

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 101

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

AN ACT

RELATING TO FIREARMS; ENACTING THE ASSAULT WEAPONS REGULATION  
ACT; PROHIBITING ASSAULT WEAPONS, ASSAULT WEAPON ATTACHMENTS,  
.50 CALIBER RIFLES AND LARGE-CAPACITY AMMUNITION FEEDING  
DEVICES; REQUIRING AFFIDAVITS; PROVIDING EXCEPTIONS; REQUIRING  
PUBLIC OUTREACH; 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] SHORT TITLE.--This act may be cited as the  
"Assault Weapons Regulation Act"."

SECTION 2. A new section of Chapter 30, Article 7 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Assault  
Weapons Regulation Act:

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underscored material = new  
[bracketed material] = delete

1           A. ".50 caliber rifle" means a centerfire rifle  
2 capable of firing a .50 caliber cartridge. ".50 caliber rifle"  
3 does not include an antique firearm, shotgun that has a rifle  
4 barrel or muzzle-loader that uses black powder for hunting or  
5 historical reenactments;

6           B. "antique firearm" has the meaning ascribed to it  
7 in 18 U.S.C. 921(a)(16);

8           C. "assault weapon" means any of the following  
9 firearms:

10                   (1) a semiautomatic rifle that has the  
11 capacity to accept a detachable magazine or that may be readily  
12 modified to accept a detachable magazine, if the firearm has  
13 one or more of the following:

14                           (a) a pistol grip;  
15                           (b) a feature capable of functioning as  
16 a protruding grip that can be held by the non-trigger hand;  
17                           (c) a folding, telescoping or detachable  
18 stock or a stock that is otherwise foldable or adjustable in a  
19 manner that operates to reduce the length, size or any other  
20 dimension or otherwise enhances the concealability of the  
21 weapon;

22                           (d) a flash suppressor; or  
23                           (e) a grenade launcher;

24                   (2) a semiautomatic rifle that has a fixed  
25 magazine with the capacity to accept more than ten rounds,

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1 except for an attached tubular device designed to accept, and  
2 capable of operating only with, .22 caliber rimfire ammunition;

3 (3) a semiautomatic rifle that has an overall  
4 length of less than thirty inches;

5 (4) a semiautomatic pistol that has the  
6 capacity to accept a detachable magazine or that may be readily  
7 modified to accept a detachable magazine, if the firearm has  
8 one or more of the following:

9 (a) a threaded barrel;

10 (b) a second pistol grip or another  
11 feature capable of functioning as a protruding grip that can be  
12 held by the non-trigger hand;

13 (c) a shroud attached to the barrel or  
14 that partially or completely encircles the barrel, allowing the  
15 bearer to hold the firearm with the non-trigger hand without  
16 being burned, but excluding a slide that encloses the barrel;

17 (d) a flash suppressor;

18 (e) the capacity to accept a detachable  
19 magazine at some location outside of the pistol grip; or

20 (f) a buffer tube, arm brace or other  
21 part that protrudes horizontally behind the pistol grip and is  
22 designed or redesigned to allow or facilitate a firearm to be  
23 fired from the shoulder;

24 (5) a semiautomatic pistol that has a fixed  
25 magazine with the capacity to accept more than ten rounds;

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- 1 (6) a shotgun with a revolving cylinder;  
2 (7) a semiautomatic shotgun that has one or  
3 more of the following:  
4 (a) a pistol grip;  
5 (b) a feature capable of functioning as  
6 a protruding grip that can be held by the non-trigger hand;  
7 (c) a folding stock;  
8 (d) a grenade launcher;  
9 (e) a fixed magazine with the capacity  
10 of more than five rounds; or  
11 (f) the capacity to accept a detachable  
12 magazine;  
13 (8) a semiautomatic firearm that has the  
14 capacity to accept a belt ammunition feeding device;  
15 (9) a firearm that has been modified to be  
16 operable as an assault weapon as defined in this subsection; or  
17 (10) a part or combination of parts designed  
18 or intended to convert a firearm into an assault weapon,  
19 including a combination of parts from which an assault weapon  
20 may be readily assembled if those parts are in the possession  
21 or under the control of the same person;  
22 D. "assault weapon" does not include:  
23 (1) a firearm that is an unserviceable firearm  
24 or has been made permanently inoperable;  
25 (2) an antique firearm or a replica of an

