

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 166

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

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 or
cause to be manufactured a firearm unless that person is a
federally licensed gun manufacturer.

B. It is an offense for a person to use a three-
dimensional printer or similar device to manufacture a firearm,
firearm frame or receiver or major component of a firearm

.219648.2

underscored material = new
[bracketed material] = delete

1 unless that person is a federally licensed gun manufacturer.

2 C. It is an offense for a person to distribute
3 digital instructions in the form of computer-aided design files
4 or other code or instructions stored or displayed in electronic
5 format as a digital model that may be used to program a three-
6 dimensional printer to manufacture a firearm, firearm frame or
7 receiver or other major component of a firearm to a person in
8 New Mexico who is not a federally licensed gun manufacturer.

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

12 E. It is an offense for a person to possess,
13 manufacture or cause to be manufactured a firearm that lacks a
14 unique serial number engraved, cast or stamped on the frame or
15 receiver by a federally licensed gun manufacturer or importer
16 who complies with all applicable federal laws for manufacturing
17 or importing the firearm.

18 F. It is an offense for a person to possess,
19 purchase or otherwise obtain separately or as part of a kit a
20 firearm frame or receiver that is not imprinted with a serial
21 number or any combination of parts from which a firearm without
22 a serial number may be readily manufactured, but that does not
23 have the capacity to function as a firearm unless manufactured
24 or otherwise assembled, unless that person is a federally
25 licensed gun dealer, importer or manufacturer.

.219648.2

1 G. It is an offense for a person to sell, offer to
2 sell or transfer separately or as part of a kit a firearm or
3 firearm frame or receiver that is not imprinted with a serial
4 number or any combination of parts from which a firearm without
5 a serial number may be readily manufactured, but that does not
6 have the capacity to function as a firearm unless manufactured
7 or otherwise assembled, unless that person is a federally
8 licensed gun dealer, importer or manufacturer.

9 H. A person who violates any of Subsections A
10 through G of this section is guilty of a misdemeanor and shall
11 be punished pursuant to the provisions of Subsection A of
12 Section 31-19-1 NMSA 1978.

13 I. Nothing in this section shall be construed to
14 prohibit the manufacture, sale, purchase or assembly of an
15 inoperable firearm or the parts necessary to create an
16 inoperable firearm that is created solely for use as a prop in
17 a film production by a digital media company that is engaged in
18 the business of producing digital media intended for film,
19 special effects, holography, computer vision, virtual reality,
20 television and online web-based production.

21 J. The provisions of this section do not apply to a
22 firearm that has been rendered permanently inoperable or a
23 firearm manufactured prior to 1968 or any antique firearm, as
24 defined in 18 U.S.C. 921.

25 K. As used in this section:

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

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

9 (3) "federally licensed gun dealer,
10 manufacturer or importer" means a person licensed pursuant to
11 18 U.S.C. 923;

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

16 (5) "firearm frame or receiver" means the part
17 of a firearm that provides housing for the firearm's internal
18 components, such as the hammer, bolt or breechblock, action and
19 firing mechanism, and includes without limitation any object or
20 part that is not a firearm frame or receiver in finished form
21 but is designed or intended to be used for that purpose and
22 that may readily be made into a firearm frame or receiver
23 through milling or other means;

24 (6) "major component" means the slide,
25 cylinder, frame or receiver of a firearm and, in the case of a

.219648.2

1 rifle or shotgun, the barrel;

2 (7) "manufacture" means the fabrication of a
3 firearm or a firearm part or the fitting together of component
4 parts to construct a firearm. "Manufacture" does not include
5 repair of existing firearms;

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

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

12 (10) "undetectable firearm" means a firearm
13 that:

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

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