

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
POLLING 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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on election day;

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

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

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

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

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

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

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

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

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 ~~G. 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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