

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 279

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO FIREARMS; ENACTING THE GAS-OPERATED SEMIAUTOMATIC
FIREARMS EXCLUSION ACT; PROHIBITING THE IMPORTATION, SALE,
MANUFACTURE, TRANSFER, RECEIPT OR POSSESSION OF GAS-OPERATED
SEMIAUTOMATIC FIREARMS; PROHIBITING LARGE-CAPACITY AMMUNITION
FEEDING DEVICES; PROHIBITING DEVICES THAT MATERIALLY INCREASE
THE RATE OF FIRE OF A FIREARM OR APPROXIMATE THE ACTION OR RATE
OF FIRE OF A MACHINE GUN; PROHIBITING MACHINE GUNS AND RAPID
FIRE DEVICES; REQUIRING THE ATTORNEY GENERAL TO LIST GAS-
OPERATED SEMIAUTOMATIC FIREARMS SUBJECT TO THE PROVISIONS OF
THE GAS-OPERATED SEMIAUTOMATIC FIREARMS EXCLUSION ACT;
REQUIRING THE CERTIFICATION OF SEMIAUTOMATIC FIREARMS;
PROVIDING EXCEPTIONS; 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

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1 1978 is enacted to read:

2 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
3 "Gas-Operated Semiautomatic Firearms Exclusion Act"."

4 SECTION 2. A new section of Chapter 30, Article 7 NMSA
5 1978 is enacted to read:

6 "[NEW MATERIAL] DEFINITIONS.--As used in the Gas-Operated
7 Semiautomatic Firearms Exclusion Act:

8 A. "ammunition" means ammunition or cartridge
9 cases, primers, bullets or propellant powder designed for use
10 in a firearm;

11 B. "cycle the action" means to extract the fired
12 cartridge case, chamber the next cartridge and prepare the
13 firing mechanism to fire again;

14 C. "fixed magazine" means an ammunition feeding
15 device contained in, or permanently attached to, a firearm in
16 such a manner that the device cannot be removed without
17 disassembly of the firearm action;

18 D. "gas-operated" means a firearm that harnesses or
19 traps a portion of the high-pressure gas from a fired cartridge
20 to cycle the action using:

21 (1) a long stroke piston, in which gas is
22 vented from the barrel to a piston that is mechanically fixed
23 to the bolt group and moves to cycle the action;

24 (2) a short stroke piston, in which gas is
25 vented from the barrel to a piston that moves separately from

1 the bolt group so that the energy is imparted through a gas
2 piston to cycle the action;

3 (3) a system that traps and vents gas from
4 either the barrel or the chamber to directly strike or impinge
5 the bolt, bolt carrier or slide assembly to unlock and cycle
6 the action;

7 (4) a hybrid system that combines elements of
8 a system described in Paragraph (3) of this subsection with a
9 system described in Paragraph (1) or (2) of this subsection to
10 capture gas vented from the barrel to cycle the action; or

11 (5) a blowback-operated system that directly
12 uses the expanding gases of the ignited propellant powder
13 acting on the cartridge case to drive the breechblock or breech
14 bolt rearward;

15 E. "immediate family member" means a spouse, a
16 parent, a child, a sibling, a grandparent, a grandchild, a
17 great-grandchild, a niece, a nephew, a first cousin, an aunt or
18 an uncle;

19 F. "large-capacity ammunition feeding device":

20 (1) means a magazine, belt, drum, feed strip,
21 helical feeding device or similar device, including a device
22 joined or coupled with another in any manner, that has an
23 overall capacity of, or that can be readily restored, altered
24 or converted to accept, more than ten rounds of ammunition; and

25 (2) does not include a device designed to

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1 accept, and capable of operating only with, .22 or less caliber
2 rimfire ammunition;

3 G. "machine gun" has the same meaning as set forth
4 in Section 5845(b) of the National Firearms Act and includes a
5 semiautomatic firearm that has been modified in a way that
6 approximates the action or rate of fire of a machine gun;

