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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Joseph Cervantes

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL SALE OF A
FIREARM BEFORE THE REQUIRED WAITING PERIOD ENDS; REQUIRING A
FOURTEEN-DAY WAITING PERIOD WHEN CONDUCTING THE SALE OF A
FIREARM; PROVIDING EXCEPTIONS; PRESCRIBING PENALTIES.

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

SECTION 1. A new Section 30-7-7.3 NMSA 1978 is enacted to
read:

"30-7-7.3. [NEW MATERIAL] UNLAWFUL SALE OF A FIREARM
BEFORE REQUIRED WAITING PERIOD ENDS.--

A. There shall be a required waiting period of
fourteen business days between the initiation of the federal
instant background check required for the sale of a firearm and
the transfer of the firearm to the buyer.

B. Unlawful sale of a firearm before the required

1 waiting period ends consists of transferring ownership,
2 possession or physical control of the firearm from the seller
3 to the buyer before the end of the required waiting period.

4 C. The firearm shall remain in the custody of the
5 seller during the entirety of the waiting period.

6 D. Records of firearm sales shall be made available
7 by the seller for inspection upon request of a law enforcement
8 agency.

9 E. The provisions of this section do not apply to
10 the sale of a firearm:

11 (1) to a buyer who holds a valid federal
12 firearms license;

13 (2) to a buyer who holds a valid New Mexico
14 concealed carry license;

15 (3) to a law enforcement agency;

16 (4) between two law enforcement officers
17 authorized to carry a firearm and certified pursuant to federal
18 law or the Law Enforcement Training Act; or

19 (5) between immediate family members to the
20 third degree of consanguinity.

21 F. Each party to an unlawful sale of a firearm
22 before the required waiting period ends is in violation of this
23 section and may be separately charged for the same sale.

24 G. Each firearm sold contrary to the provisions of
25 this section constitutes a separate offense under Subsection B

.226834.1

underscoring material = new
~~[bracketed material] = delete~~

1 of this section.

2 H. Two or more offenses may be charged in the same
3 complaint, information or indictment and shall be punished as
4 separate offenses.

5 I. Whoever violates the provisions of this section
6 is guilty of a misdemeanor."

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