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1 antique firearm; or

2 (3) a firearm that is manually operated by  
3 bolt, pump, lever or slide action, unless the firearm is a  
4 shotgun with a revolving cylinder;

5 E. "assault weapon attachment" means a device  
6 capable of being attached to a firearm that is specifically  
7 designed for making or converting a firearm into an assault  
8 weapon;

9 F. "detachable magazine" means an ammunition  
10 feeding device that may be removed from a firearm without  
11 disassembly of the firearm action, including an ammunition  
12 feeding device that may be readily removed from a firearm with  
13 the use of a bullet, cartridge, accessory, other tool or other  
14 object that functions as a tool, including a bullet or  
15 cartridge;

16 G. "devisee" means a person designated in a will to  
17 receive a devise;

18 H. "firearm" means a weapon that will or is  
19 designed to or may readily be converted to expel a projectile  
20 by the action of an explosion;

21 I. "fixed magazine" means an ammunition feeding  
22 device that is permanently attached to a firearm, contained in  
23 and not removable from a firearm or that is otherwise not a  
24 detachable magazine, but does not include an attached tubular  
25 device designed to accept, and capable of operating only with,

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1 .22 caliber rimfire ammunition;

2 J. "immediate family member" means a spouse,  
3 parent, stepparent, child, stepchild, sibling, stepsibling,  
4 grandparent, step-grandparent, grandchild, step-grandchild,  
5 great-grandchild, step great-grandchild, niece, nephew, first  
6 cousin, aunt or uncle;

7 K. "large-capacity ammunition feeding device" means  
8 a magazine, belt, drum, feed strip or similar device that has a  
9 capacity of, or that can be readily restored or converted to  
10 accept, more than ten rounds of ammunition. "Large-capacity  
11 ammunition feeding device" does not include an attached tubular  
12 device designed to accept, and capable of operating only with,  
13 .22 caliber rimfire ammunition or magazines originally designed  
14 to accept more than ten rounds of ammunition that have been  
15 modified to accept no more than ten rounds and that are not  
16 capable of being readily restored to a capacity of more than  
17 ten rounds; and

18 L. "regulated item" means an assault weapon, an  
19 assault weapon attachment, a .50 caliber rifle or a large-  
20 capacity ammunition feeding device."

21 SECTION 3. A new section of Chapter 30, Article 7 NMSA  
22 1978 is enacted to read:

23 "[NEW MATERIAL] PROHIBITING THE MANUFACTURE, POSSESSION,  
24 DELIVERY, SALE, IMPORTATION AND PURCHASE OF REGULATED ITEMS.--

25 A. Except as provided in Sections 4 and 5 of the

1 Assault Weapons Regulation Act, it is unlawful for any person  
2 to knowingly manufacture, deliver, sell, import, purchase or  
3 cause to be manufactured, delivered, sold, imported or  
4 purchased by another a regulated item.

5 B. Except as provided in Sections 4 and 5 of the  
6 Assault Weapons Regulation Act, beginning on March 1, 2024, it  
7 is unlawful for any person to knowingly possess a regulated  
8 item.

9 C. Whoever violates the provisions of this section  
10 is guilty of a fourth degree felony."

11 SECTION 4. A new section of Chapter 30, Article 7 NMSA  
12 1978 is enacted to read:

13 "[NEW MATERIAL] AFFIDAVIT--RULEMAKING--TRANSFERS--NEW  
14 RESIDENTS--CONFIDENTIALITY.--

15 A. Section 3 of the Assault Weapons Regulation Act  
16 does not apply to a person's possession of a regulated item if  
17 the person lawfully possessed the regulated item, and provided  
18 an affidavit under oath or affirmation, prior to March 1, 2024,  
19 or the expiration of the period of time provided in Subsections  
20 E and F of this section, and in the form and manner prescribed  
21 by the department of public safety. The affidavit shall  
22 include:

23 (1) an affirmation that the affiant:

24 (a) possessed the regulated item before  
25 the effective date of the Assault Weapons Regulation Act;

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1 (b) inherited or received the regulated  
2 item from a person who provided an affidavit pursuant to this  
3 section or from a person listed in Paragraphs (1) through (7)  
4 of Subsection A of Section 5 of the Assault Weapons Regulation  
5 Act; or

6 (c) moved into the state in possession  
7 of the regulated item acquired while a resident of another  
8 state;

9 (2) as applicable, the make, model, caliber  
10 and serial number of the regulated item; and

11 (3) the affiant's name, address, telephone  
12 number and date of birth.

