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SENATE BILL 224

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

INTRODUCED BY

Antoinette Sedillo Lopez

AN ACT

RELATING TO GUN SAFETY; CREATING THE CRIME OF FAILURE TO SECURE  
A FIREARM; 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] FAILURE TO SECURE A FIREARM--PENALTY.--

A. It is an offense for a firearm owner or  
authorized user to store or keep a firearm in any premises  
unless the firearm is secured in a locked container or secured  
by a gun lock or other means so as to render the firearm  
inaccessible or unusable to any person other than the owner or  
other authorized user.

B. If a firearm owner or authorized user knows or  
reasonably should have known that a minor, an at-risk person or

1 a prohibited person could gain access to a firearm belonging to  
2 or under the control of that owner or authorized person, and if  
3 a minor, an at-risk person or a prohibited person obtained  
4 access to that firearm, it is an offense if the firearm owner  
5 or authorized user failed to secure the firearm in a locked  
6 container or by a lock or other means so as to render such  
7 firearm inaccessible or unusable to any person other than the  
8 firearm owner or other authorized user.

9 C. For the purposes of Subsections A and B of this  
10 section, a firearm shall be deemed lawfully stored or lawfully  
11 kept if carried by or under the direct control of the owner or  
12 other authorized user.

13 D. A person who violates Subsection A of this  
14 section is guilty of a petty misdemeanor punishable by a fine  
15 not to exceed five hundred dollars (\$500).

16 E. A person who violates Subsection B of this  
17 section is guilty of a misdemeanor punishable by a fine not to  
18 exceed one thousand dollars (\$1,000) unless the violation  
19 results in a minor, an at-risk person or a prohibited person  
20 obtaining the firearm and using the firearm to commit a crime  
21 or to injure that person or others, in which case the person is  
22 guilty of a misdemeanor punishable pursuant to Subsection A of  
23 Section 31-19-1 NMSA 1978.

24 F. A minor may be an authorized user only if the  
25 minor is at least twelve years of age and has successfully

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1 completed a firearm safety training course.

2 G. As used in this section:

3 (1) "at-risk person" means a person who has  
4 made statements or exhibited behavior that indicates to a  
5 reasonable person there is a likelihood that the person is at  
6 risk of attempting suicide or causing physical harm to that  
7 person or others;

8 (2) "authorized user" means an individual who  
9 has been specifically granted permission to have access to the  
10 firearm;

11 (3) "direct control" means a firearm within an  
12 arm's length of the firearm's owner or other authorized person;

13 (4) "firearm" means any weapon that will or is  
14 designed to or may readily be converted to expel a projectile  
15 by the action of an explosion, or the frame or receiver of any  
16 such weapon;

17 (5) "locked container" means any storage  
18 device approved or meeting specifications established by the  
19 department of public safety;

20 (6) "minor" means a person under the age of  
21 eighteen who is not authorized to possess a firearm; and

22 (7) "prohibited person" means a person who  
23 comes within the prohibitions set forth in Subsection g of 18  
24 U.S.C. Section 922 or who is prohibited by state law from  
25 possessing a firearm."

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