

1 HOUSE BILL 164

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 John Block and Tanya Mirabal Moya and Mark Duncan
5 and Jimmy G. Mason and Stefani Lord
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10 AN ACT

11 RELATING TO FIREARMS; PROVIDING FOR THE PERMITLESS CARRY OF
12 FIREARMS BY ADULTS; REPEALING SECTIONS 30-7-2.2 THROUGH 30-7-3
13 NMSA 1978 (BEING LAWS 1994, CHAPTER 22 SECTIONS 2 AND 3, LAWS
14 2003, CHAPTER 253, SECTION 1 AND LAWS 1975, CHAPTER 149,
15 SECTION 1, AS AMENDED).

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

18 SECTION 1. A new section of Chapter 30, Article 7 is
19 enacted to read:

20 "[NEW MATERIAL] PERMITLESS CARRY.--

21 A. A person who is eighteen years of age or older
22 and is not prohibited by federal or state law or a court order
23 from possessing or carrying a firearm may carry a loaded
24 firearm on their person. The carrying of the firearm may be
25 concealed or open.

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1 B. Nothing in this section shall be construed to
2 prevent the carrying of an unloaded firearm."

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

5 "30-7-1. CARRYING A DEADLY WEAPON.--"Carrying a deadly
6 weapon" means being armed with a deadly weapon, not including
7 firearms, by having it on the person or in close proximity
8 [~~thereto~~] to the person so that the weapon is readily
9 accessible for use."

10 SECTION 3. Section 30-7-2 NMSA 1978 (being Laws 1963,
11 Chapter 303, Section 7-2, as amended) is amended to read:

12 "30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON.--

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

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

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

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

25 (4) by a peace officer in accordance with the

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1 policies of [~~his~~] the peace officer's law enforcement agency
2 who is employed on a temporary basis by that agency and who has
3 successfully completed a course of firearms instruction
4 prescribed by the New Mexico law enforcement academy or
5 provided by a certified firearms instructor who is employed on
6 a permanent basis by a law enforcement agency; or

7 (5) by a person in possession of a valid
8 concealed handgun license issued to [~~him~~] the person by the
9 department of public safety pursuant to the provisions of the
10 Concealed Handgun Carry Act.

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

13 C. Whoever commits unlawful carrying of a deadly
14 weapon is guilty of a petty misdemeanor."

15 SECTION 4. Section 30-7-13 NMSA 1978 (being Laws 1979,
16 Chapter 376, Section 4) is amended to read:

17 "30-7-13. CARRYING WEAPONS PROHIBITED.--

18 A. It is unlawful for any person without prior
19 approval from the company to board or attempt to board a bus
20 while in possession of a [~~firearm or other~~] deadly weapon upon
21 [~~his~~] the person's own person or effects and readily accessible
22 to [~~him~~] the person while on the bus. Any person who violates
23 the provisions of this subsection is guilty of a misdemeanor.

24 B. Subsection A of this section does not apply to
25 duly elected or appointed law enforcement officers or

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1 commercial security personnel in the lawful discharge of their
2 duties."

3 SECTION 5. REPEAL.--Sections 30-7-2.2 through 30-7-3 NMSA
4 1978 (being Laws 1994, Chapter 22, Sections 2 and 3, Laws 2003,
5 Chapter 253, Section 1 and Laws 1975, Chapter 149, Section 1,
6 as amended) are repealed.