7 H. "rapid fire device":

8 (1) means a manual, power-driven or electronic
9 device primarily designed or redesigned so that if the device
10 is attached to a semiautomatic firearm, the device:

11 (a) materially increases the rate of
12 fire of the firearm; or

13 (b) enables the semiautomatic firearm to
14 approximate the action or rate of fire of a machine gun;

15 (2) means a device, part or combination of
16 parts that is designed and functions to materially increase the
17 rate of fire of a semiautomatic firearm by eliminating the need
18 for the operator of the firearm to make a separate movement for
19 each individual function of the trigger; and

20 (3) does not include a part or combination of
21 parts designed and intended to convert a semiautomatic firearm
22 into a fully automatic firearm; and

23 I. "semiautomatic firearm" means a firearm that:

24 (1) upon initiating the firing sequence, fires
25 the first chambered cartridge and uses a portion of the energy

1 of the firing cartridge to:

2 (a) extract the expended cartridge case;
3 (b) chamber the next round; and
4 (c) prepare the firing mechanism to fire
5 again;

6 (2) requires a separate pull, release, push or
7 initiation of the trigger to fire each cartridge; and

8 (3) is not a machine gun."

9 SECTION 3. A new section of Chapter 30, Article 7 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] PROHIBITING THE IMPORTATION, SALE,
12 MANUFACTURE, TRANSFER, RECEIPT OR POSSESSION OF GAS-OPERATED
13 SEMIAUTOMATIC FIREARMS--PROVIDING EXCEPTIONS.--

14 A. Beginning July 1, 2025, and except as provided
15 in Subsection C or D of this section or Section 8 of the Gas-
16 Operated Semiautomatic Firearms Exclusion Act, it is unlawful
17 for a person to import, sell, manufacture, transfer or receive
18 any of the following firearms, devices or combinations of
19 parts:

20 (1) a firearm that is included on the list of
21 prohibited gas-operated semiautomatic firearms identified by
22 the attorney general;

23 (2) a modified non-prohibited firearm that, as
24 modified, operates as a firearm included on the list of
25 prohibited gas-operated semiautomatic firearms identified by

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1 the attorney general;

2 (3) a combination of parts that is designed
3 and functions to modify an otherwise non-prohibited firearm so
4 that the firearm, as modified, operates as a gas-operated
5 semiautomatic firearm included on the list of prohibited gas-
6 operated semiautomatic firearms identified by the attorney
7 general;

8 (4) a combination of parts that is designed to
9 be assembled into a firearm that operates as a firearm included
10 on the list of prohibited gas-operated semiautomatic firearms
11 identified by the attorney general; or

12 (5) a combination of parts that functions to
13 produce a gas-operated semiautomatic cycling action.

14 B. Beginning January 1, 2026, and except as
15 provided in Subsection C or D of this section or Section 8 of
16 the Gas-Operated Semiautomatic Firearms Exclusion Act, it is
17 unlawful for a person to possess a firearm, device or
18 combination of parts described in Paragraphs (1) through (5) of
19 Subsection A of this section.

20 C. Subsections A and B of this section do not
21 apply:

22 (1) to the importation or manufacture by or
23 for, sale or transfer to or possession by or under the
24 authority of the United States or any department or agency
25 thereof or a state or an Indian nation, tribe or pueblo or a

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1 department, an agency or a political subdivision thereof;

2 (2) to the importation or manufacture for,
3 sale or transfer to or possession by, a licensee under Title 1
4 of the federal Atomic Energy Act of 1954 for purposes of
5 establishing and maintaining an on-site physical security
6 protection system and security organization required by federal
7 law, or the transfer to, or possession by, a contractor of such
8 a licensee on-site for such purposes or off-site for purposes
9 of licensee-authorized training or transportation of nuclear
10 materials;

11 (3) to the possession of a gas-operated
12 semiautomatic firearm that was lawfully:

13 (a) manufactured prior to July 1, 2025;

