

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 595

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

R. David Pederson

AN ACT

RELATING TO CRIMINAL LAW; AMENDING THE DEFINITION OF FELON FOR THE PURPOSES OF A SECTION OF LAW THAT MAKES IT UNLAWFUL FOR A FELON TO RECEIVE, TRANSPORT OR POSSESS A FIREARM OR DESTRUCTIVE DEVICE; AMENDING A SECTION OF THE NMSA 1978.

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 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

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = del ete

1 sentenced in accordance with the provisions of the Criminal  
2 Sentencing Act.

3 C. As used in this section:

4 (1) "destructive devices" means:

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

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

17 (c) any combination of parts either  
18 designed or intended for use in converting any device into a  
19 destructive device as defined in [ Paragraphs (1) and (2)] this  
20 paragraph and from which a destructive device may be readily  
21 assembled.

22 The term "destructive device" shall not include any  
23 device which is neither designed nor redesigned for use as a  
24 weapon or any device, although originally designed for use as  
25 a weapon, which is redesigned for use as a signaling,

underscored material = new  
[bracketed material] = del ete

1 pyrotechnic, line throwing, safety or similar device;

2 (2) "felon" means [~~a person who has been~~  
3 ~~convicted in the preceding ten years by a court of the United~~  
4 ~~States or of any state or political subdivision thereof to a~~  
5 ~~sentence of death or one or more years imprisonment and has~~  
6 ~~not been pardoned of the conviction by the appropriate~~  
7 ~~authority; and] a person convicted of a felony offense,  
8 whether the sentence was deferred or not, by a court of the  
9 United States or of any state or political subdivision thereof  
10 and:~~

11 (a) less than ten years have passed  
12 since the person completed serving his sentence or period of  
13 probation for the felony conviction, whichever is later; and

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

16 (3) "firearm" means any weapon which will or  
17 is designed to or may readily be converted to expel a  
18 projectile by the action of an explosion; the frame or  
19 receiver of any such weapon; or any firearm muffler or firearm  
20 silencer. "Firearm" includes any handgun, rifle or shotgun. "

21 Section 2. EFFECTIVE DATE. --The effective date of the  
22 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
4  
5

6 March 1, 1999  
7

8 Mr. Speaker:  
9

10 Your JUDICIARY COMMITTEE, to whom has been referred  
11

12 HOUSE BILL 595  
13

14 has had it under consideration and reports same with  
15 recommendation that it DO PASS.  
16

17 Respectfully submitted,  
18

19  
20 \_\_\_\_\_  
21 R. David Pederson, Chairman  
22  
23  
24  
25

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJC/HB 595

Page 5

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 1 Against

Yes: 8

No: Martinez

Excused: Luna, Mallory, Sanchez

Absent: None

J:\99BillsWP\H0595

underscored material = new  
[bracketed material] = delete