

1 SENATE BILL 279

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO FIREARMS; ENACTING THE GAS-OPERATED SEMIAUTOMATIC
12 FIREARMS EXCLUSION ACT; PROHIBITING THE IMPORTATION, SALE,
13 MANUFACTURE, TRANSFER, RECEIPT OR POSSESSION OF GAS-OPERATED
14 SEMIAUTOMATIC FIREARMS; PROHIBITING LARGE-CAPACITY AMMUNITION
15 FEEDING DEVICES; PROHIBITING DEVICES THAT MATERIALLY INCREASE
16 THE RATE OF FIRE OF A FIREARM OR APPROXIMATE THE ACTION OR RATE
17 OF FIRE OF A MACHINE GUN; PROHIBITING MACHINE GUNS AND RAPID
18 FIRE DEVICES; REQUIRING THE ATTORNEY GENERAL TO LIST GAS-
19 OPERATED SEMIAUTOMATIC FIREARMS SUBJECT TO THE PROVISIONS OF
20 THE GAS-OPERATED SEMIAUTOMATIC FIREARMS EXCLUSION ACT;
21 REQUIRING THE CERTIFICATION OF SEMIAUTOMATIC FIREARMS;
22 PROVIDING EXCEPTIONS; PROVIDING PENALTIES.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

25 SECTION 1. A new section of Chapter 30, Article 7 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
3 "Gas-Operated Semiautomatic Firearms Exclusion Act"."

4 SECTION 2. A new section of Chapter 30, Article 7 NMSA
5 1978 is enacted to read:

6 "[NEW MATERIAL] DEFINITIONS.--As used in the Gas-Operated
7 Semiautomatic Firearms Exclusion Act:

8 A. "ammunition" means ammunition or cartridge
9 cases, primers, bullets or propellant powder designed for use
10 in a firearm;

11 B. "cycle the action" means to extract the fired
12 cartridge case, chamber the next cartridge and prepare the
13 firing mechanism to fire again;

14 C. "fixed magazine" means an ammunition feeding
15 device contained in, or permanently attached to, a firearm in
16 such a manner that the device cannot be removed without
17 disassembly of the firearm action;

18 D. "gas-operated" means a firearm that harnesses or
19 traps a portion of the high-pressure gas from a fired cartridge
20 to cycle the action using:

21 (1) a long stroke piston, in which gas is
22 vented from the barrel to a piston that is mechanically fixed
23 to the bolt group and moves to cycle the action;

24 (2) a short stroke piston, in which gas is
25 vented from the barrel to a piston that moves separately from

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1 the bolt group so that the energy is imparted through a gas
2 piston to cycle the action;

3 (3) a system that traps and vents gas from
4 either the barrel or the chamber to directly strike or impinge
5 the bolt, bolt carrier or slide assembly to unlock and cycle
6 the action;

7 (4) a hybrid system that combines elements of
8 a system described in Paragraph (3) of this subsection with a
9 system described in Paragraph (1) or (2) of this subsection to
10 capture gas vented from the barrel to cycle the action; or

11 (5) a blowback-operated system that directly
12 uses the expanding gases of the ignited propellant powder
13 acting on the cartridge case to drive the breechblock or breech
14 bolt rearward;

15 E. "immediate family member" means a spouse, a
16 parent, a child, a sibling, a grandparent, a grandchild, a
17 great-grandchild, a niece, a nephew, a first cousin, an aunt or
18 an uncle;

19 F. "large-capacity ammunition feeding device":

20 (1) means a magazine, belt, drum, feed strip,
21 helical feeding device or similar device, including a device
22 joined or coupled with another in any manner, that has an
23 overall capacity of, or that can be readily restored, altered
24 or converted to accept, more than ten rounds of ammunition; and

25 (2) does not include a device designed to

1 accept, and capable of operating only with, .22 or less caliber
2 rimfire ammunition;

