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HOUSE BILL 161

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Mary Helen Garcia

AN ACT

RELATING TO CRIMINAL OFFENSES; REVISING THE DISTANCE FROM WHICH
DISCHARGING A FIREARM CONSTITUTES NEGLIGENT USE; AMENDING A
SECTION OF THE NMSA 1978.

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

Section 1. Section 30-7-4 NMSA 1978 (being Laws 1963,
Chapter 303, Section 7-3, as amended) is amended to read:

"30-7-4. NEGLIGENT USE OF A DEADLY WEAPON. --

A. Negligent use of a deadly weapon consists of:

- (1) discharging a firearm into any building or vehicle or so as to knowingly endanger a person or ~~his~~ the person's property;
- (2) carrying a firearm while under the influence of an intoxicant or narcotic;
- (3) endangering the safety of another by

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[bracketed material] = delete

underscored material = new
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1 handling or using a firearm or other deadly weapon in a
2 negligent manner; or

3 (4) discharging a firearm within [~~one hundred~~
4 ~~fifty~~] four hundred fifty yards of a dwelling or building, not
5 including abandoned or vacated buildings on public lands during
6 hunting seasons, without the permission of the owner or lessees
7 thereof.

8 B. The provisions of Paragraphs (1), (3) and (4) of
9 Subsection A of this section shall not apply to a peace officer
10 or other public employee who is required or authorized by law
11 to carry or use a firearm in the course of [~~his~~] the officer's
12 or employee's employment and who carries, handles, uses or
13 discharges a firearm while lawfully engaged in carrying out the
14 duties of [~~his~~] that office or employment.

15 C. The exceptions from criminal liability provided
16 for in Subsection B of this section shall not preclude or
17 affect civil liability for the same conduct.

18 Whoever commits negligent use of a deadly weapon is guilty
19 of a petty misdemeanor. "