

SENATE BILL 224

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO GUN SAFETY; CREATING THE CRIME OF FAILURE TO SECURE A FIREARM; PROVIDING A PENALTY.

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

SECTION 1. A new section of the Criminal Code is enacted to read:

"NEW MATERIAL] FAILURE TO SECURE A FIREARM--PENALTY.--

A. It is an offense for a firearm owner or

.218943.3AIC February 25, 2021 (9:17am)

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authorized user to store or keep a firearm in any premises unless the firearm is secured in a locked container or secured by a gun lock or other means so as to render the firearm inaccessible or unusable to any person other than the owner or other authorized user.

B. If a firearm owner or authorized user knows or reasonably should have known that a minor, an at-risk person or a prohibited person could gain access to a firearm belonging to or under the control of that owner or authorized person, and if a minor, an at-risk person or a prohibited person obtained access to that firearm, it is an offense if the firearm owner or authorized user failed to secure the firearm in a locked container or by a lock or other means so as to render such firearm inaccessible or unusable to any person other than the firearm owner or other authorized user.

C. For the purposes of Subsections A and B of this section, a firearm shall be deemed lawfully stored or lawfully kept if carried by or under the direct control of the owner or other authorized user.

D. A person who violates Subsection A of this section is guilty of a petty misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

E. A person who violates Subsection B of this section is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000) unless the violation

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results in a minor, an at-risk person or a prohibited person obtaining the firearm and using the firearm to commit a crime or to injure that person or others, in which case the person is guilty of a misdemeanor punishable pursuant to Subsection A of Section 31-19-1 NMSA 1978.

SHPAC→~~F. A minor may be an authorized user only if the minor is at least twelve years of age and has successfully completed a firearm safety training course.~~←SHPAC

SHPAC→~~G.~~←SHPAC SHPAC→~~F.~~←SHPAC As used in this section:

(1) "at-risk person" means a person who has made statements or exhibited behavior that indicates to a reasonable person there is a likelihood that the person is at risk of attempting suicide or causing physical harm to that person or others;

(2) "authorized user" means an individual who has been specifically granted permission to have access to the firearm;

(3) "direct control" means a firearm within an arm's length of the firearm's owner or other authorized person;

(4) "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion, or the frame or receiver of any such weapon;

(5) "locked container" means any storage

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device approved or meeting specifications established by the department of public safety;

(6) "minor" means a person under the age of eighteen who is not authorized to possess a firearm; and

(7) "prohibited person" means a person who comes within the prohibitions set forth in Subsection g of 18 U.S.C. Section 922 or who is prohibited by state law from possessing a firearm."

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