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HOUSE BILL 52

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Nate Gentry

AN ACT

RELATING TO POSSESSION OF FIREARMS; INCREASING THE PENALTY FOR
A FELON IN POSSESSION OF A FIREARM OR DESTRUCTIVE DEVICE TO A
THIRD DEGREE FELONY.

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

SECTION 1. Section 30-7-16 NMSA 1978 (being Laws 1981,
Chapter 225, Section 1, as amended) is amended to read:

"30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,
TRANSPORTATION OR POSSESSION BY A FELON--PENALTY.--

A. It is unlawful for a felon to receive, transport
or possess any firearm or destructive device in this state.

B. Any person violating the provisions of this
section shall be guilty of a [~~fourth~~] third degree felony and
shall be sentenced in accordance with the provisions of the
Criminal Sentencing Act.

.205360.1

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C. As used in this section:

(1) except as provided in Paragraph (2) of this subsection, "destructive device" means:

(a) any explosive, incendiary or poison gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge of more than four ounces; 4) missile having an explosive or incendiary charge of more than one-fourth ounce; 5) mine; or 6) similar device;

(b) any type of weapon by whatever name known that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell that is generally recognized as particularly suitable for sporting purposes; [~~and~~] or

(c) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in this paragraph and from which a destructive device may be readily assembled;

(2) the term "destructive device" does not include any device that is neither designed nor redesigned for use as a weapon or any device, although originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device;

[~~(2)~~] (3) "felon" means a person convicted of

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1 a felony offense by a court of the United States or of any
2 state or political subdivision thereof and:

3 (a) less than ten years have passed
4 since the person completed serving ~~his~~ a sentence or period
5 of probation for the felony conviction, whichever is later;

6 (b) the person has not been pardoned for
7 the felony conviction by the proper authority; and

8 (c) the person has not received a
9 deferred sentence; and

10 [~~(3)~~] (4) "firearm" means any weapon that will
11 or is designed to or may readily be converted to expel a
12 projectile by the action of an explosion; the frame or receiver
13 of any such weapon; or any firearm muffler or firearm silencer.
14 "Firearm" includes any handgun, rifle or shotgun."