

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 156

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

Patricia Roybal Caballero

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL POSSESSION OF  
A LARGE CAPACITY MAGAZINE; PROVIDING EXCEPTIONS; PROVIDING  
PENALTIES; MAKING AN APPROPRIATION.

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] PROHIBITION ON LARGE CAPACITY MAGAZINES--  
EXCEPTIONS--PENALTIES.--

A. As used in this section, "large capacity  
magazine" means a magazine, box, drum, tube, feed strip or  
other container that is capable of holding more than fifteen  
rounds of ammunition to be fed continuously and directly into a  
semi-automatic firearm. "Large capacity magazine" does not  
mean:

.221335.3

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

1 (1) a feeding device that has been permanently  
2 altered so that it cannot accommodate more than fifteen rounds;

3 (2) an attached tubular device that is  
4 designed to accept, and capable of operating only with, .22  
5 caliber rimfire ammunition;

6 (3) a tubular magazine that is contained in a  
7 lever-action firearm; or

8 (4) a feeding device that was manufactured or  
9 sold solely for use by a lever-action or bolt-action rifle or  
10 shotgun, by an antique firearm or by a firearm determined to be  
11 a curio or relic by the federal bureau of alcohol, tobacco,  
12 firearms and explosives.

13 B. Except as otherwise provided in this section, it  
14 is unlawful to possess, use, manufacture, import, purchase,  
15 sell, loan, borrow or transfer a large capacity magazine within  
16 the state.

17 C. A person who violates this section is guilty of  
18 a fourth degree felony.

19 D. The criminal offense described in Subsection B  
20 of this section shall not apply to:

21 (1) a government officer, agent or employee, a  
22 member of the armed forces of the United States or a law  
23 enforcement officer who is authorized to carry a firearm in the  
24 course and scope of the duties of the government officer, agent  
25 or employee, member of the armed forces of the United States or

.221335.3

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

1 law enforcement officer;

2 (2) the manufacture of a large capacity  
3 magazine by a federally licensed firearms manufacturer for the  
4 purpose of sale to any branch of the armed forces of the United  
5 States or to a law enforcement agency for use by that agency or  
6 its employees;

7 (3) a federal, state or local historical  
8 society, museum or institutional collection that is open to the  
9 public; provided that the large capacity magazine is properly  
10 housed and unloaded;

11 (4) a resident of another state who transports  
12 a large capacity magazine into this state for use exclusively  
13 in an established shooting competition;

14 (5) a forensic laboratory, or any authorized  
15 agent or employee of a forensic laboratory, for use exclusively  
16 in the course and scope of the agent's or employee's authorized  
17 activities; or

18 (6) an entity that operates an armored vehicle  
19 business and an authorized employee of that entity while in the  
20 course and scope of the employee's employment."

21 SECTION 2. APPROPRIATION.--One million five hundred  
22 thousand dollars (\$1,500,000) is appropriated from the general  
23 fund to the department of public safety for expenditure in  
24 fiscal year 2023 to carry out the provisions of this act. Any  
25 unexpended or unencumbered balance remaining at the end of

.221335.3

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

1 fiscal year 2023 shall revert to the general fund.

2 SECTION 3. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2022.

4 - 4 -

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

.221335.3