

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 5

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO ELECTIONS; PROHIBITING THE POSSESSION OF A FIREARM
WITHIN CERTAIN DISTANCES OF A POLLING PLACE DURING AN ELECTION;
PROVIDING EXCEPTIONS; PROVIDING A PENALTY.

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

SECTION 1. A new section of Chapter 1, Article 20 NMSA
1978 is enacted to read:

"[NEW MATERIAL] UNLAWFUL POSSESSION OF A FIREARM AT A

.227741.1AIC February 14, 2024 (11:08am)

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POLLING PLACE.--

A. Unlawful possession of a firearm at a polling place consists of possession of a loaded or unloaded firearm by any person within:

(1) one hundred feet of the door through which voters may enter to vote at a school building in which a polling place is located while early voting is in progress
Sfll→~~and~~←Sfll Sfll→~~or~~←Sfll on election day;

(2) one hundred feet of the door through which voters may enter to vote at the office of the county clerk, an alternate voting location, a mobile voting site or any location used as a polling place while early voting is in progress
Sfll→~~and~~←Sfll Sfll→~~or~~←Sfll on election day that is not a school; or

(3) fifty feet of a monitored secured container as used in Subsection E of Section 1-6-9 NMSA 1978, beginning twenty-eight days before an election through election day.

B. The provisions of Subsection A of this section do not apply to:

(1) a certified law enforcement officer in performance of the officer's official duties;

(2) a law enforcement officer who is certified pursuant to the Law Enforcement Training Act acting in accordance with the policies of the officer's law enforcement

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agency; Hf12→~~or~~←Hf12

(3) a person in a private automobile or other private means of conveyance Hf12→.←Hf12 Hf12→; ~~or~~←Hf12

Hf12→(4) a person carrying a concealed firearm who is in possession of a valid concealed handgun license for that firearm pursuant to the Concealed Handgun Carry Act.←Hf12

C. A person conducting lawful, non-election-related business nearer than one hundred feet from the door through which voters may enter to vote or nearer than fifty feet from a monitored secured container is not guilty of unlawful possession of a firearm at a polling place.

D. A person who commits unlawful possession of a firearm at a polling place is guilty of a petty misdemeanor and shall be sentenced pursuant to Section 31-19-1 NMSA 1978.

E. For the purposes of this section, "firearm" means a weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion, or the frame or receiver of any such weapon."

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