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HOUSE BILL 106

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

LISA L. LUTZ

AN ACT

**RELATING TO FIREARMS; PROHIBITING CERTAIN ACTIONS IN
CONNECTION WITH REGISTRATION OF FIREARMS PURSUANT TO FEDERAL
BRADY ACT; PROHIBITING COLLECTION OF FEES IN CONNECTION WITH
IMPLEMENTATION OF FEDERAL BRADY ACT; IMPOSING PENALTIES;
DECLARING AN EMERGENCY.**

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

**Section 1. SHORT TITLE.--This act may be cited as the
"Firearms Tax Cut and Privacy Act".**

**Section 2. PROHIBITION OF CERTAIN ACTIONS IN CONNECTION
WITH REGISTRATION OF FIREARMS.--A person who by virtue of his
official position or his employment gains possession of
information concerning an individual because of the operation
of Public Law 103-159, commonly referred to as the "Brady
Act", and communicates that information to any person not**

Underscored material = new
[bracketed material] = delete

1 legally entitled to receive it, or fails to destroy the
2 information within forty-eight hours of possession of it
3 unless retention is specifically required by federal law, is
4 guilty of a felony and shall be imprisoned for not more than
5 five years or fined not more than one hundred thousand dollars
6 (\$100,000), or both.

7 Section 3. PROHIBITION OF CHARGING OF FEES BY STATE
8 OFFICER OR AGENCY FOR TAKING ACTION TO IMPLEMENT PUBLIC LAW
9 103-159. --A state officer, agency or employee shall not charge
10 or collect any fee in connection with an action taken to
11 implement Public Law 103-159, commonly known as the "Brady
12 Act".

13 Section 4. EMERGENCY.--It is necessary for the public
14 peace, health and safety that this act take effect
15 immediately.

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 4, 1998
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9 Mr. Speaker:
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11 Your RULES AND ORDER OF BUSINESS COMMITTEE, to
12 whom has been referred
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15 HOUSE BILL 106
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17 has had it under consideration and finds same to be GERMANE
18 in accordance with constitutional provisions.
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21 Respectfully submitted,
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R. David Pederson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Gubbels, Hobbs, Lujan, Rodella, Ryan, Sanchez

Absent: None

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Underscored material = new
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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 16, 1998

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8 Mr. Speaker:

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10 Your JUDICIARY COMMITTEE, to whom has been referred

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12 HOUSE BILL 106

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14 has had it under consideration and reports same with
15 recommendation that it DO NOT PASS, but that

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17 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
18 HOUSE BILL 106

19 DO PASS, and thence referred to the TAXATION AND
20 REVENUE COMMITTEE.

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 6

4 Respectfully submitted,

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8 _____
9 Thomas P. Foy, Chairman

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11 Adopted _____

12 (Chief Clerk)

11 Not Adopted _____

12 (Chief Clerk)

13
14 Date _____

15
16 The roll call vote was 10 For 0 Against

17 Yes: 10

18 Excused: Carpenter, Larranaga, Sanchez

19 Absent: None

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HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 106

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

AN ACT

RELATING TO FIREARMS; PROHIBITING ACCEPTANCE OF FEDERAL FUNDS
IF CONDITIONED UPON STATE PARTICIPATION IN NATIONAL FIREARM
REGISTRATION DATABASE; DECLARING AN EMERGENCY.

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

Section 1. PROHIBITION OF PARTICIPATION IN FIREARMS
REGISTRATION DATABASE. --No state agency, board or institution
and no political subdivision of the state or a subdivision's
agencies, boards or institutions shall accept grants or loans
of federal funds that are conditioned upon the state or local
entity's participation in creation or maintenance of a
national firearm registration database.

Section 2. EMERGENCY. --It is necessary for the public
peace, health and safety that this act take effect
immediately.