14 (b) transferred by the manufacturer to
15 another party; and

16 (c) certified by the owner, in
17 accordance with Section 7 of the Gas-Operated Semiautomatic
18 Firearms Exclusion Act, that the owner owned the firearm and
19 certified it prior to January 1, 2026 or received the gas-
20 operated semiautomatic firearm from an immediate family member
21 who owned and certified the gas-operated semiautomatic firearm
22 prior to January 1, 2026;

23 (4) to the transfer and possession of a gas-
24 operated semiautomatic firearm that is lawfully possessed
25 before January 1, 2026 in accordance with Paragraph (3) of this

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1 subsection, in which:

2 (a) the transferee is an immediate
3 family member of the transferor; and

4 (b) upon taking possession of the
5 firearm, the person to whom the firearm was transferred
6 certifies the firearm in accordance with Section 7 of the Gas-
7 Operated Semiautomatic Firearms Exclusion Act; or

8 (5) to the transfer of a gas-operated
9 semiautomatic firearm certified in accordance with Section 7 of
10 the Gas-Operated Semiautomatic Firearms Exclusion Act to a
11 person residing in another state or maintaining it in another
12 state or to a licensed firearms dealer.

13 D. A gas-operated semiautomatic firearm that is
14 lawfully certified in accordance with the process established
15 by the attorney general pursuant to Section 7 of the Gas-
16 Operated Semiautomatic Firearms Exclusion Act may only be
17 possessed:

18 (1) on private property owned or immediately
19 controlled by the firearm owner;

20 (2) on private property that is not open to
21 the public with the express permission of the person who owns
22 or immediately controls the property;

23 (3) while on the premises of a licensed
24 firearms dealer or gunsmith for the purpose of lawful transfer
25 or repair of the gas-operated semiautomatic firearm;

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1 (4) while engaged in the legal use of the
2 firearm at a properly licensed firing range or sport shooting
3 competition venue; or

4 (5) while traveling to or from the locations
5 described in Paragraphs (1) through (4) of this subsection;
6 provided that the gas-operated semiautomatic firearm is
7 unloaded and the gas-operated semiautomatic firearm is enclosed
8 in a case, firearm carrying box, shipping box or other
9 container.

10 E. Licensed firearms dealers shall mark all gas-
11 operated semiautomatic firearms imported or manufactured under
12 Paragraphs (1) and (2) of Subsection C of this section after
13 January 1, 2026 in the manner prescribed by the attorney
14 general before a transfer under Paragraphs (1) and (2) of
15 Subsection C of this section.

16 F. For purposes of this section, "gas-operated
17 semiautomatic firearm" does not include:

18 (1) a firearm designed to accept, and capable
19 of operating only with, .22 or less caliber rimfire ammunition;

20 (2) a rifle that:

21 (a) is a single-shot rifle;

22 (b) is a breech loading rifle with a
23 capacity not to exceed two rounds of ammunition;

24 (c) is a muzzleloading rifle or
25 smoothbore shoulder-fired firearm;

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1 (d) uses a bolt action, lever action or
2 pump action to cycle the action of the rifle; or

3 (e) has a fixed magazine with a capacity
4 not to exceed ten rounds of ammunition;

5 (3) a shotgun that:

6 (a) is a single-shot shotgun;

7 (b) is a breech loading shotgun with a
8 capacity not to exceed two rounds of ammunition;

9 (c) is a muzzleloading shotgun;

10 (d) uses a bolt action, lever action or
11 pump action to cycle the action of the shotgun;

12 (e) is a semiautomatic or autoloading
13 shotgun that does not use detachable magazines; or

14 (f) has a fixed magazine with a capacity
15 not to exceed ten rounds of ammunition;

16 (4) a breech loading firearm capable of
17 holding a single cartridge and a single shotgun shell
18 simultaneously that must be reloaded after firing those rounds
19 of ammunition; or

20 (5) a handgun that:

21 (a) is a single-shot handgun;

22 (b) is a breech loading handgun with a
23 capacity not to exceed two rounds of ammunition;

24 (c) is a muzzleloading or smoothbore
25 handgun;

1 (d) uses a bolt action to cycle the
2 action of the handgun;

3 (e) is a single- or double-action
4 revolver;

5 (f) is a single- or double-action
6 semiautomatic handgun that uses recoil to cycle the action of
7 the handgun;

8 (g) is a single- or double-action
9 semiautomatic handgun under eight inches in overall length that
10 uses blowback to cycle the action of the handgun; or

11 (h) has a fixed magazine with a capacity
12 not to exceed ten rounds of ammunition."

