3 any, of the security measures identified in Subsection A of
4 this section apply to gun shows, home-based dealers or dealers
5 that sell fewer than ten firearms annually."

6 SECTION 4. A new section of Chapter 30, Article 7 NMSA
7 1978 is enacted to read:

8 "[NEW MATERIAL] MINIMUM AGE OF EMPLOYMENT--REQUIRING
9 BACKGROUND CHECKS AND TRAINING FOR DEALER EMPLOYEES--

10 A. A dealer shall not employ a person to handle,
11 sell or deliver firearms unless the person is at least twenty-
12 one years of age and is not prohibited from possessing a
13 firearm under state, tribal or federal law. The department
14 shall promulgate rules to address dealer employee criminal
15 history checks no later than August 1, 2026. The rules shall
16 direct dealers to use the national instant criminal background
17 check system to determine eligibility for current and
18 prospective dealer employees only if the use of the national
19 instant criminal background check system is permitted by
20 federal regulations.

21 B. A dealer shall complete the training developed
22 by the department pursuant to Subsection C of this section and
23 shall provide the training to all new employees within thirty
24 days of employment and to all employees annually thereafter.
25 Beginning December 1, 2026, no employee of any dealer shall

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1 participate in the sale or disposition of firearms unless that
2 person has first received the training required by this
3 section. The department shall promulgate rules setting forth
4 minimum requirements for the maintenance of records of the
5 training no later than August 1, 2026.

6 C. No later than August 1, 2026, the department
7 shall develop and make available to each dealer a training
8 course in the conduct of firearm transfers, including:

9 (1) federal and state laws governing firearm
10 transfers and transactions;

11 (2) how to recognize, identify, respond to and
12 report straw purchases, illegal purchases and fraudulent
13 activity;

14 (3) how to recognize, identify, respond to and
15 report an individual who intends to use a firearm for unlawful
16 purposes or for self-harm;

17 (4) how to prevent, respond to and report
18 theft or burglary of firearms and ammunition;

19 (5) how to educate customers on gun safety
20 practices, including the safe handling and storage of firearms
21 and ammunition; and

22 (6) other topics the department deems
23 necessary and appropriate."

24 SECTION 5. A new section of Chapter 30, Article 7 NMSA
25 1978 is enacted to read:

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1 "[NEW MATERIAL] REQUIRING DEALER MAINTENANCE OF RECORDS.--

2 A. A dealer shall:

3 (1) establish and maintain a record of
4 purchases, sales, acquisitions and dispositions, as required by
5 27 CFR Section 478.125. The record shall, at a minimum,
6 include the make, model, caliber or gauge, manufacturer's name
7 and serial number of all firearms that are purchased, sold,
8 acquired or disposed of not later than one business day after
9 the firearms' purchase, sale, acquisition or disposition. The
10 records shall be maintained securely to prevent loss of the
11 records. If a record is maintained in a physical form, the
12 record shall be backed up monthly. If a record is an
13 electronic-based record system, it shall be backed up on an
14 external server at the close of each business day;

15 (2) retain all federal bureau of alcohol,
16 tobacco, firearms and explosives form 4473 records on the
17 dealer's premises for as long as the dealer's business is in
18 operation in a manner consistent with Paragraph (1) of this
19 subsection;

20 (3) account for all firearms acquired but not
21 yet disposed of in a monthly inventory check, which shall be
22 maintained in a manner consistent with Paragraph (1) of this
23 subsection;

24 (4) maintain records of all criminal traces
25 initiated by the federal bureau of alcohol, tobacco, firearms

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1 and explosives, and the dealer's response to the federal bureau
2 of alcohol, tobacco, firearms and explosives, for six years in
3 a manner consistent with Paragraph (1) of this subsection;

4 (5) maintain and make available to law
5 enforcement agencies in the course of reasonable inquiry
6 related to a criminal investigation or prosecution of a person
7 other than the dealer firearm disposition information,
8 including the serial numbers of firearms sold, dates of sale
9 and identities of purchasers, during regular and usual business
10 hours; and

11 (6) permit a law enforcement officer in the
12 course of reasonable inquiry related to a criminal
13 investigation or prosecution of a person other than the dealer
14 to inspect the records required to be maintained pursuant to
15 this section during regular and usual business hours.

16 B. Names, contact information and protected
17 personal identifier information of transferees contained in the
18 records required pursuant to this section shall be
19 confidential, is exempt from the Inspection of Public Records
20 Act and shall not be disclosed except to a law enforcement
21 agency acting in the performance of the law enforcement
22 agency's duties.