3 G. "machine gun" has the same meaning as set forth
4 in Section 5845(b) of the National Firearms Act and includes a
5 semiautomatic firearm that has been modified in a way that
6 approximates the action or rate of fire of a machine gun;

7 H. "rapid fire device" means a:

8 (1) manual, power-driven or electronic device
9 primarily designed or redesigned so that if the device is
10 attached to a semiautomatic firearm, the device:

11 (a) materially increases the rate of
12 fire of the firearm; or

13 (b) enables the semiautomatic firearm to
14 approximate the action or rate of fire of a machine gun; or

15 (2) device, part or combination of parts that
16 is designed and functions to materially increase the rate of
17 fire of a semiautomatic firearm by eliminating the need for the
18 operator of the firearm to make a separate movement for each
19 individual function of the trigger; and

20 I. "semiautomatic firearm" means a firearm that:

21 (1) upon initiating the firing sequence, fires
22 the first chambered cartridge and uses a portion of the energy
23 of the firing cartridge to:

24 (a) extract the expended cartridge case;

25 (b) chamber the next round; and

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1 (c) prepare the firing mechanism to fire
2 again;

3 (2) requires a separate pull, release, push or
4 initiation of the trigger to fire each cartridge; and

5 (3) is not a machine gun."

6 SECTION 3. A new section of Chapter 30, Article 7 NMSA
7 1978 is enacted to read:

8 "[NEW MATERIAL] PROHIBITING THE IMPORTATION, SALE,
9 MANUFACTURE, TRANSFER, RECEIPT OR POSSESSION OF GAS-OPERATED
10 SEMIAUTOMATIC FIREARMS--PROVIDING EXCEPTIONS.--

11 A. Beginning July 1, 2025, and except as provided
12 in Subsection C or D of this section or Section 8 of the Gas-
13 Operated Semiautomatic Firearms Exclusion Act, it is unlawful
14 for a person to import, sell, manufacture, transfer or receive
15 any of the following firearms, devices or combinations of
16 parts:

17 (1) a firearm that is included on the list of
18 prohibited gas-operated semiautomatic firearms identified by
19 the attorney general;

20 (2) a modified non-prohibited firearm that, as
21 modified, operates as a firearm included on the list of
22 prohibited gas-operated semiautomatic firearms identified by
23 the attorney general;

24 (3) a combination of parts that is designed
25 and functions to modify an otherwise non-prohibited firearm so

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1 that the firearm, as modified, operates as a gas-operated
2 semiautomatic firearm included on the list of prohibited gas-
3 operated semiautomatic firearms identified by the attorney
4 general;

5 (4) a combination of parts that is designed to
6 be assembled into a firearm that operates as a firearm included
7 on the list of prohibited gas-operated semiautomatic firearms
8 identified by the attorney general; or

9 (5) a combination of parts that functions to
10 produce a gas-operated semiautomatic cycling action.

11 B. Beginning January 1, 2026, and except as
12 provided in Subsection C or D of this section, it is unlawful
13 for a person to possess a firearm, device or combination of
14 parts described in Paragraphs (1) through (5) of Subsection A
15 of this section.

16 C. Subsections A and B of this section do not
17 apply:

18 (1) to the importation or manufacture by or
19 for, sale or transfer to or possession by or under the
20 authority of the United States or any department or agency
21 thereof or a state or an Indian nation, tribe or pueblo or a
22 department, an agency or a political subdivision thereof;

23 (2) to the importation or manufacture for,
24 sale or transfer to or possession by, a licensee under Title 1
25 of the federal Atomic Energy Act of 1954 for purposes of

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1 establishing and maintaining an on-site physical security
2 protection system and security organization required by federal
3 law, or the transfer to, or possession by, a contractor of such
4 a licensee on-site for such purposes or off-site for purposes
5 of licensee-authorized training or transportation of nuclear
6 materials;

7 (3) to the possession of a gas-operated
8 semiautomatic firearm that was lawfully:

9 (a) manufactured prior to July 1, 2025;
10 (b) transferred by the manufacturer to
11 another party; and