13 SECTION 4. A new section of Chapter 30, Article 7 NMSA
14 1978 is enacted to read:

15 "[NEW MATERIAL] PROHIBITING LARGE-CAPACITY AMMUNITION
16 FEEDING DEVICES.--

17 A. Except as provided in Subsections B and C of
18 this section and Section 8 of the Gas-Operated Semiautomatic
19 Firearms Exclusion Act, on or after July 1, 2025, it is
20 unlawful for a person to:

21 (1) import, sell, manufacture, transfer or
22 receive a large-capacity ammunition feeding device; or

23 (2) possess a large-capacity ammunition
24 feeding device manufactured after July 1, 2025.

25 B. Subsection A of this section does not apply to

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1 the transfer of a large capacity ammunition feeding device to a
2 person residing in another state or maintaining it in another
3 state or to a licensed firearms dealer.

4 C. Subsection A of this section does not apply to:

5 (1) the importation or manufacture by or for,
6 sale or transfer to or possession by or under the authority of
7 the United States or any department or agency thereof or a
8 state or an Indian nation, tribe or pueblo or a department, an
9 agency or a political subdivision thereof; or

10 (2) the importation or manufacture for, sale
11 or transfer to or possession by a licensee under Title 1 of the
12 federal Atomic Energy Act of 1954 for purposes of establishing
13 and maintaining an on-site physical security protection system
14 and security organization required by federal law or the
15 transfer to or possession by a contractor of such a licensee
16 on-site for such purposes or off-site for purposes of licensee-
17 authorized training or transportation of nuclear materials.

18 D. A person in possession of a large-capacity
19 ammunition feeding device:

20 (1) shall mark the large-capacity ammunition
21 feeding device imported or manufactured under Subsection C of
22 this section after January 1, 2026 in the manner prescribed by
23 the attorney general before a transfer; and

24 (2) shall not obliterate or otherwise alter
25 the serial number on the large-capacity ammunition feeding

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1 device."

2 SECTION 5. A new section of Chapter 30, Article 7 NMSA
3 1978 is enacted to read:

4 "[NEW MATERIAL] PROHIBITING MACHINE GUNS AND RAPID FIRE
5 DEVICES.--

6 A. Beginning July 1, 2025, and except as provided
7 in Subsection B of this section, it is unlawful for a person to
8 import, sell, manufacture, transfer, receive or possess a
9 machine gun or rapid fire device.

10 B. Subsection A of this section does not apply to:

11 (1) the importation or manufacture by or for,
12 sale or transfer to or possession by or under the authority of
13 the United States or any department or agency thereof or a
14 state or an Indian nation, tribe or pueblo or a department, an
15 agency or a political subdivision thereof;

16 (2) the importation or manufacture for, sale
17 or transfer to or possession by a licensee under Title 1 of the
18 federal Atomic Energy Act of 1954 for purposes of establishing
19 and maintaining an on-site physical security protection system
20 and security organization required by federal law, or the
21 transfer to or possession by a contractor of such a licensee
22 on-site for such purposes or off-site for purposes of licensee-
23 authorized training or transportation of nuclear materials; and

24 (3) machine guns and rapid fire devices
25 lawfully registered with the United States bureau of alcohol,

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1 tobacco, firearms and explosives pursuant to the National
2 Firearms Act.