23 C. If a dealer discontinues business operations and
24 is succeeded by a new dealer in the state, a copy of the
25 records required to be kept pursuant to this section shall be

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1 delivered to the successor dealer. Where discontinuance of the
2 business is absolute, a copy of the records shall be delivered,
3 in a format to be prescribed by the department, to the
4 department within thirty days after the business
5 discontinuance. The department shall retain the records for a
6 period prescribed by the department."

7 SECTION 6. A new section of Chapter 30, Article 7 NMSA
8 1978 is enacted to read:

9 "[NEW MATERIAL] REQUIRING DEALER REPORTING OF CRIME GUN
10 TRACES, MULTIPLE FIREARM SALES, THEFTS AND LOSSES.--

11 A. If a dealer sells more than one firearm to the
12 same unlicensed customer within a period of five business days,
13 the dealer shall report the sales to the department within
14 twenty-four hours of the last sale in a manner prescribed by
15 the department.

16 B. A dealer shall report thefts and losses of
17 firearms within forty-eight hours of discovery of the theft or
18 loss to the department in a manner prescribed by the
19 department.

20 C. A dealer shall respond to a request from a law
21 enforcement agency or officer, including trace requests and
22 requests for documents and records, within twenty-four hours of
23 receiving the request in a manner prescribed by the department.

24 D. A dealer shall provide quarterly reporting to
25 the department and the attorney general, in a format to be

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1 prescribed by the department no later than June 1, 2026,
2 concerning trace requests, including at a minimum the total
3 number of trace requests received, including the make and model
4 of the firearm and date of sale.

5 E. Whenever a dealer located in the state is
6 inspected by the federal bureau of alcohol, tobacco, firearms
7 and explosives, the dealer shall notify the department of the
8 inspection no later than twenty-four hours after completion of
9 the inspection and shall send to the department a copy of any
10 reports of violations or letters received from the federal
11 bureau of alcohol, tobacco, firearms and explosives no later
12 than twenty-four hours after receiving the reports or letters,
13 which shall be permanently retained by the department in a
14 format to be determined by the department.

15 F. A dealer shall, no later than March 31 of each
16 calendar year, provide an annual report to the department, in a
17 form specified by the department, containing the following
18 information for January 1 to December 31 of the preceding
19 calendar year:

20 (1) the number of firearms sold or
21 transferred, listed by make and model of the firearm;

22 (2) the number of approved federal bureau of
23 alcohol, tobacco, firearms and explosives forms 4473 completed;
24 and

25 (3) any other information required by the

1 department."

2 SECTION 7. A new section of Chapter 30, Article 7 NMSA
3 1978 is enacted to read:

4 "[NEW MATERIAL] PROHIBITING THE SALE OF EXTREMELY
5 DANGEROUS WEAPONS.--

6 A. Beginning on July 1, 2026, a dealer shall not
7 sell or transfer any of the following firearms, ammunition or
8 devices, nor shall a dealer process a background check pursuant
9 to Section 30-7-7.1 NMSA 1978 for the transfer of any of the
10 following firearms, ammunition and devices between parties:

11 (1) a detachable magazine that holds more than
12 ten rounds of ammunition;

13 (2) a .50 caliber rifle;

14 (3) a .50 caliber cartridge;

15 (4) a gas-operated semiautomatic firearm that
16 can accept a detachable magazine;

17 (5) a gas-operated semiautomatic firearm with
18 a fixed magazine that holds more than ten rounds of ammunition;
19 or

20 (6) a machine gun.

21 B. The provisions of Subsection A of this section
22 do not apply to the sale of:

23 (1) a firearm designed to accept, and capable
24 of operating only with, .22 or less caliber rimfire ammunition;

25 (2) an antique firearm; or

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(3) a firearm that:

(a) is a single-shot rifle, shotgun or

handgun;

(b) is a breech-loading rifle, shotgun

or handgun with a capacity not to exceed two rounds of

ammunition;

(c) is a muzzleloading rifle, shotgun or

handgun;

(d) is a bolt-action rifle, shotgun or

handgun;

(e) is a lever-action or pump-action

rifle or shotgun;

(f) is a single- or double-action

semiautomatic handgun that uses recoil to cycle the action of the handgun; or

(g) has a fixed magazine with a capacity

not to exceed ten rounds of ammunition.