13 B. No later than December 1, 2023, the department  
14 of public safety shall identify the list of commonly available  
15 assault weapons subject to Section 3 of the Assault Weapons  
16 Regulation Act, which shall be published and made available on  
17 the department's website. The department shall update the list  
18 as necessary.

19 C. The affidavit form shall include the following  
20 statement printed in bold type: "Warning: Entering false  
21 information on this form is punishable as perjury pursuant to  
22 Section 30-25-1 NMSA 1978.". In any administrative, civil or  
23 criminal proceeding in the state, a completed affidavit  
24 submitted to the department of public safety by a person  
25 pursuant to this section creates a rebuttable presumption that

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1 the person is entitled to possess and transport the regulated  
2 item. The department of public safety shall confirm receipt of  
3 the affidavit with the person who submitted it.

4 D. Beginning on March 1, 2024, a person authorized  
5 pursuant to this section to possess a regulated item shall  
6 possess the item only:

7 (1) on private property owned or immediately  
8 controlled by the person;

9 (2) on private property that is not open to  
10 the public with the express permission of the person who owns  
11 or immediately controls such property;

12 (3) while on the premises of a licensed  
13 firearms dealer or gunsmith for the purpose of lawful transfer  
14 or repair of the regulated item;

15 (4) while engaged in the legal use of the  
16 regulated item at a properly licensed firing range or sport  
17 shooting competition venue; or

18 (5) while traveling to or from a location  
19 listed in Paragraphs (1) through (4) of this subsection or  
20 while traveling to another state for the purpose of  
21 transferring the regulated item pursuant to Subsection E of  
22 this section; provided that the regulated item is unloaded and  
23 enclosed in a case, a firearm carrying box, a shipping box or  
24 another container.

25 E. Beginning on March 1, 2024, a person who

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1 provides an affidavit for a regulated item pursuant to this  
2 section may transfer the regulated item only to an heir or  
3 devisee who is a natural person following the death of the  
4 person, an immediate family member, a person residing in  
5 another state and maintaining the regulated item in another  
6 state or a dealer licensed as a federal firearms dealer  
7 pursuant to Section 923 of the federal Gun Control Act of 1968.  
8 Within ten days after transfer of the regulated item except to  
9 an heir or devisee, the person shall notify the department of  
10 public safety of the name, address, telephone number and date  
11 of birth of the transferee in the form and manner prescribed by  
12 the department of public safety. The person to whom the  
13 regulated item is transferred shall, within sixty days of the  
14 transfer, complete and submit an affidavit pursuant to this  
15 section unless the person is residing in another state and  
16 maintaining the regulated item in another state or is a dealer  
17 licensed as a federal firearms dealer pursuant to Section 923  
18 of the federal Gun Control Act of 1968. Except for a person  
19 residing in another state and maintaining the regulated item in  
20 another state or a dealer licensed as a federal firearms dealer  
21 pursuant to Section 923 of the Gun Control Act of 1968, a  
22 person to whom the regulated item is transferred may transfer  
23 it only as provided in this subsection.

24 F. Except as provided in Section 5 of the Assault  
25 Weapons Regulation Act and beginning on March 1, 2024, any

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1 nonresident who moves into the state in possession of a  
2 regulated item shall, within sixty days, complete and submit an  
3 affidavit pursuant to this section.

4 G. Information contained in the affidavit shall be  
5 confidential, is exempt from disclosure pursuant to the  
6 Inspection of Public Records Act and shall not be disclosed,  
7 except to law enforcement agencies acting in the performance of  
8 their duties.

9 H. Any person not subject to Section 3 of the  
10 Assault Weapons Regulation Act may submit an affidavit if the  
11 person chooses.

12 I. A person required to submit an affidavit or  
13 provide notice to the department of public safety who fails to  
14 submit the affidavit or provide notice prior to the time  
15 required by the Assault Weapons Regulation Act is guilty of a  
16 petty misdemeanor; provided that a person is not required to  
17 submit an affidavit for a regulated item if that person  
18 lawfully transfers that regulated item to another person prior  
19 to the time required to submit an affidavit and notifies the  
20 department of public safety of the name, address, telephone  
21 number and date of birth of the transferee within ten days of  
22 the transfer."