3 C. Whoever violates this section is guilty of a
4 fourth degree felony."

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

7 "[NEW MATERIAL] LIST OF REGULATED WEAPONS.--

8 A. No later than July 1, 2025, the attorney
9 general, in consultation with the department of public safety,
10 shall identify the list of gas-operated semiautomatic firearms
11 subject to the Gas-Operated Semiautomatic Firearms Exclusion
12 Act that shall be published and made available on the attorney
13 general's website. The attorney general shall update the list
14 as necessary.

15 B. The department of public safety shall:

16 (1) require that each licensed firearms dealer
17 record purchaser acknowledgment of the list published under
18 Subsection A of this section before any sale of a firearm that
19 is not prohibited under that list;

20 (2) before removing a gas-operated
21 semiautomatic firearm from the list required under Subsection A
22 of this section, submit to the attorney general clear and
23 convincing evidence that the firearm should be removed from the
24 list; and

25 (3) advise the attorney general on carrying

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1 out the authority described in Subsection A of this section.

2 C. The attorney general may request any additional
3 information from the manufacturer necessary to make the
4 determination under Subsection A of this section.

5 D. No later than December 1, 2025, the attorney
6 general, in consultation with the department of public safety,
7 shall publish on the attorney general's website the manner in
8 which a large-capacity ammunition feeding device shall be
9 marked pursuant to Subsection D of Section 4 of the Gas-
10 Operated Semiautomatic Firearms Exclusion Act and the manner in
11 which gas-operated semiautomatic firearms shall be marked
12 pursuant to Subsection E of Section 3 of that act."

13 SECTION 7. A new section of Chapter 30, Article 7 NMSA
14 1978 is enacted to read:

15 "[NEW MATERIAL] CERTIFICATION OF SEMIAUTOMATIC FIREARMS.--

16 A. No later than October 1, 2025, the attorney
17 general, in consultation with the department of public safety,
18 shall develop and make available a system for certifying gas-
19 operated semiautomatic firearms. The system shall require
20 owners of gas-operated semiautomatic firearms to:

- 21 (1) complete a certification form; and
22 (2) if prior to January 1, 2026, submit that
23 form to a licensed firearm dealer located in the state of New
24 Mexico or to the attorney general; or
25 (3) if after January 1, 2026, submit that form

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1 to the attorney general.

2 B. The attorney general, in consultation with the
3 department of public safety, shall promulgate rules that govern
4 the certification form and the submission process to both
5 licensed firearm dealers and to the attorney general. The
6 rules for submission of the certification form to a licensed
7 firearm dealer shall include that:

8 (1) there are two copies of the certification
9 form: one to be maintained in the normal course of business by
10 the licensed firearm dealer in the same manner as acquisition
11 and disposition records under 27 CFR Section 478.125; the other
12 to be maintained by the owner of the gas-operated semiautomatic
13 firearm;

14 (2) the copies of the certification form shall
15 be completed in part by a licensed firearm dealer who has
16 personally observed the serial number on the gas-operated
17 semiautomatic firearm and photo identification of the owner of
18 the gas-operated semiautomatic firearm;

19 (3) the owner of the gas-operated
20 semiautomatic firearm shall have the owner's copy of the form
21 notarized within two business days of the licensed firearm
22 dealer completing its portion of the form and before January 1,
23 2026;

24 (4) the owner of the gas-operated
25 semiautomatic firearm shall carry the owner's copy of the

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1 certification form on the owner's person at all times while
2 possessing a gas-operated semiautomatic firearm outside private
3 property owned or immediately controlled by the person. The
4 owner of the gas-operated firearm shall show the form to any
5 law enforcement officer upon an officer's request; and

6 (5) licensed firearm dealers shall make
7 certification forms available to law enforcement for inspection
8 upon request. Any licensed firearm dealer in the state that
9 ceases to operate shall send all certification forms in the
10 licensed firearm dealer's possession to the attorney general.

