

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE RULES COMMITTEE SUBSTITUTE FOR  
SENATE BILL 261

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

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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1 on election day;

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

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

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

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

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

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

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

25 ~~(5)]~~ (1) a law enforcement officer when the

1 law enforcement officer's presence is requested by the  
 2 presiding judge, an election judge, a county clerk or the  
 3 secretary of state to assist in maintaining order and orderly  
 4 control of access or to respond to a disaster or an emergency  
 5 event;

6 (2) a person in a private automobile or other  
 7 private means of conveyance; or

8 [~~(6) a person carrying a concealed firearm who~~  
 9 ~~is in possession of a valid concealed handgun license for that~~  
 10 ~~firearm pursuant to the Concealed Handgun Carry Act.~~

11 ~~C. A person conducting lawful, non-election-related~~  
 12 ~~business nearer than one hundred feet from the door through~~  
 13 ~~which voters may enter to vote or nearer than fifty feet from a~~  
 14 ~~monitored secured container is not guilty of unlawful~~  
 15 ~~possession of a firearm at a polling place.]~~

16 (3) a commissioned law enforcement officer  
 17 whose office is located in the same facility as the polling  
 18 place.

19 [~~D.~~] C. A person who commits unlawful possession of  
 20 a firearm at a polling place is guilty of a petty misdemeanor  
 21 and shall be sentenced pursuant to Section 31-19-1 NMSA 1978,  
 22 in addition to any other penalty provided by law.

23 [~~E.~~] D. For the purposes of this section, "firearm"  
 24 means a weapon that will or is designed to or may readily be  
 25 converted to expel a projectile by the action of an explosion,

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1 or the frame or receiver of any such weapon."

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