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HOUSE BILL 30

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO FIREARMS; PROHIBITING POSSESSION OF A FIREARM BY A
PERSON NOT LEGALLY PRESENT IN THE UNITED STATES.

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

Section 1. Section 30-7-16 NMSA 1978 (being Laws 1981,
Chapter 225, Section 1, as amended) is amended to read:

"30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,
TRANSPORTATION OR POSSESSION BY A FELON--PENALTY.--

A. It is unlawful for a felon or an undocumented
person to receive, transport or possess any firearm or
destructive device in this state.

B. Any person violating the provisions of this
section shall be guilty of a fourth degree felony and shall be
sentenced in accordance with the provisions of the Criminal
Sentencing Act.

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C. As used in this section:

(1) "destructive device" means:

(a) any explosive, incendiary or poison gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge of more than four ounces; 4) missile having an explosive or incendiary charge of more than one-fourth ounce; 5) mine; or 6) similar device;

(b) any type of weapon by whatever name known that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell that is generally recognized as particularly suitable for sporting purposes; and

(c) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in this paragraph and from which a destructive device may be readily assembled.

The term "destructive device" does not include any device that is neither designed nor redesigned for use as a weapon or any device, although originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device;

(2) "felon" means a person convicted of a felony offense by a court of the United States or of any state

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1 or political subdivision thereof and:

2 (a) less than ten years have passed
3 since the person completed serving [~~his~~] a sentence or period
4 of probation for the felony conviction, whichever is later;

5 (b) the person has not been pardoned for
6 the felony conviction by the proper authority; and

7 (c) the person has not received a
8 deferred sentence; [~~and~~]

9 (3) "firearm" means any weapon that will or is
10 designed to or may readily be converted to expel a projectile
11 by the action of an explosion; the frame or receiver of any
12 such weapon; or any firearm muffler or firearm silencer.

13 "Firearm" includes any handgun, rifle or shotgun; and

14 (4) "undocumented person" means an individual
15 not legally present in the United States at the time of the
16 possession at issue."