11 C. The certification shall include:

12 (1) an affirmation that the person possessed
13 the semiautomatic firearm pursuant to Sections 3 and 8 of the
14 Gas-Operated Semiautomatic Firearms Exclusion Act prior to
15 January 1, 2026, received a timely certified firearm from an
16 immediate family member or moved into the state in possession
17 of the firearm within sixty days prior;

18 (2) as applicable, the make, model, caliber
19 and serial number of the firearm;

20 (3) the person's name, address, telephone
21 number and date of birth; and

22 (4) as applicable, the name, address, phone
23 number and unique identifying number of the licensed firearm
24 dealer that prepared and is maintaining a copy of the
25 certification form.

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1 D. Information contained in the certification shall
2 be confidential, is exempt from disclosure pursuant to the
3 Inspection of Public Records Act and shall not be disclosed,
4 except to law enforcement agencies acting in the performance of
5 the law enforcement agencies' duties.

6 E. The certification form shall include the
7 following statement printed in bold type: "Warning: Entering
8 false information on this form is punishable as perjury
9 pursuant to Section 30-25-1 NMSA 1978.". In any
10 administrative, civil or criminal proceeding in the state, a
11 completed certification submitted to the attorney general or a
12 licensed firearm dealer by a person pursuant to this section
13 creates a rebuttable presumption that the person is entitled to
14 possess and transport the gas-operated semiautomatic firearm."

15 **SECTION 8.** A new section of Chapter 30, Article 7 NMSA
16 1978 is enacted to read:

17 "[NEW MATERIAL] NONRESIDENTS.--

18 A. A nonresident may transport, within twenty-four
19 hours, a firearm, device or combination of parts described in
20 Paragraphs (1) through (5) of Subsection A of Section 3 of the
21 Gas-Operated Semiautomatic Firearms Exclusion Act or a large-
22 capacity ammunition feeding device manufactured after July 1,
23 2025 for a lawful purpose from a place where the nonresident
24 may lawfully possess the gas-operated semiautomatic firearm,
25 device or combination of parts to another place where the

1 nonresident may lawfully possess the gas-operated semiautomatic
 2 firearm, device or combination of parts if, during the
 3 transportation, the gas-operated semiautomatic firearm, device
 4 or combination of parts is unloaded and is not readily
 5 accessible or directly accessible from the passenger
 6 compartment of the transporting vehicle. In the case of a
 7 vehicle without a compartment separate from the driver's
 8 compartment, the gas-operated semiautomatic firearm, device or
 9 combination of parts shall be contained in a locked container
 10 other than the glove compartment or console.

11 B. A nonresident who moves into the state in
 12 possession of a firearm, device or combination of parts
 13 described in Paragraphs (1) through (5) of Subsection A of
 14 Section 3 of the Gas-Operated Semiautomatic Firearms Exclusion
 15 Act shall, within sixty days, complete and submit a
 16 certification in accordance with the process established by the
 17 attorney general pursuant to Section 7 of that act. Once a
 18 gas-operated semiautomatic firearm is certified under this
 19 section, the lawful owner may use and transfer such firearms as
 20 allowed under Subsections C and D of Section 3 of that act."

21 SECTION 9. A new section of Chapter 30, Article 7 NMSA
 22 1978 is enacted to read:

23 "[NEW MATERIAL] PENALTIES.--

24 A. Unless specified otherwise in the Gas-Operated
 25 Semiautomatic Firearms Exclusion Act, whoever violates a

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1 provision of that act is guilty of a misdemeanor.

2 B. Whoever commits or attempts to commit a felony
3 offense while in possession of a gas-operated semiautomatic
4 firearm or large-capacity ammunition feeding device in
5 violation of the Gas-Operated Semiautomatic Firearms Exclusion
6 Act is guilty of a fourth degree felony."

7 SECTION 10. A new section of Chapter 30, Article 7 NMSA
8 1978 is enacted to read:

9 "[NEW MATERIAL] SEVERABILITY.--If any part or application
10 of the Gas-Operated Semiautomatic Firearms Exclusion Act is
11 held invalid, the remainder or its application to other
12 situations or persons shall not be affected."