

Proposed

COMMITTEE SUBSTITUTE FOR
SENATE BILL 261

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

DISCUSSION DRAFT

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
AMENDING THE CRIME OF UNLAWFUL POSSESSION OF A FIREARM AT A
POLING PLACE TO ELIMINATE CERTAIN EXEMPTIONS TO THE CRIME.

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

SECTION 1. Section 1-20-24 NMSA 1978 (being Laws 2024, Chapter 50, Section 1, as amended) is amended to read:

"1-20-24. UNLAWFUL POSSESSION OF A FIREARM AT A POLLING
PLACE.--

A. Unlawful possession of a firearm at a polling place consists of possession of a loaded or unloaded firearm by any person within:

(1) one hundred feet of the door through which voters may enter to vote at a school building in which a polling place is located while early voting is in progress or

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1 on election day;

2 (2) one hundred feet of the door through which
3 voters may enter to vote at the office of the county clerk, an
4 alternate voting location, a mobile voting site or any location
5 used as a polling place while early voting is in progress or on
6 election day that is not a school; or

7 (3) fifty feet of a monitored secured
8 container as used in Subsection E of Section 1-6-9 NMSA 1978,
9 beginning twenty-eight days before an election through election
10 day.

11 B. The provisions of Subsection A of this section
12 do not apply to

13 [(1) ~~a certified law enforcement officer in~~
14 ~~performance of the officer's official duties;~~,

15 (2) ~~a law enforcement officer who is certified~~
16 ~~pursuant to the Law Enforcement Training Act acting in~~
17 ~~accordance with the policies of the officer's law enforcement~~
18 ~~agency;~~,

19 (3) ~~a commissioned law enforcement officer~~
20 ~~with the power to arrest in performance of the officer's~~
21 ~~official duties;~~,

22 (4) ~~a commissioned law enforcement officer~~
23 ~~with the power to arrest acting in accordance with the policies~~
24 ~~of the officer's law enforcement agency;~~

25 (5)] a person in a private automobile or other

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1 private means of conveyance. [or

2 (6) a person carrying a concealed firearm who
3 is in possession of a valid concealed handgun license for that
4 firearm pursuant to the Concealed Handgun Carry Act.

5 C. A person conducting lawful, non-election-related
6 business nearer than one hundred feet from the door through
7 which voters may enter to vote or nearer than fifty feet from a
8 monitored secured container is not guilty of unlawful
9 possession of a firearm at a polling place.

10 D.] C. A person who commits unlawful possession of
11 a firearm at a polling place is guilty of a petty misdemeanor
12 and shall be sentenced pursuant to Section 31-19-1 NMSA 1978.

13 [E.] D. For the purposes of this section, "firearm"
14 means a weapon that will or is designed to or may readily be
15 converted to expel a projectile by the action of an explosion,
16 or the frame or receiver of any such weapon."

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