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HOUSE BILL 72

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

INTRODUCED BY

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AN ACT

RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL POSSESSION OR
TRANSFER OF A SEMIAUTOMATIC FIREARM CONVERTER; PROVIDING
EXCEPTIONS; PROVIDING A PENALTY; MAKING AN APPROPRIATION;
DECLARING AN EMERGENCY.

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 POSSESSION OR TRANSFER OF A
SEMIAUTOMATIC FIREARM CONVERTER--EXCEPTIONS--PENALTY.--

A. It is unlawful for a person to knowingly possess
or transfer a semiautomatic firearm converter, except when the
person is performing duties on behalf of:

(1) the state or a political subdivision of
the state and the possession or transfer of the semiautomatic

underscored material = new
[bracketed material] = delete

1 firearm converter is directly related to that person's duties;
2 or

3 (2) the armed forces of the United States, the
4 army national guard of New Mexico or the air national guard of
5 New Mexico and the possession or transfer of the semiautomatic
6 firearm converter is directly related to that person's duties.

7 B. A person who violates the provisions of
8 Subsection A of this section is guilty of a fourth degree
9 felony and upon conviction shall be sentenced in accordance
10 with the provisions of Section 31-18-15 NMSA 1978.

11 C. As used in this section:

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

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; the frame or receiver
21 of a firearm; or any firearm muffler or firearm silencer;

22 (3) "possess" means to actively or
23 constructively exercise dominion over a semiautomatic firearm
24 converter and includes use or manufacture;

25 (4) "semiautomatic firearm" means a firearm

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1 that requires a separate pull or activation of the trigger for
2 each shot fired and that uses the energy of discharge to
3 perform a portion of the operating or firing cycle;

4 (5) "semiautomatic firearm converter" means a
5 firearm accessory or any other device, part or combination of
6 parts that is designed or functions to increase the rate of
7 fire of a semiautomatic firearm to simulate a rate of fire
8 otherwise achievable only with an automatic firearm; and

9 (6) "transfer" means to move a semiautomatic
10 firearm converter from one person or entity to another and
11 includes receipt, purchase, sale, offer for sale, keep for
12 sale, barter, trade, gift, give, lend, acquire or import."

13 SECTION 2. APPROPRIATION.--One million five hundred
14 thousand dollars (\$1,500,000) is appropriated from the general
15 fund to the department of public safety for expenditure in
16 fiscal year 2024 to carry out the provisions of this act,
17 including the funding of additional local and statewide law
18 enforcement, court process and incarceration. Any unexpended
19 or unencumbered balance remaining at the end of fiscal year
20 2024 shall revert to the general fund.

21 SECTION 3. SEVERABILITY.--If any part or application of
22 this act is held invalid, the remainder or its application to
23 other situations or persons shall not be affected.

24 SECTION 4. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect immediately.

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