12 (c) certified by the owner, in
13 accordance with Section 7 of the Gas-Operated Semiautomatic
14 Firearms Exclusion Act, that the owner owned the firearm and
15 certified it prior to January 1, 2026 or received the gas-
16 operated semiautomatic firearm from an immediate family member
17 who owned and certified the gas-operated semiautomatic firearm
18 prior to January 1, 2026;

19 (4) to the transfer and possession of a gas-
20 operated semiautomatic firearm that is lawfully possessed
21 before January 1, 2026 in accordance with Paragraph (3) of this
22 subsection, in which:

23 (a) the transferee is an immediate
24 family member of the transferor; and

25 (b) upon taking possession of the

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1 firearm, the person to whom the firearm was transferred
2 certifies the firearm in accordance with Section 7 of the Gas-
3 Operated Semiautomatic Firearms Exclusion Act; or

4 (5) to the transfer of a gas-operated
5 semiautomatic firearm certified in accordance with Section 7 of
6 the Gas-Operated Semiautomatic Firearms Exclusion Act to a
7 person residing in another state or maintaining it in another
8 state or to a licensed firearms dealer.

9 D. A gas-operated semiautomatic firearm that is
10 lawfully certified in accordance with the process established
11 by the attorney general pursuant to Section 7 of the Gas-
12 Operated Semiautomatic Firearms Exclusion Act may only be
13 possessed:

14 (1) on private property owned or immediately
15 controlled by the person;

16 (2) on private property that is not open to
17 the public with the express permission of the person who owns
18 or immediately controls the property;

19 (3) while on the premises of a licensed
20 firearms dealer or gunsmith for the purpose of lawful transfer
21 or repair of the gas-operated semiautomatic firearm;

22 (4) while engaged in the legal use of the
23 firearm at a properly licensed firing range or sport shooting
24 competition venue; or

25 (5) while traveling to or from the locations

1 described in Paragraphs (1) through (4) of this subsection;
2 provided that the gas-operated semiautomatic firearm is
3 unloaded and the gas-operated semiautomatic firearm is enclosed
4 in a case, firearm carrying box, shipping box or other
5 container.

6 E. Licensed firearms dealers shall mark all gas-
7 operated semiautomatic firearms imported or manufactured under
8 Paragraphs (1) and (2) of Subsection C of this section after
9 January 1, 2026 in the manner prescribed by the attorney
10 general before a transfer under Paragraphs (1) and (2) of
11 Subsection C of this section.

12 F. For purposes of this section, "gas-operated
13 semiautomatic firearm" does not include:

14 (1) a firearm designed to accept, and capable
15 of operating only with, .22 or less caliber rimfire ammunition;

16 (2) a rifle that:

17 (a) is a single-shot rifle;

18 (b) is a breech loading rifle with a
19 capacity not to exceed two rounds of ammunition;

20 (c) is a muzzleloading rifle or
21 smoothbore shoulder-fired firearm;

22 (d) uses a bolt action, lever action or
23 pump action to cycle the action of the rifle; or

24 (e) has a fixed magazine with a capacity
25 not to exceed ten rounds of ammunition;

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- 1 (3) a shotgun that:
- 2 (a) is a single-shot shotgun;
- 3 (b) is a breech loading shotgun with a
4 capacity not to exceed two rounds of ammunition;
- 5 (c) is a muzzleloading shotgun;
- 6 (d) uses a bolt action, lever action or
7 pump action to cycle the action of the shotgun;
- 8 (e) is a semiautomatic or autoloading
9 shotgun that does not use detachable magazines; or
- 10 (f) has a fixed magazine with a capacity
11 not to exceed ten rounds of ammunition;
- 12 (4) a breech loading firearm capable of
13 holding a single cartridge and a single shotgun shell
14 simultaneously that must be reloaded after firing those rounds
15 of ammunition; or
- 16 (5) a handgun that:
- 17 (a) is a single-shot handgun;
- 18 (b) is a breech loading handgun with a
19 capacity not to exceed two rounds of ammunition;
- 20 (c) is a muzzleloading or smoothbore
21 handgun;
- 22 (d) uses a bolt action to cycle the
23 action of the handgun;
- 24 (e) is a single- or double-action
25 revolver;

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1 (f) is a single- or double-action
2 semiautomatic handgun that uses recoil to cycle the action of
3 the handgun; or

4 (g) has a fixed magazine with a capacity
5 not to exceed ten rounds of ammunition."

