AN ACT

RELATING TO CRIME; CREATING NEW CRIMES RELATING TO FIREARMS; 
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] UNLAWFUL MANUFACTURE OF FIREARMS--UNLAWFUL 
DISTRIBUTION OF FIREARM MANUFACTURING INSTRUCTIONS--PROHIBITED 
FIREARMS--REQUIRING FIREARM SERIAL NUMBERS--PENALTY.--

A. It is an offense for a person to manufacture, 
go to be manufactured, produce or otherwise assemble a 
firearm unless that person is a federally licensed gun dealer 
or manufacturer. It is an offense for a person to possess, 
sell, offer to sell, transfer, purchase or receive a firearm 
manufactured, produced or otherwise assembled by a person who .219131.1GLG
is not a federally licensed gun dealer or manufacturer.

B. It is an offense for a person to use a three-dimensional printer or similar device to manufacture or produce a firearm or firearm component unless that person is a federally licensed gun dealer or manufacturer. It is an offense for a person to possess, sell, offer to sell, transfer, purchase or receive a firearm manufactured or produced using a three-dimensional printer or similar device by a person who is not a federally licensed gun dealer or manufacturer.

C. It is an offense for a person to distribute digital instructions in the form of computer-aided design files or other code or instructions stored or displayed in electronic format as a digital model that may be used to program a three-dimensional printer to manufacture or produce a firearm or firearm component to a person in New Mexico who is not a federally licensed gun dealer or manufacturer.

D. It is an offense for a person to manufacture, produce, possess, sell, offer to sell, transfer, purchase or receive a covert or undetectable firearm.

E. It is an offense for a person to manufacture, cause to be manufactured, produce or otherwise assemble a firearm that lacks a unique serial number engraved or cased in metal alloy on the frame or receiver by a federally licensed gun manufacturer or importer who complies with all applicable federal laws for manufacturing or importing the firearm.

.219131.1GLG
F. It is an offense for a person to possess, purchase or otherwise obtain separately or as part of a kit a firearm frame or receiver that is not imprinted with a serial number registered with a federally licensed gun manufacturer unless that person is a federally licensed gun dealer or manufacturer.

G. It is an offense for a person to possess, sell, offer to sell, transfer, purchase or receive any firearm or firearm component manufactured or produced in violation of this section. The provisions of this subsection do not apply to a firearm that has been rendered permanently inoperable or a firearm manufactured prior to 1968.

H. A person who violates any of Subsections A through G of this section is guilty of a fourth degree felony and shall be punished pursuant to the provisions of Section 31-18-15 NMSA 1978.

I. As used in this section:

(1) "covert firearm" means a firearm constructed in a shape or configuration that does not resemble a handgun, rifle, shotgun or machine gun, including a firearm that resembles a key chain, pen, cigarette lighter, cigarette package, cell phone, smart phone, wallet or cane;

(2) "distribute" means to sell, give or otherwise provide or make available via the internet or by any other means and includes an agreement or attempt to distribute;
(3) "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;

(4) "major component" means the slide, cylinder, frame or receiver of a firearm and, in the case of a rifle or shotgun, the barrel;

(5) "security exemplar" means a security exemplar fabricated in accordance with subparagraph (C) of paragraph (2) of subsection (p) of 18 U.S.C. 922;

(6) "three-dimensional printer" means a computer or computer-driven machine or device capable of producing a three-dimensional object from a digital model; and

(7) "undetectable firearm" means a firearm that:

(a) after removal of all parts other than major components, is not as detectable as the security exemplar by walk-through metal detectors calibrated and operated to detect a security exemplar; or

(b) includes a major component that, if the firearm were subjected to inspection by the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component; but "undetectable firearm" does not mean a firearm subject to the provisions of paragraphs (3)
through (6) of subsection (p) of 18 U.S.C. 922."

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