

1 SENATE BILL 18  
2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2024**

3 INTRODUCED BY  
4 Mark Moores  
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10 AN ACT

11 RELATING TO CRIME; INCREASING THE PENALTY FOR A FELON AND A  
12 SERIOUS VIOLENT FELON FOUND IN POSSESSION OF A FIREARM;  
13 PROVIDING THAT A PERSON CONVICTED OF POSSESSION OF A FIREARM OR  
14 DESTRUCTIVE DEVICE IS NOT ELIGIBLE FOR EARNED MERITORIOUS  
15 DEDUCTIONS.  
16

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

18 SECTION 1. Section 30-7-16 NMSA 1978 (being Laws 1981,  
19 Chapter 225, Section 1, as amended) is amended to read:

20 "30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,  
21 TRANSPORTATION OR POSSESSION BY CERTAIN PERSONS--PENALTY.--

22 A. It is unlawful for the following persons to  
23 receive, transport or possess a firearm or destructive device  
24 in this state:

- 25 (1) a felon;

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1 (2) a person subject to an order of protection  
2 pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978; or

3 (3) a person convicted of any of the following  
4 crimes:

5 (a) battery against a household member  
6 pursuant to Section 30-3-15 NMSA 1978;

7 (b) criminal damage to property of a  
8 household member pursuant to Section 30-3-18 NMSA 1978;

9 (c) a first offense of stalking pursuant  
10 to Section 30-3A-3 NMSA 1978; or

11 (d) a crime listed in 18 U.S.C. 921.

12 B. A felon found in possession of a firearm shall  
13 be guilty of a [~~third~~] second degree felony and shall be  
14 sentenced to a minimum term of nine years imprisonment.

15 C. A serious violent felon that is found to be in  
16 possession of a firearm shall be guilty of a [~~third~~] second  
17 degree felony, and notwithstanding the provisions of Section  
18 31-18-15 NMSA 1978, shall be sentenced to a basic term of [~~six~~]  
19 twelve years imprisonment.

20 D. Any person subject to an order of protection  
21 pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978 or convicted  
22 of a crime listed in Paragraph (3) of Subsection A of this  
23 section who receives, transports or possesses a firearm or  
24 destructive device is guilty of a misdemeanor.

25 E. A person convicted under this section is not

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1 eligible for earned meritorious deductions pursuant to Section  
2 33-2-34 NMSA 1978.

3 ~~[E-]~~ F. As used in this section:

4 (1) except as provided in Paragraph (2) of  
5 this subsection, "destructive device" means:

6 (a) any explosive, incendiary or poison  
7 gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge  
8 of more than four ounces; 4) missile having an explosive or  
9 incendiary charge of more than one-fourth ounce; 5) mine; or 6)  
10 similar device;

11 (b) any type of weapon by whatever name  
12 known that will, or that may be readily converted to, expel a  
13 projectile by the action of an explosive or other propellant,  
14 the barrel or barrels of which have a bore of more than one-  
15 half inch in diameter, except a shotgun or shotgun shell that  
16 is generally recognized as particularly suitable for sporting  
17 purposes; or

18 (c) any combination of parts either  
19 designed or intended for use in converting any device into a  
20 destructive device as defined in this paragraph and from which  
21 a destructive device may be readily assembled;

22 (2) the term "destructive device" does not  
23 include any device that is neither designed nor redesigned for  
24 use as a weapon or any device, although originally designed for  
25 use as a weapon, that is redesigned for use as a signaling,

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1 pyrotechnic, line throwing, safety or similar device;

2 (3) "felon" means a person convicted of a  
3 felony offense by a court of the United States or of any state  
4 or political subdivision thereof and:

5 (a) less than ten years have passed  
6 since the person completed serving a sentence or period of  
7 probation for the felony conviction, whichever is later;

8 (b) the person has not been pardoned for  
9 the felony conviction by the proper authority; and

10 (c) the person has not received a  
11 deferred sentence;

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; and

16 (5) "serious violent felon" means a person  
17 convicted of an offense enumerated in Subparagraphs (a) through  
18 (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA  
19 1978; provided that:

20 (a) less than ten years have passed  
21 since the person completed serving a sentence or a period of  
22 probation for the felony conviction, whichever is later;

23 (b) the person has not been pardoned for  
24 the felony conviction by the proper authority; and

25 (c) the person has not received a

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1 deferred sentence and completed the total term of deferment as  
2 provided in Section 31-20-9 NMSA 1978."

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