

1 SENATE BILL 244

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Michael Padilla

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10 AN ACT

11 RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL TRANSFER OF A
12 FIREARM TO A MINOR; PROVIDING EXCEPTIONS; PROVIDING A PENALTY;
13 ADDING THE CRIME OF UNLAWFUL TRANSFER OF A FIREARM TO A MINOR
14 TO THE DEFINITION OF "RACKETEERING".

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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 TRANSFER OF A FIREARM
20 TO A MINOR.--

21 A. Unlawful transfer of a firearm to a minor
22 consists of a person who knowingly transfers a firearm to a
23 minor, except when:

24 (1) the minor is in attendance at a hunter's
25 safety course or handgun safety course or participating in a

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1 legal shooting activity;

2 (2) the minor is engaging in the use of a
3 firearm for target shooting at an established range authorized
4 by the governing body of the jurisdiction in which the range is
5 located or in an area where the discharge of a firearm without
6 legal justification is not prohibited by law;

7 (3) the minor is engaging in an organized
8 competition involving the use of firearms;

9 (4) the minor is participating in or
10 practicing for a performance by an organization that has been
11 granted exemption from federal income tax by the United States
12 commissioner of internal revenue as an organization described
13 in Section 501(c)(3) of the Internal Revenue Code of 1986, as
14 amended or renumbered;

15 (5) the minor is engaging in legal hunting or
16 trapping activities;

17 (6) the minor is on real property under
18 control of the minor's parents, grandparent or legal guardian
19 and the minor is being supervised by a parent, grandparent or
20 legal guardian; or

21 (7) the transfer occurs from the minor's
22 parent, grandparent or legal guardian to the minor.

23 B. Each firearm transferred in violation of this
24 section shall constitute a separate offense under Subsection A
25 of this section.

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1 C. Two or more offenses may be charged in the same
2 complaint, information or indictment and shall be punished as
3 separate offenses.

4 D. Mistake of fact as to the minor's age shall not
5 be a defense under this section.

6 E. Whoever violates the provisions of this section
7 is guilty of a second degree felony.

8 F. As used in this section:

9 (1) "firearm" means any weapon that will or is
10 designed to or may readily be converted to expel a projectile
11 by the action of an explosion, the frame or receiver of any
12 such weapon or any firearm muffler or firearm silencer and
13 includes any handgun, rifle or shotgun;

14 (2) "knowingly" means a person who knew or
15 should have known;

16 (3) "minor" means a person under the age of
17 nineteen; and

18 (4) "transfer" means to voluntarily give
19 possession of a firearm to a minor, with or without
20 consideration."

21 SECTION 2. Section 30-42-3 NMSA 1978 (being Laws 1980,
22 Chapter 40, Section 3, as amended) is amended to read:

23 "30-42-3. DEFINITIONS.--As used in the Racketeering Act:

24 A. "racketeering" means any act that is chargeable
25 or indictable under the laws of New Mexico and punishable by

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1 imprisonment for more than one year, involving any of the
2 following cited offenses:

3 (1) murder, as provided in Section 30-2-1 NMSA
4 1978;

5 (2) robbery, as provided in Section 30-16-2
6 NMSA 1978;

7 (3) kidnapping, as provided in Section 30-4-1
8 NMSA 1978;

9 (4) forgery, as provided in Section 30-16-10
10 NMSA 1978;

11 (5) larceny, as provided in Section 30-16-1
12 NMSA 1978;

13 (6) fraud, as provided in Section 30-16-6 NMSA
14 1978;

15 (7) embezzlement, as provided in Section
16 30-16-8 NMSA 1978;

17 (8) receiving stolen property, as provided in
18 Section 30-16-11 NMSA 1978;

19 (9) bribery, as provided in Sections 30-24-1
20 through 30-24-3.1 NMSA 1978;

21 (10) gambling, as provided in Sections
22 30-19-3, 30-19-13 and 30-19-15 NMSA 1978;

23 (11) illegal kickbacks, as provided in
24 Sections 30-41-1 and 30-41-2 NMSA 1978;

25 (12) extortion, as provided in Section 30-16-9

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1 NMSA 1978;

2 (13) trafficking in controlled substances, as
3 provided in Section 30-31-20 NMSA 1978;

4 (14) arson and aggravated arson, as provided
5 in Subsection A of Section 30-17-5 and Section 30-17-6 NMSA
6 1978;

7 (15) promoting prostitution, as provided in
8 Section 30-9-4 NMSA 1978;

9 (16) criminal solicitation, as provided in
10 Section 30-28-3 NMSA 1978;

11 (17) fraudulent securities practices, as
12 provided in the New Mexico Uniform Securities Act;

13 (18) loan sharking, as provided in Sections
14 30-43-1 through 30-43-5 NMSA 1978;

15 (19) distribution of controlled substances or
16 controlled substance analogues, as provided in Sections
17 30-31-21 and 30-31-22 NMSA 1978;

18 (20) a violation of the provisions of Section
19 30-51-4 NMSA 1978;

20 (21) unlawful taking of a vehicle or motor
21 vehicle, as provided in Section 30-16D-1 NMSA 1978;

22 (22) embezzlement of a vehicle or motor
23 vehicle, as provided in Section 30-16D-2 NMSA 1978;

24 (23) fraudulently obtaining a vehicle or motor
25 vehicle, as provided in Section 30-16D-3 NMSA 1978;

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1 (24) receiving or transferring stolen vehicles
2 or motor vehicles, as provided in Section 30-16D-4 NMSA 1978;

3 (25) altering or changing the serial number,
4 engine number, decal or other numbers or marks of a vehicle or
5 motor vehicle, as provided in Section 30-16D-6 NMSA 1978; [~~and~~]

6 (26) trafficking cannabis products, as
7 provided in Section 26-2C-28 NMSA 1978; and

8 (27) unlawful transfer of a firearm to a
9 minor, as provided in Section 30-7-2.5 NMSA 1978;

10 B. "person" means an individual or entity capable
11 of holding a legal or beneficial interest in property;

12 C. "enterprise" means a sole proprietorship,
13 partnership, corporation, business, labor union, association or
14 other legal entity or a group of individuals associated in fact
15 although not a legal entity and includes illicit as well as
16 licit entities; and

17 D. "pattern of racketeering activity" means
18 engaging in at least two incidents of racketeering with the
19 intent of accomplishing any of the prohibited activities set
20 forth in Subsections A through D of Section 30-42-4 NMSA 1978;
21 provided at least one of the incidents occurred after February
22 28, 1980 and the last incident occurred within five years after
23 the commission of a prior incident of racketeering."