



Synopsis of Original Bill

This bill amends Section 30-7-2.1 NMSA 1978. Current law allows a person older than nineteen years of age on school premises in a private automobile or other private means of conveyance to possess a deadly weapon for lawful protection of the person's or another's person or property. This bill adds that this person must be a parent or guardian of a child who attends the school.

“Firearm” is defined as a handgun, rifle, shotgun, or any other weapon that is designed to expel a projectile by action of an explosion.

Significant Issues

The relevant amendment reads as follows: “Unlawful carrying of a deadly weapon on school premises consists of carrying a deadly weapon on school premises except by:” then listing the five exceptions. The fifth exception, relating to parents or guardians over the age of nineteen, limits the class of deadly weapons to firearms, meaning that a parent or guardian could still be prosecuted under the statute if the deadly weapon was one other than a firearm. The Attorney General (AG) notes that limiting the fifth exception to firearms, rather than all deadly weapons, presents a conflict.

The State Department of Education (SDE) notes that, notwithstanding the current status of the Concealed Handgun Carry Act set forth at 29-18-1 NMSA 1978, this bill does not address removal of the firearm from the car for purposes of lawful protection.

**FISCAL IMPLICATIONS**

Corrections Department (CD) notes the possibility of a slight increase in the prison population and in probation costs.

**TECHNICAL ISSUES**

The AG notes that the definition of “firearm” included in the bill may conflict with other definitions already in statute. Section 30-1-12 lays out the broader definition of “deadly weapon” which includes “any firearm, whether loaded or unloaded...” Section 30-7-16, the statute outlawing possession of firearms or destructive devices by felons, includes a definition for firearms which is slightly different from the one proposed, as it includes the frame or receiver of any such weapon or any firearm muffler or silencer. AG adds that the Use Note and committee commentary to the corresponding jury instruction on this definition, UJI 14-704 NMRA 2002, clarifies that this definition of firearm is limited to Section 30-7-16.

JCF/sb:njw