

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

.233796.2

underscored material = new
[bracketed material] = delete

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) law enforcement officers when their
14 presence is requested by the presiding judge, an election
15 judge, a county clerk or the secretary of state to assist in
16 maintaining order and orderly control of access or to respond
17 to a disaster or emergency event; or

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

20 ~~(2) a law enforcement officer who is certified~~
21 ~~pursuant to the Law Enforcement Training Act acting in~~
22 ~~accordance with the policies of the officer's law enforcement~~
23 ~~agency;~~

24 ~~(3) a commissioned law enforcement officer~~
25 ~~with the power to arrest in performance of the officer's~~

1 ~~official duties;~~

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

5 ~~(5)] (2) a person in a private automobile or~~
6 ~~other private means of conveyance. [or~~

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

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

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

19 ~~[E.] D.~~ For the purposes of this section, "firearm"
20 means a weapon that will or is designed to or may readily be
21 converted to expel a projectile by the action of an explosion,
22 or the frame or receiver of any such weapon."