

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 1114

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO WEAPONS; INCREASING THE PENALTY FOR UNLAWFUL
CARRYING OF CERTAIN FIREARMS; CREATING THE NEW CRIMINAL
OFFENSES OF UNLAWFUL ALTERING OF A FIREARM SERIAL NUMBER AND
UNLAWFUL SALE, POSSESSION OR TRANSPORTATION OF A FIREARM WITH
AN ALTERED SERIAL NUMBER; PROVIDING PENALTIES.

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

Section 1. Section 30-7-2 NMSA 1978 (being Laws 1963,
Chapter 303, Section 7-2, as amended) is amended to read:

"30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON.--

A. Unlawful carrying of a deadly weapon consists of
carrying a concealed loaded firearm or any other type of deadly
weapon anywhere, except in the following cases:

(1) in the person's residence or on real
property belonging to ~~[him]~~ the person as owner, lessee, tenant

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 or licensee;

2 (2) in a private automobile or other private
3 means of conveyance, for lawful protection of the person's or
4 another's person or property;

5 (3) by a peace officer in accordance with the
6 policies of [~~his~~] the peace officer's law enforcement agency
7 who is certified pursuant to the Law Enforcement Training Act;

8 (4) by a peace officer in accordance with the
9 policies of [~~his~~] the peace officer's law enforcement agency
10 who is employed on a temporary basis by that agency and who has
11 successfully completed a course of firearms instruction
12 prescribed by the New Mexico law enforcement academy or
13 provided by a certified firearms instructor who is employed on
14 a permanent basis by a law enforcement agency; or

15 (5) by a person in possession of a valid
16 concealed handgun license issued to [~~him~~] the person by the
17 department of public safety pursuant to the provisions of the
18 Concealed Handgun Carry Act.

19 B. Nothing in this section shall be construed to
20 prevent the carrying of any unloaded firearm.

21 C. Whoever commits unlawful carrying of a deadly
22 weapon is guilty of a petty misdemeanor; except that the person
23 is guilty of a fourth degree felony if the person commits
24 unlawful carrying of a deadly weapon by carrying:

25 (1) a shotgun or a weapon made from a shotgun

.165718.1

underscored material = new
[bracketed material] = delete

1 that has a barrel or barrels of less than eighteen inches in
2 length;

3 (2) a rifle or a weapon made from a rifle that
4 has a barrel or barrels of less than eighteen inches in length;

5 (3) a weapon made from a shotgun or rifle if
6 the weapon has an overall length of less than twenty-six
7 inches;

8 (4) a machine gun; or

9 (5) a firearm silencer.

10 D. As used in this section, "machine gun" means a weapon
11 that shoots, is designed to shoot or is readily restored to
12 shoot automatically more than one shot, without manual
13 reloading, by a single function of the trigger."

14 Section 2. A new section of Chapter 30, Article 7 NMSA
15 1978 is enacted to read:

16 "[NEW MATERIAL] UNLAWFUL ALTERING OF A FIREARM SERIAL
17 NUMBER--UNLAWFUL SALE, POSSESSION OR TRANSPORTATION OF A
18 FIREARM WITH AN ALTERED SERIAL NUMBER.--

19 A. Unlawful altering of a firearm serial number
20 consists of a person obliterating, removing, changing or
21 altering the firearm manufacturer's serial number or other
22 identification number of the firearm. Whoever commits unlawful
23 altering of a firearm serial number is guilty of a fourth
24 degree felony.

25 B. Unlawful sale, possession or transportation of a

.165718.1

underscoring material = new
[bracketed material] = delete

1 firearm with an altered serial number consists of a person
2 knowingly selling, possessing, transporting or causing to be
3 transported any firearm that has had the manufacturer's serial
4 number or other identification number of the firearm
5 obliterated, removed, changed or altered. Whoever commits
6 unlawful sale, possession or transportation of a firearm with
7 an altered serial number is guilty of a fourth degree felony."

8 Section 3. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2007.