

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 25

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

AN ACT

RELATING TO JUVENILE DELINQUENCY; PROHIBITING AN ADULT WITH A
QUALIFYING JUVENILE DISPOSITION FOR UNLAWFUL POSSESSION OR USE
OF A FIREARM FROM RECEIVING, TRANSPORTING OR POSSESSING A
FIREARM OR DESTRUCTIVE DEVICE; REQUIRING THE CHILDREN, YOUTH
AND FAMILIES DEPARTMENT TO NOTIFY A CHILD WITH A DISPOSITION OF
A DELINQUENT ACT THAT THE JUVENILE RECORDS HAVE BEEN
TRANSMITTED TO THE FEDERAL BUREAU OF INVESTIGATION NATIONAL
INSTANT CRIMINAL BACKGROUND CHECK; PROVIDING ACCESS TO JUVENILE
DELINQUENCY RECORDS FOR FIREARM BACKGROUND CHECKS; PROVIDING
THAT A JUDGMENT IN PROCEEDINGS ON A PETITION UNDER THE
DELINQUENCY ACT RESULTING IN A JUVENILE DISPOSITION FOR
UNLAWFUL POSSESSION OR USE OF A FIREARM SHALL BE CONSIDERED A
CONVICTION OF A CRIME FOR LIMITED PURPOSE.

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

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

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

3 "30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,
4 TRANSPORTATION OR POSSESSION BY CERTAIN PERSONS--PENALTY.--

5 A. It is unlawful for the following persons to
6 receive, transport or possess a firearm or destructive device
7 in this state:

8 (1) a felon;

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

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

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

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

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

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

20 B. It is unlawful for an adult with a qualifying
21 juvenile disposition to receive, transport or possess a firearm
22 or destructive device:

23 (1) while on public property, including a
24 public school; or

25 (2) in the commission of a crime.

1 C. An adult with a qualifying juvenile disposition
2 who receives, transports or possesses a firearm or destructive
3 device pursuant to Subsection B of this section is guilty of a
4 third degree felony.

5 ~~[B.]~~ D. A felon found in possession of a firearm
6 shall be guilty of a third degree felony.

7 ~~[G.]~~ E. A serious violent felon that is found to be
8 in possession of a firearm shall be guilty of a third degree
9 felony, and notwithstanding the provisions of Section 31-18-15
10 NMSA 1978, shall be sentenced to a basic term of six years
11 imprisonment.

12 ~~[D.]~~ F. Any person subject to an order of
13 protection pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978 or
14 convicted of a crime listed in Paragraph (3) of Subsection A of
15 this section who receives, transports or possesses a firearm or
16 destructive device is guilty of a misdemeanor.

17 ~~[E.]~~ G. As used in this section:

18 (1) "adult with a qualifying juvenile
19 disposition" means a person eighteen years of age or older with
20 a juvenile disposition for a delinquent act subject to the
21 Delinquency Act for unlawful possession or use of a firearm
22 that would have been a felony if committed by an adult;
23 provided that less than ten years have passed since the date of
24 the most recent qualifying juvenile disposition and the
25 judgment in accordance with the Delinquency Act;

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1 [~~(1)~~] (2) except as provided in Paragraph
2 [~~(2)~~] (3) of this subsection, "destructive device" means:

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

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

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

19 [~~(2)~~] (3) the term "destructive device" does
20 not include any device that is neither designed nor redesigned
21 for use as a weapon or any device, although originally designed
22 for use as a weapon, that is redesigned for use as a signaling,
23 pyrotechnic, line throwing, safety or similar device;

24 [~~(3)~~] (4) "felon" means a person convicted of
25 a felony offense by a court of the United States or of any

1 state or political subdivision thereof and:

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

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

7 (c) the person has not received a
8 deferred sentence;

9 [~~(4)~~] (5) "firearm" means any weapon that will
10 or is designed to or may readily be converted to expel a
11 projectile by the action of an explosion or the frame or
12 receiver of any such weapon; [~~and~~]

13 (6) "qualifying juvenile disposition" means an
14 adjudication for a delinquent act subject to the Delinquency
15 Act for unlawful possession or use of a firearm that would have
16 been a felony if committed by an adult; and

17 [~~(5)~~] (7) "serious violent felon" means a
18 person convicted of an offense enumerated in Subparagraphs (a)
19 through (n) of Paragraph (4) of Subsection [~~E~~] N of Section
20 33-2-34 NMSA 1978; provided that:

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

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

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1 (c) the person has not received a
2 deferred sentence and completed the total term of deferment as
3 provided in Section 31-20-9 NMSA 1978."