6 SECTION 4. A new section of Chapter 30, Article 7 NMSA
7 1978 is enacted to read:

8 "[NEW MATERIAL] PROHIBITING LARGE-CAPACITY AMMUNITION
9 FEEDING DEVICES.--

10 A. Except as provided in Subsections B and C of
11 this section and Section 8 of the Gas-Operated Semiautomatic
12 Firearms Exclusion Act, on or after July 1, 2025, it is
13 unlawful for a person to:

14 (1) import, sell, manufacture, transfer or
15 receive a large-capacity ammunition feeding device; or

16 (2) possess a large-capacity ammunition
17 feeding device manufactured after July 1, 2025.

18 B. Subsection A of this section does not apply to
19 the transfer of a large capacity ammunition feeding device to a
20 person residing in another state or maintaining it in another
21 state or to a licensed firearms dealer.

22 C. Subsection A of this section does not apply to:

23 (1) the importation or manufacture by or for,
24 sale or transfer to or possession by or under the authority of
25 the United States or any department or agency thereof or a

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1 state or an Indian nation, tribe or pueblo or a department, an
2 agency or a political subdivision thereof; or

3 (2) the importation or manufacture for, sale
4 or transfer to or possession by a licensee under Title 1 of the
5 federal Atomic Energy Act of 1954 for purposes of establishing
6 and maintaining an on-site physical security protection system
7 and security organization required by federal law or the
8 transfer to or possession by a contractor of such a licensee
9 on-site for such purposes or off-site for purposes of licensee-
10 authorized training or transportation of nuclear materials.

11 D. A person in possession of a large-capacity
12 ammunition feeding device:

13 (1) shall mark the large-capacity ammunition
14 feeding device imported or manufactured under Subsection C of
15 this section after January 1, 2026 in the manner prescribed by
16 the attorney general before a transfer; and

17 (2) shall not obliterate or otherwise alter
18 the serial number on the large-capacity ammunition feeding
19 device."

20 SECTION 5. A new section of Chapter 30, Article 7 NMSA
21 1978 is enacted to read:

22 "[NEW MATERIAL] PROHIBITING MACHINE GUNS AND RAPID FIRE
23 DEVICES.--

24 A. Beginning July 1, 2025, and except as provided
25 in Subsection B of this section, it is unlawful for a person to

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1 import, sell, manufacture, transfer, receive or possess a
2 machine gun or rapid fire device.

3 B. Subsection A of this section does not apply to:

4 (1) the importation or manufacture by or for,
5 sale or transfer to or possession by or under the authority of
6 the United States or any department or agency thereof or a
7 state or an Indian nation, tribe or pueblo or a department, an
8 agency or a political subdivision thereof;

9 (2) the importation or manufacture for, sale
10 or transfer to or possession by a licensee under Title 1 of the
11 federal Atomic Energy Act of 1954 for purposes of establishing
12 and maintaining an on-site physical security protection system
13 and security organization required by federal law, or the
14 transfer to or possession by a contractor of such a licensee
15 on-site for such purposes or off-site for purposes of licensee-
16 authorized training or transportation of nuclear materials; and

17 (3) machine guns and rapid fire devices
18 lawfully registered with the United States bureau of alcohol,
19 tobacco, firearms and explosives pursuant to the National
20 Firearms Act.