23 SECTION 5. A new section of Chapter 30, Article 7 NMSA  
24 1978 is enacted to read:

25 "[NEW MATERIAL] EXCEPTIONS--LAW ENFORCEMENT--OTHERS.--

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1           A. Subject to Subsection B of this section, the  
2 provisions of Section 3 of the Assault Weapons Regulation Act  
3 regarding the purchase or possession of a regulated item, as  
4 well as the provisions of that section that prohibit causing a  
5 regulated item to be purchased or possessed, do not apply to:

6                   (1) peace officers, as defined in Section  
7 31-1-2 NMSA 1978;

8                   (2) qualified law enforcement officers and  
9 qualified retired law enforcement officers as defined in the  
10 federal Law Enforcement Officers Safety Act of 2004;

11                   (3) acquisition and possession by a federal,  
12 state or local law enforcement agency for the purpose of  
13 equipping the agency's peace officers, qualified law  
14 enforcement officers or qualified retired law enforcement  
15 officers;

16                   (4) wardens, superintendents and keepers of  
17 prisons, penitentiaries, jails and other institutions for the  
18 detention of persons accused or convicted of an offense;

19                   (5) members of the armed services or reserve  
20 forces of the United States or the New Mexico national guard;

21                   (6) a company that employs armed security  
22 officers in this state at a nuclear energy, storage, weapons or  
23 development site or facility regulated by the nuclear  
24 regulatory commission and a person employed as an armed  
25 security force member at a nuclear energy, storage, weapons or

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1 development site or facility regulated by the nuclear  
2 regulatory commission who has completed the background  
3 screening and training mandated by the rules and regulations of  
4 the nuclear regulatory commission; and

5 (7) a private security contractor agency  
6 licensed pursuant to the Private Investigations Act that  
7 employs private security contractors and a private security  
8 contractor who is licensed and allowed to carry a firearm  
9 pursuant to that act.

10 B. The persons listed in Paragraphs (1), (2) and  
11 (4) through (7) of Subsection A of this section shall only  
12 possess a regulated item:

13 (1) while performing official duties;

14 (2) while traveling to or from their place of  
15 work or duty; or

16 (3) under the circumstances outlined in  
17 Paragraphs (1) through (5) of Subsection D of Section 4 of the  
18 Assault Weapons Regulation Act.

19 C. A person listed in Paragraphs (1) through (7) of  
20 Subsection A of this section may transfer a regulated item only  
21 to an heir or devisee who is a natural person following the  
22 death of the person, a person residing in another state and  
23 maintaining the regulated item in another state, a dealer  
24 licensed as a federal firearms dealer pursuant to Section 923  
25 of the federal Gun Control Act of 1968 or another person listed

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1 in Paragraphs (1) through (7) of Subsection A of this section.  
2 An heir or devisee who inherits a regulated item shall, within  
3 sixty days of inheriting the item, complete and submit an  
4 affidavit pursuant to Section 4 of the Assault Weapons  
5 Regulation Act unless the person is residing in another state  
6 and maintaining the regulated item in another state or is a  
7 person listed in Paragraphs (1) through (7) of Subsection A of  
8 this section.

9 D. A person who is no longer qualified to purchase  
10 or possess a regulated item pursuant to Paragraphs (1) through  
11 (7) of Subsection A of this section shall, within sixty days of  
12 losing such qualification, transfer any regulated item in that  
13 person's possession to a person residing in another state and  
14 maintaining it in another state, a dealer licensed as a federal  
15 firearms dealer pursuant to Section 923 of the federal Gun  
16 Control Act of 1968 or a person listed in Paragraphs (1)  
17 through (7) of Subsection A of this section.

18 E. The provisions of Section 3 of the Assault  
19 Weapons Regulation Act do not apply to the manufacture,  
20 delivery, sale, import, purchase or possession of a regulated  
21 item or causing the manufacture, delivery, sale, importation,  
22 purchase or possession of a regulated item:

23 (1) for sale or transfer to persons authorized  
24 pursuant to this section to possess a regulated item; or

25 (2) for sale or transfer to the United States

1 or any department or agency thereof.

