HOUSE BILL 296

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

INTRODUCED BY

LISA L. LUTZ

AN ACT

AMENDING SECTION 30-7-2 NMSA 1978 (BEING LAWS 1963, CHAPTER 303, SECTION 7-2, AS AMENDED) TO CHANGE THE DEFINITION OF THE CRIME OF UNLAWFUL CARRYING OF A DEADLY WEAPON.

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

Section 1. Section 30-7-2 NMSA 1978 (being Laws 1963, Chapter 303, Section 7-2, as amended) is amended to read:

"30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON.--

A. Unlawful carrying of a deadly weapon consists of carrying a concealed loaded firearm or any other type of deadly weapon with the intent to use the weapon to commit a crime anywhere, except in the following cases:

(1) in the person's residence or on real property belonging to him as owner, lessee, tenant or licensee;

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1   (2)   in a private automobile or other private

2   means of conveyance, for lawful protection of the person's or

3   another's person or property;

4   (3)   by a peace officer in accordance with the

5   policies of his law enforcement agency who is certified

6   pursuant to the Law Enforcement Training Act; or

7   (4)   by a peace officer in accordance with the

8   policies of his law enforcement agency who is employed on a

9   temporary basis by that agency and who has successfully

10 completed a course of firearms instruction prescribed by the

11 New Mexico law enforcement academy or provided by a certified

12 firearms instructor who is employed on a permanent basis by a

13 law enforcement agency.

14   B.   The element of intent required pursuant to

15 Subsection A of this section shall not be presumed or inferred

16 from the existence of possession of the weapon.

17   [B.] C.   Nothing in this section shall be construed

18 to prevent the carrying of any unloaded firearm.

19   [C.] D.   Whoever commits unlawful carrying of a

20 deadly weapon is guilty of a petty misdemeanor."

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