

1 HOUSE BILL 224

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Joy Garratt and Martin Hickey and Charlotte Little

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10 AN ACT

11 RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL CARRYING OF A
12 FIREARM WITHIN A HIGH POPULATION JURISDICTION AND WHILE UNDER
13 THE INFLUENCE OF AN INTOXICANT OR NARCOTIC; AMENDING AND
14 ENACTING SECTIONS OF THE NMSA 1978.

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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 CARRYING OF A FIREARM
20 WITHIN A HIGH POPULATION JURISDICTION AND WHILE UNDER THE
21 INFLUENCE OF AN INTOXICANT OR NARCOTIC.--

22 A. Unlawful carrying of a firearm within a high
23 population jurisdiction and while under the influence of an
24 intoxicant or narcotic consists of carrying a firearm within
25 the jurisdiction of a municipality having a population in

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1 excess of ninety thousand according to the most recent federal
2 decennial census and while under the influence of an intoxicant
3 or narcotic.

4 B. Whoever commits unlawful carrying of a firearm
5 within a high population jurisdiction and while under the
6 influence of an intoxicant or narcotic is guilty of a fourth
7 degree felony."

8 SECTION 2. Section 30-7-4 NMSA 1978 (being Laws 1963,
9 Chapter 303, Section 7-3, as amended) is amended to read:

10 "30-7-4. NEGLIGENT USE OF A DEADLY WEAPON.--

11 A. Negligent use of a deadly weapon consists of:

12 (1) discharging a firearm into any building or
13 vehicle or so as to knowingly endanger a person or ~~[his]~~ the
14 person's property;

15 (2) carrying a firearm while under the
16 influence of an intoxicant or narcotic, except as provided in
17 Section 30-7-2.5 NMSA 1978;

18 (3) endangering the safety of another by
19 handling or using a firearm or other deadly weapon in a
20 negligent manner; or

21 (4) discharging a firearm within one hundred
22 fifty yards of a dwelling or building, not including abandoned
23 or vacated buildings on public lands during hunting seasons,
24 without the permission of the owner or lessees thereof.

25 B. The provisions ~~[of Paragraphs (1), (3) and (4)]~~

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1 of Subsection A of this section shall not apply to a peace
2 officer or other public employee who is required or authorized
3 by law to carry or use a firearm in the course of ~~[his]~~ the
4 officer's or employee's employment and who carries, handles,
5 uses or discharges a firearm while lawfully engaged in carrying
6 out the duties of ~~[his]~~ that office or employment.

7 C. The exceptions from criminal liability provided
8 for in Subsection B of this section shall not preclude or
9 affect civil liability for the same conduct.

10 D. Whoever commits negligent use of a deadly weapon
11 is guilty of a petty misdemeanor."