

underscored material = new
[bracketed material] = delete

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HOUSE BILL 166

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY
Tara L. Lujan

AN ACT

RELATING TO CRIME; CREATING NEW CRIMES RELATING TO FIREARMS;
PROVIDING A PENALTY.

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

SECTION 1. A new section of the Criminal Code is enacted
to read:

"~~[NEW MATERIAL]~~ UNLAWFUL MANUFACTURE OF FIREARMS--UNLAWFUL
DISTRIBUTION OF FIREARM MANUFACTURING INSTRUCTIONS--PROHIBITED
FIREARMS--REQUIRING FIREARM SERIAL NUMBERS--PENALTY.--

A. It is an offense for a person to manufacture,
cause to be manufactured, produce or otherwise assemble a
firearm unless that person is a federally licensed gun dealer
or manufacturer. It is an offense for a person to possess,
sell, offer to sell, transfer, purchase or receive a firearm
manufactured, produced or otherwise assembled by a person who

1 is not a federally licensed gun dealer or manufacturer.

2 B. It is an offense for a person to use a
3 three-dimensional printer or similar device to manufacture or
4 produce a firearm or firearm component unless that person is a
5 federally licensed gun dealer or manufacturer. It is an
6 offense for a person to possess, sell, offer to sell, transfer,
7 purchase or receive a firearm manufactured or produced using a
8 three-dimensional printer or similar device by a person who is
9 not a federally licensed gun dealer or manufacturer.

10 C. It is an offense for a person to distribute
11 digital instructions in the form of computer-aided design files
12 or other code or instructions stored or displayed in electronic
13 format as a digital model that may be used to program a
14 three-dimensional printer to manufacture or produce a firearm
15 or firearm component to a person in New Mexico who is not a
16 federally licensed gun dealer or manufacturer.

17 D. It is an offense for a person to manufacture,
18 produce, possess, sell, offer to sell, transfer, purchase or
19 receive a covert or undetectable firearm.

20 E. It is an offense for a person to manufacture,
21 cause to be manufactured, produce or otherwise assemble a
22 firearm that lacks a unique serial number engraved or cased in
23 metal alloy on the frame or receiver by a federally licensed
24 gun manufacturer or importer who complies with all applicable
25 federal laws for manufacturing or importing the firearm.

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1 F. It is an offense for a person to possess,
2 purchase or otherwise obtain separately or as part of a kit a
3 firearm frame or receiver that is not imprinted with a serial
4 number registered with a federally licensed gun manufacturer
5 unless that person is a federally licensed gun dealer or
6 manufacturer.

7 G. It is an offense for a person to possess, sell,
8 offer to sell, transfer, purchase or receive any firearm or
9 firearm component manufactured or produced in violation of this
10 section. The provisions of this subsection do not apply to a
11 firearm that has been rendered permanently inoperable or a
12 firearm manufactured prior to 1968.

13 H. A person who violates any of Subsections A
14 through G of this section is guilty of a fourth degree felony
15 and shall be punished pursuant to the provisions of Section
16 31-18-15 NMSA 1978.

17 I. As used in this section:

18 (1) "covert firearm" means a firearm
19 constructed in a shape or configuration that does not resemble
20 a handgun, rifle, shotgun or machine gun, including a firearm
21 that resembles a key chain, pen, cigarette lighter, cigarette
22 package, cell phone, smart phone, wallet or cane;

23 (2) "distribute" means to sell, give or
24 otherwise provide or make available via the internet or by any
25 other means and includes an agreement or attempt to distribute;

1 (3) "firearm" means any weapon that will or is
2 designed to or may readily be converted to expel a projectile
3 by the action of an explosion or the frame or receiver of any
4 such weapon;

5 (4) "major component" means the slide,
6 cylinder, frame or receiver of a firearm and, in the case of a
7 rifle or shotgun, the barrel;

8 (5) "security exemplar" means a security
9 exemplar fabricated in accordance with subparagraph (C) of
10 paragraph (2) of subsection (p) of 18 U.S.C. 922;

11 (6) "three-dimensional printer" means a
12 computer or computer-driven machine or device capable of
13 producing a three-dimensional object from a digital model; and

14 (7) "undetectable firearm" means a firearm
15 that:

16 (a) after removal of all parts other
17 than major components, is not as detectable as the security
18 exemplar by walk-through metal detectors calibrated and
19 operated to detect a security exemplar; or

20 (b) includes a major component that, if
21 the firearm were subjected to inspection by the types of
22 detection devices commonly used at airports for security
23 screening, would not generate an image that accurately depicts
24 the shape of the component; but "undetectable firearm" does not
25 mean a firearm subject to the provisions of paragraphs (3)

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underscoring material = new
~~[bracketed material] = delete~~

1 through (6) of subsection (p) of 18 U.S.C. 922."

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