

1 HOUSE BILL 127

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO FIREARMS; ESTABLISHING A MINIMUM AGE OF TWENTY-ONE  
12 TO PURCHASE OR POSSESS AN AUTOMATIC FIREARM, A SEMIAUTOMATIC  
13 FIREARM OR A LARGE-CAPACITY AMMUNITION FEEDING DEVICE;  
14 PROVIDING EXCEPTIONS; PROVIDING A PENALTY.  
15

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

17 SECTION 1. A new Section 30-7-2.5 NMSA 1978 is enacted to  
18 read:

19 "30-7-2.5. [NEW MATERIAL] UNLAWFUL PURCHASE OR POSSESSION  
20 OF CERTAIN FIREARMS BY A PERSON UNDER THE AGE OF TWENTY-ONE--  
21 EXCEPTIONS--PENALTY.--

22 A. It is unlawful for a person under the age of  
23 twenty-one to purchase an automatic or semiautomatic firearm.

24 B. It is unlawful for a person under the age of  
25 twenty-one to possess an automatic or semiautomatic firearm,

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1 except the person may possess the firearm when the person:

2 (1) is attending a hunter's safety course or  
3 other firearm safety course;

4 (2) engages in the use of an automatic or  
5 semiautomatic firearm for target shooting at an established  
6 range authorized by the governing body of the jurisdiction in  
7 which the range is located or in an area where the discharge of  
8 an automatic or semiautomatic firearm without legal  
9 justification is not prohibited by law;

10 (3) engages in an organized competition  
11 involving the use of an automatic or semiautomatic firearm;

12 (4) participates in or practices for a  
13 performance by an organization that has been granted exemption  
14 from federal income tax by the United States commissioner of  
15 internal revenue as an organization described in Section  
16 501(c)(3) of the United States Internal Revenue Code of 1986,  
17 as amended or renumbered;

18 (5) engages in legal hunting or trapping  
19 activities;

20 (6) travels, with an unloaded automatic or  
21 semiautomatic firearm in a locked container in the person's  
22 possession, to or from an activity described in Paragraph (1),  
23 (2), (3), (4) or (5) of this subsection; or

24 (7) is on private property under the control  
25 of the person's parent, grandparent or legal guardian and the

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1 person is being supervised by a parent, grandparent or legal  
2 guardian.

3 C. It is unlawful for a person under the age of  
4 twenty-one to purchase or possess a large-capacity ammunition  
5 feeding device.

6 D. The provisions of Subsections A through C of  
7 this section shall not apply to:

8 (1) a peace officer, in accordance with the  
9 policies of the peace officer's law enforcement agency, who is  
10 certified pursuant to the Law Enforcement Training Act;

11 (2) a peace officer, in accordance with the  
12 policies of the peace officer's law enforcement agency, who is  
13 employed on a temporary basis by that agency and who has  
14 successfully completed a course of firearms instruction  
15 prescribed by the New Mexico law enforcement academy or  
16 provided by a certified firearms instructor who is employed on  
17 a permanent basis by a law enforcement agency;

18 (3) an active or reserve member of the armed  
19 forces of the United States, the army national guard of New  
20 Mexico or the air national guard of New Mexico; or

21 (4) a security officer licensed and allowed to  
22 carry a firearm pursuant to the Private Investigations Act.

23 E. It is unlawful to knowingly sell or transfer  
24 ownership of an automatic firearm, a semiautomatic firearm or a  
25 large-capacity ammunition feeding device to a person under the

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1 age of twenty-one who is prohibited from purchasing such  
2 automatic firearm, semiautomatic firearm or large-capacity  
3 ammunition feeding device pursuant to Subsections A through C  
4 of this section.

5 F. A person who violates the provisions of this  
6 section is guilty of a misdemeanor and upon conviction shall be  
7 sentenced in accordance with the provisions of Section 31-19-1  
8 NMSA 1978.

9 G. As used in this section:

10 (1) "automatic firearm" means a firearm that  
11 continuously feeds cartridges or fires, extracts and ejects  
12 cartridge cases as long as the trigger is fully depressed and  
13 the feed system contains cartridges. Actuation of the trigger  
14 may be from an internal power source such as gas pressure or  
15 recoil or an external power source such as electricity.

16 "Automatic firearm" includes rifles and shotguns that fire  
17 automatically;

18 (2) "firearm" means a weapon that can expel or  
19 is designed to or may readily be converted to expel a  
20 projectile by the action of an explosion;

21 (3) "large-capacity ammunition feeding device"  
22 means a magazine or a receptacle for a firearm that holds  
23 cartridges or shells under spring pressure preparatory for  
24 feeding into the chamber or a belt, drum, feed, strip or  
25 tubular device that has the capacity of or could be readily

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1 restored or converted to accept more than ten rounds of  
2 ammunition; and

3 (4) "semiautomatic firearm" means a firearm  
4 that requires a separate pull or activation of the trigger for  
5 each shot fired and that uses the energy of discharge to  
6 perform a portion of the operating or firing cycle.

7 "Semiautomatic firearm" includes any rifle or shotgun that is  
8 semiautomatic, but excludes .22 caliber rifles."

9 SECTION 2. SEVERABILITY.--If any part or application of  
10 this act is held invalid, the remainder or its application to  
11 other situations or persons shall not be affected.