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HOUSE BILL 673

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Lisa L. Lutz

AN ACT

RELATING TO FIREARMS; PROHIBITING PARTICIPATION IN THE
NATIONAL FIREARMS REGISTRATION DATABASE; PROHIBITING THE
COLLECTION OF FEES IN CONNECTION WITH AN ACTION TAKEN TO
IMPLEMENT THE FEDERAL "BRADY ACT"; PROHIBITING COMMUNICATION
OF INFORMATION GAINED PURSUANT TO THAT ACT; PROVIDING CIVIL
REMEDIES FOR VIOLATIONS OF PROHIBITIONS.

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

Section 1. PROHIBITION OF ACTIONS IN CONNECTION WITH THE
FEDERAL "BRADY ACT"--PENALTIES AND REMEDIES FOR VIOLATION.--

A. No state agency, board, commission or
institution and no political subdivision of the state or an
agency, board, commission or institution of a political
subdivision shall accept grants or loans of federal funds that
are conditioned upon the state or local entity's participation

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1 in creation or maintenance of a national firearm registration
2 database.

3 B. Neither a state agency, officer or employee,
4 nor a local government agency, officer or employee, shall
5 charge or collect a fee in connection with an action taken to
6 implement Public Law 103-159, commonly known as the "Brady
7 Act".

8 C. It is unlawful for a person acting in his
9 official governmental capacity or in the scope of his
10 employment to:

11 (1) acquire information concerning an
12 individual because of the operation of Public Law 103-159,
13 commonly known as the "Brady Act", and communicate that
14 information to a person not legally entitled to have it; or

15 (2) fail to destroy information acquired as
16 described in Paragraph (1) of this subsection within forty-
17 eight hours of acquiring it, unless retention is specifically
18 required by federal law.

19 D. A person aggrieved by the act of another in
20 violation of Subsection C of this section may bring a civil
21 action against the violator and recover treble damages plus a
22 reasonable attorney fee if successful in the action.

23 E. No state agency, board, commission or
24 institution and no political subdivision of the state or
25 agency, board, commission or institution of a political

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1 subdivision shall take any action whatsoever to implement any
2 federal law that creates or maintains a national firearm
3 registration database. For purposes of this subsection, a law
4 creates or maintains a national firearm registration database
5 if it requires that any information concerning the identity of
6 firearms purchasers be provided to a department or agency of
7 the federal government, and if the agency or department fails
8 to instantaneously destroy all information submitted
9 concerning any person not found to be prohibited from
10 purchasing or possessing a firearm. A person aggrieved by a
11 violation of this subsection may bring a civil action against
12 the violator and recover treble damages plus a reasonable
13 attorney fee if successful in the action.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 2, 1999

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8 Mr. Speaker:

9
10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred

12
13 HOUSE BILL 673

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,

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22 _____
23 Debbie A. Rodella, Vice
24 Chairwoman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HBIC/HB 673

Page 5

4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 8 For 0 Against

11 Yes: 8

12 Excused: Kissner, Mohorovic, Urioste, Luna

13 Absent: None

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1 **FORTY- FOURTH LEGISLATURE**
2 **FIRST SESSION, 1999**

3
4 **March 11, 1999**

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7 **Mr. Speaker:**

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9 **Your JUDICIARY COMMITTEE, to whom has been referred**

10 **HOUSE BILL 673**

11
12 **has had it under consideration and reports same with**
13 **recommendation that it DO PASS, and thence referred to the**
14 **APPROPRIATIONS AND FINANCE COMMITTEE.**

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16 **Respectfully submitted,**

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20 _____
21 **R. David Pederson, Chairman**

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 673

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 4 Against

Yes: 6

No: Garcia, Martinez, Rios, Stewart

Excused: Luna, Sanchez

Absent: None

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

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4 March 17, 1999

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 673

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

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16 Respectfully submitted,

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21 Max Coll, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Abeyta, Coll, Parsons, Picraux, Salazar, Townsend, Wallace

Absent: None

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 19, 1999

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 673

has had it under consideration and reports same with recommendation that it DO PASS.

Respectfully submitted,

Shannon Robinson, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Feldman

Excused: Garcia, Ingle

Absent: None

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