

HOUSE BILL 8

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO CRIME; REQUIRING A BACKGROUND CHECK WHEN CONDUCTING  
SALES OF A FIREARM; PROVIDING PENALTIES.

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

SECTION 1. A new section of Chapter 30, Article 7 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] UNLAWFUL SALE OF A FIREARM WITHOUT A  
BACKGROUND CHECK.--

A. Unlawful sale of a firearm without a background  
check consists of the sale of a firearm without conducting a  
federal instant background check Hf1→where the sale is made for

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~~a fee or other consideration~~←Hf1.

B. The provisions of Subsection A of this section do not apply to the sale of a firearm:

(1) by or to a person who holds a current and valid federal firearms license issued pursuant to 18 U.S.C.

Section 923(a);

(2) to a law enforcement agency; or

(3) between two law enforcement officers

Hf1→authorized to carry a firearm and←Hf1 certified pursuant to Hf1→federal law or←Hf1 the Law Enforcement Training Act

Hf1→and authorized to carry a firearm←Hf1.

C. As used in this section:

Hf1→(1) "consideration" means anything of value exchanged between the parties to a sale;←Hf1

Hf1→(1)←Hf1 Hf1→(2)←Hf1 "federal instant background check" means a background check that meets the requirements of 18 U.S.C. Section 922(t) and that does not indicate that a sale to the person receiving the firearm would violate 18 U.S.C. Section 922(g) or 18 U.S.C. Section 922(n) or state law;

Hf1→(2)←Hf1 Hf1→(3)←Hf1 "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; and includes any handgun, rifle or shotgun

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Hf1→, but does not include an antique firearm as defined in 18  
U.S.C. Section 921(16), a powder-actuated tool or other device  
designed to be used for construction purposes, an emergency  
flare or a firearm in a permanently inoperable condition←Hf1;  
and

Hf1→(3)←Hf1 Hf1→(4)←Hf1 "sale" means the  
sale, delivery or passing of ownership, possession or control  
of a firearm for a fee or other consideration, but does not  
include temporary possession or control of a firearm provided  
to a customer by the proprietor of a licensed business in the  
conduct of that business.

D. Each party to an unlawful sale in violation of  
this section may be separately charged for the same sale.

E. Each firearm sold contrary to the provisions of  
this section constitutes a separate offense under Subsection A  
of this section.

F. Two or more offenses may be charged in the same  
complaint, information or indictment and shall be punished as  
separate offenses.

G. Whoever violates the provisions of this section  
is guilty of a misdemeanor."

SECTION 2. EFFECTIVE DATE.--The effective date of the  
provisions of this act is July 1, 2019.

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