21 C. Whoever violates this section is guilty of a
22 fourth degree felony."

23 SECTION 6. A new section of Chapter 30, Article 7 NMSA
24 1978 is enacted to read:

25 "[NEW MATERIAL] LIST OF REGULATED WEAPONS.--

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1 A. No later than July 1, 2025, the attorney
2 general, in consultation with the department of public safety,
3 shall identify the list of gas-operated semiautomatic firearms
4 subject to the Gas-Operated Semiautomatic Firearms Exclusion
5 Act that shall be published and made available on the attorney
6 general's website. The attorney general shall update the list
7 as necessary.

8 B. The department of public safety shall:

9 (1) require that each licensed firearms dealer
10 record purchaser acknowledgment of the list published under
11 Subsection A of this section before any sale of a firearm that
12 is not prohibited under that list;

13 (2) before removing a gas-operated
14 semiautomatic firearm from the list required under Subsection A
15 of this section, submit to the attorney general clear and
16 convincing evidence that the firearm should be removed from the
17 list; and

18 (3) advise the attorney general on carrying
19 out the authority described in Subsection A of this section.

20 C. The attorney general may request any additional
21 information from the manufacturer necessary to make the
22 determination under Subsection A of this section.

23 D. No later than December 1, 2025, the attorney
24 general, in consultation with the department of public safety,
25 shall publish on the attorney general's website the manner in

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1 which a large-capacity ammunition feeding device shall be
2 marked pursuant to Subsection D of Section 4 of the Gas-
3 Operated Semiautomatic Firearms Exclusion Act and the manner in
4 which gas-operated semiautomatic firearms shall be marked
5 pursuant to Subsection E of Section 3 of that act."

6 SECTION 7. A new section of Chapter 30, Article 7 NMSA
7 1978 is enacted to read:

8 "[NEW MATERIAL] CERTIFICATION OF SEMIAUTOMATIC FIREARMS.--

9 A. No later than October 1, 2025, the attorney
10 general, in consultation with the department of public safety,
11 shall develop and make available a system for certifying gas-
12 operated semiautomatic firearms. The system shall require
13 owners of gas-operated semiautomatic firearms to:

- 14 (1) complete a certification form; and
15 (2) if prior to January 1, 2026, submit that
16 form to a licensed firearm dealer located in the state of New
17 Mexico or to the attorney general; or
18 (3) if after January 1, 2026, submit that form
19 to the attorney general.

20 B. The attorney general, in consultation with the
21 department of public safety, shall promulgate rules that govern
22 the certification form and the submission process to both
23 licensed firearm dealers and to the attorney general. The
24 rules for submission of the certification form to a licensed
25 firearm dealer shall include that:

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1 (1) there are two copies of the certification
2 form: one to be maintained in the normal course of business by
3 the licensed firearm dealer in the same manner as acquisition
4 and disposition records under 27 CFR Section 478.125; the other
5 to be maintained by the owner of the gas-operated semiautomatic
6 firearm;

7 (2) the copies of the certification form shall
8 be completed in part by a licensed firearm dealer who has
9 personally observed the serial number on the gas-operated
10 semiautomatic firearm and photo identification of the owner of
11 the gas-operated semiautomatic firearm;

12 (3) the owner of the gas-operated
13 semiautomatic firearm shall have the owner's copy of the form
14 notarized within two business days of the licensed firearm
15 dealer completing its portion of the form and before January 1,
16 2026;

17 (4) the owner of the gas-operated
18 semiautomatic firearm shall carry the owner's copy of the
19 certification form on the owner's person at all times while
20 possessing a gas-operated semiautomatic firearm outside private
21 property owned or immediately controlled by the person. The
22 owner of the gas-operated firearm shall show the form to any
23 law enforcement officer upon an officer's request; and

24 (5) licensed firearm dealers shall make
25 certification forms available to law enforcement for inspection

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1 upon request. Any licensed firearm dealer in the state that
2 ceases to operate shall send all certification forms in the
3 licensed firearm dealer's possession to the attorney general.