4 SECTION 2. Section 32A-2-26 NMSA 1978 (being Laws 1993,
5 Chapter 77, Section 55, as amended) is amended to read:

6 "32A-2-26. SEALING OF RECORDS.--

7 A. On motion by or on behalf of a person who has
8 been the subject of a delinquency petition or on the court's
9 own motion, the court shall vacate its findings, orders and
10 judgments on the petition and order the legal and social files
11 and records of the court, probation services and any other
12 agency in the case sealed. If requested in the motion, the
13 court shall also order law enforcement files and records
14 sealed. An order sealing records and files shall be entered if
15 the court finds that:

16 (1) two years have elapsed since the final
17 release of the person from legal custody and supervision or two
18 years have elapsed since the entry of any other judgment not
19 involving legal custody or supervision;

20 (2) the person has not, within the two years
21 immediately prior to filing the motion, been convicted of a
22 felony or of a misdemeanor involving moral turpitude or been
23 found delinquent by a court and no proceeding is pending
24 seeking such a conviction or finding; and

25 (3) the person is eighteen years of age or

1 older or the court finds that good cause exists to seal the
2 records prior to the child's eighteenth birthday.

3 B. Reasonable notice of the motion shall be given
4 to:

- 5 (1) the children's court attorney;
- 6 (2) the authority granting the release;
- 7 (3) the law enforcement officer, department
8 and central depository having custody of the law enforcement
9 files and records; and
- 10 (4) any other agency having custody of records
11 or files subject to the sealing order.

12 C. Upon the entry of the sealing order, the
13 proceedings in the case shall be treated as if they never
14 occurred and all index references shall be deleted. The court,
15 law enforcement officers and departments and agencies shall
16 reply, and the person may reply, to an inquiry that no record
17 exists with respect to the person. Copies of the sealing order
18 shall be sent to each agency or official named in the order.

19 D. Inspection of the files and records or the
20 release of information in the records included in the sealing
21 order may thereafter be permitted by the court only:

- 22 (1) upon motion by the person who is the
23 subject of the records and only to those persons named in the
24 motion; and
- 25 (2) in its discretion, in an individual case,

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1 to any clinic, hospital or agency that has the person under
2 care or treatment or to other persons engaged in fact finding
3 or research.

4 E. Any finding of delinquency or need of services
5 or conviction of a crime subsequent to the sealing order may at
6 the court's discretion be used by the court as a basis to set
7 aside the sealing order.

8 F. A court may set aside a sealing order for the
9 juvenile disposition of a youthful offender and any evidence
10 given in a hearing in court for a youthful offender for the
11 purpose of considering the setting of bail or other conditions
12 of release of a person charged with a felony whether charged as
13 an adult or a juvenile.

14 G. A child who has been the subject of a petition
15 filed pursuant to the provisions of the Delinquency Act shall
16 be notified in writing by the department when the child reaches
17 the age of eighteen or at the expiration of legal custody and
18 supervision, whichever occurs later, that the department's
19 records have been sealed and that the court, the children's
20 court attorney, the child's attorney and the referring law
21 enforcement agency have been notified that the child's records
22 are subject to sealing; provided that, at the same time, the
23 department shall notify a child with a disposition of a
24 delinquent act subject to the Delinquency Act for unlawful
25 possession or use of a firearm that would be a felony if

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1 committed by an adult that the:

2 (1) child's juvenile record has been
3 transmitted to the federal bureau of investigation's national
4 instant criminal background check; and

5 (2) child is prohibited from receiving,
6 transporting or possessing a firearm or destructive device
7 pursuant to Section 30-7-16 NMSA 1978 and the date on which the
8 child will no longer be subject to the provisions of Section
9 30-7-16 NMSA 1978 because of the juvenile disposition.

