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HOUSE BILL 114

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

INTRODUCED BY

Nora Espinoza

AN ACT

RELATING TO FIREARMS; PROHIBITING THE ENFORCEMENT OF FEDERAL
FIREARM LAWS; PROVIDING FOR THE DEFENSE OF NEW MEXICO RESIDENTS
BY THE ATTORNEY GENERAL; PROVIDING PENALTIES.

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

SECTION 1. PROHIBITING ENFORCEMENT OF FEDERAL FIREARM
LAWS--PROVIDING FOR THE LEGAL DEFENSE OF NEW MEXICO RESIDENTS--
PROVIDING PENALTIES.--

A. A public officer or firearm dealer selling any
firearm in New Mexico who enforces or attempts to enforce any
act, law, statute, rule or regulation of the United States
government relating to a personal firearm or firearm accessory,
or to ammunition, that is owned or is manufactured commercially
or privately in New Mexico, and that remains exclusively within
the borders of New Mexico, is guilty of a third degree felony

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1 and shall be punished by a fine of not more than five thousand
2 dollars (\$5,000) or by imprisonment for a definite term not to
3 exceed three years or both.

4 B. An official, agent or employee of the United
5 States government who enforces or attempts to enforce any act,
6 order, law, statute, rule or regulation of the United States
7 government upon a personal firearm or firearm accessory, or
8 upon ammunition, that is owned or is manufactured commercially
9 or privately in New Mexico, and that remains exclusively within
10 the borders of New Mexico, is guilty of a third degree felony
11 and shall be punished by a fine of not more than five thousand
12 dollars (\$5,000) or by imprisonment for a definite term not to
13 exceed three years or both.

14 C. The attorney general may defend a resident of
15 New Mexico who is prosecuted by the United States government
16 for violation of a federal law relating to the manufacture,
17 sale, transfer or possession of a firearm or firearm accessory
18 or of ammunition owned or manufactured and retained exclusively
19 within the borders of New Mexico.

20 D. Any federal law, rule, regulation or order
21 created or effective on or after July 1, 2013 shall be
22 unenforceable within the borders of New Mexico if the law,
23 rule, regulation or order attempts to:

24 (1) ban or restrict ownership of a semi-
25 automatic firearm or a magazine of a firearm; or

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1 (2) require a firearm, magazine or other
2 firearm accessory to be registered in any manner.

3 E. As used in this section:

4 (1) "ammunition" means a projectile expelled
5 by action of an explosive from a firearm;

6 (2) "firearm" means any weapon that will or is
7 designed to expel a projectile by the action of an explosive.
8 "Firearm" shall not include any fully automatic weapon or any
9 weapon designed to fire a rocket-propelled grenade or any
10 explosive projectile;

11 (3) "firearm accessory" means an item that is
12 used in conjunction with or mounted upon a firearm but is not
13 essential to the basic function of a firearm, including
14 telescopic or laser sights, magazines, folding or aftermarket
15 stocks and grips, speed loaders, ammunition carriers, optics
16 for target identification and lights for target illumination;

17 (4) "firearm dealer" means a person engaged in
18 the retail sale of firearms, firearm accessories or ammunition;

19 (5) "manufactured" means that a firearm, a
20 firearm accessory or ammunition has been created from basic
21 materials for functional usefulness, including casting,
22 machining, molding or other processes for working materials;
23 and

24 (6) "public officer" means any officer or
25 employee of the legislative, executive or judicial departments

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1 of the state or any of its agencies, and any officer or
2 employee of any of the political subdivisions of the state.

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