

HOUSE BILL 81

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

INTRODUCED BY

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AN ACT

RELATING TO FIREARMS; PROVIDING FOR THE PERMITLESS CARRY OF FIREARMS BY ADULTS; AMENDING THE DEFINITION OF "DEADLY WEAPON" TO EXCLUDE FIREARMS; REPEALING SECTIONS 30-7-2.2 THROUGH 30-7-3 NMSA 1978 (BEING LAWS 1994, CHAPTER 22, SECTIONS 2 AND 3, LAWS 2003, CHAPTER 253, SECTION 1 AND LAWS 1975, CHAPTER 149, SECTION 1, AS AMENDED).

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

SECTION 1. A new section of Chapter 30, Article 7 NMSA 1978 is enacted to read:

"[NEW MATERIAL] PERMITLESS CARRY OF A FIREARM.--

A. A person who is eighteen years of age or older and is not prohibited by federal or state law or a court order from possessing or carrying a firearm may carry a loaded firearm on the person's own person. The carrying of the

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1 firearm may be concealed or open.

2 B. Nothing in this section shall be construed to
3 prevent the carrying of an unloaded firearm."

4 SECTION 2. Section 30-1-12 NMSA 1978 (being Laws 1963,
5 Chapter 303, Section 1-13) is amended to read:

6 "30-1-12. DEFINITIONS.--As used in the Criminal Code:

7 A. "great bodily harm" means an injury to the
8 person [which] that creates a high probability of death, [or
9 which] causes serious disfigurement or [which] results in
10 permanent or protracted loss or impairment of the function of
11 any member or organ of the body;

12 B. "deadly weapon" means [any firearm, whether
13 loaded or unloaded; or] any weapon, [which] not including a
14 firearm, that is capable of producing death or great bodily
15 harm, including but not restricted to any types of daggers,
16 brass knuckles, switchblade knives, bowie knives, poniards,
17 butcher knives, dirk knives and all such weapons with which
18 dangerous cuts can be given or with which dangerous thrusts can
19 be inflicted, including swordcanes, [and] any kind of sharp
20 pointed canes, [also] slingshots, slung shots and bludgeons; or
21 any other weapons with which dangerous wounds can be inflicted;

22 C. "peace officer" means any public official or
23 public officer vested by law with a duty to maintain public
24 order or to make arrests for crime, whether that duty extends
25 to all crimes or is limited to specific crimes;

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1 D. "another" or "other" means any other human being
2 or legal entity, whether incorporated or unincorporated,
3 including the United States, the state ~~[of New Mexico]~~ or any
4 subdivision ~~[thereof]~~ of the state;

5 E. "person" means any human being or legal entity,
6 whether incorporated or unincorporated, including the United
7 States, the state ~~[of New Mexico]~~ or any subdivision ~~[thereof]~~
8 of the state;

9 F. "anything of value" means any conceivable thing
10 of the slightest value, tangible or intangible, movable or
11 immovable, corporeal or incorporeal, public or private. The
12 term is not necessarily synonymous with the traditional legal
13 term "property";

14 G. "official proceeding" means a proceeding heard
15 before any legislative, judicial, administrative or other
16 governmental agency or official authorized to hear evidence
17 under oath, including any referee, hearing examiner,
18 commissioner, notary or other person taking testimony or
19 depositions in any proceeding;

20 H. "lawful custody or confinement" means the
21 holding of any person pursuant to lawful authority, including
22 without limitation actual or constructive custody of prisoners
23 temporarily outside a penal institution, reformatory, jail,
24 prison farm or ranch;

25 I. "public officer" means any elected or appointed

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1 officer of the state or any of its political subdivisions,
2 [and] whether or not [he] the officer receives remuneration for
3 [his] services; and

4 J. "public employee" means any person receiving
5 remuneration for regular services rendered to the state or any
6 of its political subdivisions."

7 **SECTION 3.** Section 30-7-1 NMSA 1978 (being Laws 1963,
8 Chapter 303, Section 7-1) is amended to read:

9 "30-7-1. CARRYING A DEADLY WEAPON.--"Carrying a deadly
10 weapon" means being armed with a deadly weapon, not including a
11 firearm, by having it on the person or in close proximity
12 [thereto] to the person so that the weapon is readily
13 accessible for use."

14 **SECTION 4.** Section 30-7-2 NMSA 1978 (being Laws 1963,
15 Chapter 303, Section 7-2, as amended) is amended to read:

16 "30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON.--
17 A. Unlawful carrying of a deadly weapon consists of
18 carrying a [e]n[e]c[e]aled [l]oaded [f]ire[a]rm or any other type of]
19 deadly weapon anywhere, except in the following cases:

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

23 (2) in a private automobile or other private
24 means of conveyance, for lawful protection of the person's or
25 another's person or property;

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(3) by a peace officer in accordance with the policies of [his] the peace officer's law enforcement agency who is certified pursuant to the Law Enforcement Training Act;

(4) by a peace officer in accordance with the policies of [his] the peace officer's law enforcement agency who is employed on a temporary basis by that agency and who has successfully completed a course of firearms instruction prescribed by the New Mexico law enforcement academy or provided by a certified firearms instructor who is employed on a permanent basis by a law enforcement agency; or

(5) by a person in possession of a valid concealed handgun license issued to [him] the person by the department of public safety pursuant to the provisions of the Concealed Handgun Carry Act.

B. Nothing in this section shall be construed to prevent the carrying of any unloaded firearm.

C. Whoever commits unlawful carrying of a deadly weapon is guilty of a petty misdemeanor."

SECTION 5. Section 30-7-13 NMSA 1978 (being Laws 1979, Chapter 376, Section 4) is amended to read:

"30-7-13. CARRYING WEAPONS PROHIBITED. --

A. It is unlawful for any person without prior approval from the company to board or attempt to board a bus while in possession of a [firearm or other] deadly weapon upon [his] the person's own person or effects and readily accessible

1 to [him] the person while on the bus. Any person who violates
2 the provisions of this subsection is guilty of a misdemeanor.

3 B. Subsection A of this section does not apply to
4 duly elected or appointed law enforcement officers or
5 commercial security personnel in the lawful discharge of their
6 duties."

7 **SECTION 6. REPEAL.**--Sections 30-7-2.2 through 30-7-3 NMSA
8 1978 (being Laws 1994, Chapter 22, Sections 2 and 3, Laws 2003,
9 Chapter 253, Section 1 and Laws 1975, Chapter 149, Section 1,
10 as amended) are repealed.

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