2 F. The provisions of Section 3 of the Assault  
3 Weapons Regulation Act do not apply to or affect any of the  
4 following:

5 (1) possession of a firearm if that firearm is  
6 sanctioned by the international olympic committee and by USA  
7 shooting, the national governing body for international  
8 shooting competition in the United States, but only when the  
9 firearm is in the actual possession of an olympic target  
10 shooting competitor or target shooting coach for the purpose of  
11 storage, transporting to and from olympic target shooting  
12 practice or events if the firearm is broken down in a  
13 nonfunctioning state, is not immediately accessible or is  
14 unloaded and enclosed in a firearm case, carrying box, shipping  
15 box or other similar portable container designed for the safe  
16 transportation of firearms; and when the olympic target  
17 shooting competitor or target shooting coach is engaging in  
18 those practices or events;

19 (2) a nonresident who transports, within  
20 twenty-four hours, a regulated item for a lawful purpose from a  
21 place where the nonresident may lawfully possess and carry the  
22 regulated item to another place where the nonresident may  
23 lawfully possess and carry the regulated item if, during the  
24 transportation, the assault weapon or .50 caliber rifle is  
25 unloaded and the regulated item being transported is not

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1 readily accessible or directly accessible from the passenger  
2 compartment of the transporting vehicle. In the case of a  
3 vehicle without a compartment separate from the driver's  
4 compartment, the regulated items shall be contained in a locked  
5 container other than the glove compartment or console;

6 (3) the manufacture, transportation,  
7 possession, sale or rental of blank-firing assault weapons and  
8 .50 caliber rifles, or the weapons' respective attachments, to  
9 persons authorized or permitted to acquire and possess these  
10 assault weapons or attachments for the purpose of rental for  
11 use solely as props for a motion picture, television or video  
12 production or entertainment event;

13 (4) possession of a firearm approved by the  
14 department of public safety only for hunting use expressly  
15 permitted under Chapter 17 NMSA 1978 or while traveling to or  
16 from a location authorized for this hunting use under Chapter  
17 17 NMSA 1978 if the firearm is broken down in a nonfunctioning  
18 state, is not immediately accessible or is unloaded and  
19 enclosed in a firearm case, carrying box, shipping box or other  
20 similar portable container designed for the safe transportation  
21 of firearms. By December 1, 2023, the department of public  
22 safety, in consultation with the department of game and fish,  
23 shall adopt rules concerning the list of firearms approved  
24 under this paragraph; and

25 (5) the sale or transfer of a regulated item



1 between dealers licensed as federal firearms dealers pursuant  
2 to Section 923 of the federal Gun Control Act of 1968."

3 SECTION 6. A new section of Chapter 30, Article 7 NMSA  
4 1978 is enacted to read:

5 "[NEW MATERIAL] PENDING SALES AND TRANSFERS.--A sale or  
6 transfer of a regulated item requiring a federal instant  
7 background check pursuant to Section 30-7-7.1 NMSA 1978 is  
8 allowed to be completed after the effective date of the Assault  
9 Weapons Regulation Act if the background check is initiated on  
10 or before that date and the background check is approved by the  
11 federal bureau of investigation."

12 SECTION 7. A new section of Chapter 30, Article 7 NMSA  
13 1978 is enacted to read:

14 "[NEW MATERIAL] DEPARTMENT OF PUBLIC SAFETY--DUTIES--  
15 PUBLIC OUTREACH CAMPAIGN.--

16 A. The department of public safety shall take all  
17 steps necessary to carry out the requirements of the Assault  
18 Weapons Regulation Act by December 1, 2023.

19 B. The department of public safety shall develop  
20 and implement a public notice and public outreach campaign to  
21 promote awareness about the provisions of the Assault Weapons  
22 Regulation Act and increase compliance with that act."

23 SECTION 8. A new section of Chapter 30, Article 7 NMSA  
24 1978 is enacted to read:

25 "[NEW MATERIAL] APPLICABILITY OF NEW MEXICO CIVIL RIGHTS

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1 ACT.--Official actions taken in good faith compliance with the  
2 Assault Weapons Regulation Act shall not form a basis for a  
3 claim for damages under the New Mexico Civil Rights Act."

4 SECTION 9. A new section of Chapter 30, Article 7 NMSA  
5 1978 is enacted to read:

6 "[NEW MATERIAL] SEVERABILITY.--If any part or application  
7 of the Assault Weapons Regulation Act is held invalid, the  
8 remainder or its application to other situations or persons  
9 shall not be affected."