C. The provisions of Subsection A of this section do not apply to the sale or transfer of a firearm or device to:

(1) a law enforcement agency in the state, the United States armed forces, the New Mexico national guard or the New Mexico state defense force;

(2) an Indian nation, tribe or pueblo or an agency or political subdivision thereof;

(3) a licensee under Title 1 of the federal

Atomic Energy Act of 1954 or its contractor for purposes of establishing and maintaining an on-site physical security protection system and security organization required by federal law or the transfer to a site; or

(4) a dealer, distributor or manufacturer licensed under 18 U.S.C. Section 923."

SECTION 8. A new section of Chapter 30, Article 7 NMSA 1978 is enacted to read:

"[NEW MATERIAL] INSPECTIONS AND COMPLIANCE--PENALTY.--

A. A dealer shall annually certify to the department that the dealer has complied with all of the requirements of the Stop Illegal Gun Trade and Extremely Dangerous Weapons Act. The department shall, by rule, determine the form and content of the annual certification.

B. The department shall promulgate rules requiring periodic inspections of a dealer and the dealer's premises, at least once every three years, during regular and usual business hours, by the department to determine compliance with the provisions of the Stop Illegal Gun Trade and Extremely Dangerous Weapons Act, including rules limiting the discretion of the department to conduct unannounced inspections. A dealer shall provide the department with access to the dealer's business premises to the extent necessary to inspect for compliance with the provisions of the Stop Illegal Gun Trade and Extremely Dangerous Weapons Act.

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1 C. The department shall prepare an annual report
2 providing information on the number of dealers inspected
3 annually, the number of dealers found to be in compliance with
4 the requirements of the Stop Illegal Gun Trade and Extremely
5 Dangerous Weapons Act, the number of dealers found to have
6 failed to comply with the requirements of that act, the number
7 of trace requests submitted to dealers, the number of firearms
8 recovered from crime scenes or criminal investigations in New
9 Mexico that were sold by dealers and other information that the
10 department deems necessary and appropriate. Beginning June 1,
11 2027, the department shall prepare and publish the annual
12 report. The department shall also make all annual reports
13 publicly available on the department's website.

14 D. A dealer that knowingly falsifies information or
15 contents in the compliance report required by this section is
16 guilty of a misdemeanor."

17 **SECTION 9.** A new section of Chapter 30, Article 7 NMSA
18 1978 is enacted to read:

19 "[NEW MATERIAL] REQUIRING DEALERS TO POST LEGAL AND SAFETY
20 NOTICES TO FIREARM PURCHASERS.--

21 A. A retail firearm dealer shall conspicuously post
22 at each point of purchase where firearms may be purchased a
23 sign, in a format to be prescribed by the department, with the
24 following notices:

25 (1) "Failure to securely store a firearm may

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1 result in criminal penalties if a child gains access to the
2 firearm, pursuant to Section 30-7-4.1 NMSA 1978. Keep firearms
3 and ammunition separate and locked up. Use tamper-resistant
4 trigger locks, lockboxes or safes.";

5 (2) "Most firearm sales in New Mexico,
6 including those between private parties, require a background
7 check. Consult Section 30-7-7.1 NMSA 1978 before selling or
8 buying any firearm.";

9 (3) "Purchasing a firearm for someone who
10 intends to commit a crime or who has a felony record is a
11 federal crime and a fourth degree felony pursuant to Section
12 30-7-7.2 NMSA 1978. Don't buy a gun for someone who can't.";
13 and

14 (4) "If you or a loved one is experiencing
15 distress or depression or is contemplating suicide, please call
16 the National Suicide Prevention Lifeline at 1-800-273-TALK
17 (8255).".

18 B. The signs required pursuant to this section
19 shall be posted at all entrances of a gun show."

20 SECTION 10. A new section of Chapter 30, Article 7 NMSA
21 1978 is enacted to read:

22 "[NEW MATERIAL] PENALTIES.--A person who violates a
23 provision of Section 7 of the Stop Illegal Gun Trade and
24 Extremely Dangerous Weapons Act is guilty of a misdemeanor.
25 Unless otherwise specified, a person who violates a provision

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1 of Section 3, 4, 5, 6, 8 or 9 of the Stop Illegal Gun Trade and
2 Extremely Dangerous Weapons Act or the rules promulgated
3 pursuant to those sections shall be subject to a civil penalty
4 of two hundred dollars (\$200) for a first violation and a civil
5 penalty of up to one thousand dollars (\$1,000) for each
6 subsequent violation."

7 SECTION 11. SEVERABILITY.--If any part or application of
8 the Stop Illegal Gun Trade and Extremely Dangerous Weapons Act
9 is held invalid, the remainder or its application to other
10 situations or persons shall not be affected.

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