10 H. The department shall seal the child's files and
11 records when the child reaches the age of eighteen or at the
12 expiration of the disposition, whichever occurs later. The
13 department shall notify the children's court attorney, the
14 child's attorney and the referring law enforcement agency that
15 the child's records are subject to sealing.

16 I. Youthful offender records sealed pursuant to
17 Subsection H of this section may be unsealed by the court along
18 with any evidence given in a hearing in court for a youthful
19 offender for the purpose of considering the setting of bail or
20 other conditions of release of a person charged with a felony,
21 whether charged as an adult or juvenile.

22 J. A child who is determined by the court not to be
23 a delinquent offender shall have the child's files and records
24 in the instant proceeding automatically sealed by the court
25 upon motion by the children's court attorney at the conclusion

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1 of the proceedings.

2 K. After sealing, the department may store and use
3 a person's records for research and reporting purposes, subject
4 to the confidentiality provisions of Section 32A-2-32 NMSA 1978
5 and other applicable federal and state laws.

6 L. Notwithstanding any provision of the law to the
7 contrary, prior to sealing a juvenile record, the court order
8 or judgment of a juvenile disposition for the unlawful
9 possession or use of a firearm for a delinquent act that would
10 be a felony if committed by an adult shall be electronically
11 transmitted to the federal bureau of investigation's national
12 instant criminal background check system and made available
13 only to state and local law enforcement agencies for a period
14 of ten years from the date of the most recent court disposition
15 or judgment for the sole purpose of determining whether a
16 person is in violation of Subsection A of Section 30-7-16 NMSA
17 1978."

18 SECTION 3. Section 32A-2-18 NMSA 1978 (being Laws 1993,
19 Chapter 77, Section 47, as amended) is amended to read:

20 "32A-2-18. JUDGMENT--NONCRIMINAL NATURE--
21 NONADMISSIBILITY--CONVICTION OF A CRIME.--

22 A. The court shall enter a judgment setting forth
23 the court's findings and disposition in the proceeding. Except
24 as provided in Subsection D of this section, a judgment in
25 proceedings on a petition under the Delinquency Act resulting

1 in a juvenile disposition shall not be deemed a conviction of
2 crime nor shall it impose any civil disabilities ordinarily
3 resulting from conviction of a crime nor shall it operate to
4 disqualify the child in any civil service application or
5 appointment. The juvenile disposition of a child and any
6 evidence given in a hearing in court shall not be admissible as
7 evidence against the child in any case or proceeding in any
8 other tribunal whether before or after reaching the age of
9 majority, except in sentencing proceedings after conviction of
10 a felony and then only for the purpose of a presentence study
11 and report.

12 B. If a judgment resulting from a youthful offender
13 or serious youthful offender proceeding under the Delinquency
14 Act results in an adult sentence, a record of the judgment
15 shall be admissible in any other case or proceeding in any
16 other court involving the youthful offender or serious youthful
17 offender.

18 C. If a judgment on a proceeding under the
19 Delinquency Act results in an adult sentence, the determination
20 of guilt at trial becomes a conviction for purposes of the
21 Criminal Code.

22 D. A judgment in a delinquency proceeding on a
23 petition under the Delinquency Act resulting in a juvenile
24 disposition for a delinquent act for unlawful possession or use
25 of a firearm that would constitute a felony if committed by an

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1 adult shall be considered a conviction of a crime by state and
2 local law enforcement agencies for the sole purpose of
3 determining violations of the federal Gun Control Act of 1968
4 and Section 30-7-16 NMSA 1978 for a period of ten years, which
5 begins on the date of the most recent court disposition or
6 judgment for unlawful possession or use of a firearm for a
7 delinquent act that would be a felony if committed by an adult,
8 regardless of whether the judgment resulted in an adult
9 sentence."

10 SECTION 4. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2026.