4 C. The certification shall include:

5 (1) an affirmation that the person possessed
6 the semiautomatic firearm pursuant to Sections 3 and 8 of the
7 Gas-Operated Semiautomatic Firearms Exclusion Act prior to
8 January 1, 2026, received a timely certified firearm from an
9 immediate family member or moved into the state in possession
10 of the firearm within sixty days prior;

11 (2) as applicable, the make, model, caliber
12 and serial number of the firearm;

13 (3) the person's name, address, telephone
14 number and date of birth; and

15 (4) as applicable, the name, address, phone
16 number and unique identifying number of the licensed firearm
17 dealer that prepared and is maintaining a copy of the
18 certification form.

19 D. Information contained in the certification shall
20 be confidential, is exempt from disclosure pursuant to the
21 Inspection of Public Records Act and shall not be disclosed,
22 except to law enforcement agencies acting in the performance of
23 the law enforcement agencies' duties.

24 E. The certification form shall include the
25 following statement printed in bold type: "Warning: Entering
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1 false information on this form is punishable as perjury
2 pursuant to Section 30-25-1 NMSA 1978.". In any
3 administrative, civil or criminal proceeding in the state, a
4 completed certification submitted to the attorney general or a
5 licensed firearm dealer by a person pursuant to this section
6 creates a rebuttable presumption that the person is entitled to
7 possess and transport the gas-operated semiautomatic firearm."

8 SECTION 8. A new section of Chapter 30, Article 7 NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] NONRESIDENTS.--

11 A. A nonresident may transport, within twenty-four
12 hours, a firearm, device or combination of parts described in
13 Paragraphs (1) through (5) of Subsection A of Section 3 of the
14 Gas-Operated Semiautomatic Firearms Exclusion Act or a large-
15 capacity ammunition feeding device manufactured after July 1,
16 2025 for a lawful purpose from a place where the nonresident
17 may lawfully possess the gas-operated semiautomatic firearm,
18 device or combination of parts to another place where the
19 nonresident may lawfully possess the gas-operated semiautomatic
20 firearm, device or combination of parts if, during the
21 transportation, the gas-operated semiautomatic firearm, device
22 or combination of parts is unloaded and is not readily
23 accessible or directly accessible from the passenger
24 compartment of the transporting vehicle. In the case of a
25 vehicle without a compartment separate from the driver's

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1 compartment, the gas-operated semiautomatic firearm, device or
2 combination of parts shall be contained in a locked container
3 other than the glove compartment or console.

4 B. A nonresident who moves into the state in
5 possession of a firearm, device or combination of parts
6 described in Paragraphs (1) through (5) of Subsection A of
7 Section 3 of the Gas-Operated Semiautomatic Firearms Exclusion
8 Act shall, within sixty days, complete and submit a
9 certification in accordance with the process established by the
10 attorney general pursuant to Section 7 of that act. Once a
11 gas-operated semiautomatic firearm is certified under this
12 section, the lawful owner may use and transfer such firearms as
13 allowed under Subsections C and D of Section 3 of that act."

14 SECTION 9. A new section of Chapter 30, Article 7 NMSA
15 1978 is enacted to read:

16 "[NEW MATERIAL] PENALTIES.--

17 A. Unless specified otherwise in the Gas-Operated
18 Semiautomatic Firearms Exclusion Act, whoever violates a
19 provision of that act is guilty of a misdemeanor.

20 B. Whoever commits or attempts to commit a felony
21 offense while in possession of a gas-operated semiautomatic
22 firearm or large-capacity ammunition feeding device in
23 violation of the Gas-Operated Semiautomatic Firearms Exclusion
24 Act is guilty of a fourth degree felony."

25 SECTION 10. A new section of Chapter 30, Article 7 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] SEVERABILITY.--If any part or application
3 of the Gas-Operated Semiautomatic Firearms Exclusion Act is
4 held invalid, the remainder or its application to other
5 situations or persons shall not be affected."

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