

1 SENATE BILL 17

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO FIREARMS; ENACTING THE STOP ILLEGAL GUN TRADE AND
12 EXTREMELY DANGEROUS WEAPONS ACT; REQUIRING DEALER SECURITY
13 MEASURES TO PREVENT THEFT AND LOSS OF FIREARMS; PROVIDING A
14 MINIMUM AGE FOR EMPLOYMENT AT A FIREARMS DEALER; REQUIRING
15 DEALER MAINTENANCE OF RECORDS; REQUIRING DEALER REPORTING OF
16 CRIME GUN TRACES, MULTIPLE FIREARM SALES, THEFTS AND LOSSES;
17 PROHIBITING THE SALE OF EXTREMELY DANGEROUS WEAPONS; PROVIDING
18 FOR INSPECTIONS; REQUIRING DEALERS TO POST LEGAL AND SAFETY
19 NOTICES TO FIREARM PURCHASERS; PROVIDING PENALTIES.

20

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

22 SECTION 1. A new section of Chapter 30, Article 7 NMSA
23 1978 is enacted to read:

24 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
25 "Stop Illegal Gun Trade and Extremely Dangerous Weapons Act"."

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

3 "[NEW MATERIAL] DEFINITIONS.--As used in the Stop Illegal
4 Gun Trade and Extremely Dangerous Weapons Act:

5 A. ".50 caliber cartridge" means a cartridge in .50
6 browning machine gun caliber, either by designation or actual
7 measurement, that is capable of being fired from a centerfire
8 rifle. ".50 caliber cartridge" does not include a memorabilia
9 or display item that is filled with a permanent inert substance
10 or that is otherwise permanently altered in a manner that
11 prevents ready modification for use as live ammunition or
12 shotgun ammunition with a caliber measurement that is equal to
13 or greater than .50 caliber;

14 B. ".50 caliber rifle" means a centerfire rifle
15 capable of firing a .50 caliber cartridge. ".50 caliber rifle"
16 does not include an antique firearm, a shotgun that has a rifle
17 barrel or a muzzle-loader that uses black powder for hunting or
18 historical reenactments;

19 C. "antique firearm" has the meaning given to it in
20 18 U.S.C. Section 921(a)(16);

21 D. "dealer" means a person or business in the state
22 that holds a federal firearms license issued in accordance with
23 18 U.S.C. Section 923(a)(3);

24 E. "department" means the department of public
25 safety;

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1 F. "detachable magazine" means an ammunition
2 feeding device that is not attached to a firearm and may be
3 removed from the firearm without rendering the firearm
4 incapable of accepting a magazine;

5 G. "firearm" has the same meaning as in Section
6 30-7-16 NMSA 1978;

7 H. "fixed magazine" means an ammunition feeding
8 device contained in, or permanently attached to, a firearm in
9 such a manner that the device cannot be removed without
10 disassembly of the firearm action;

11 I. "gas-operated firearm" means any firearm that
12 harnesses or traps a portion of the high-pressure gas from a
13 fired cartridge to cycle the action using:

14 (1) a long-stroke piston, in which gas is
15 vented from the barrel to a piston that is mechanically fixed
16 to the bolt group and moves to extract the fired cartridge case
17 and chamber the next cartridge;

18 (2) a short-stroke piston, in which gas is
19 vented from the barrel to a piston that moves separately from
20 the bolt group so that the energy is imparted through a gas
21 piston to extract the fired cartridge case and chamber the next
22 cartridge;

23 (3) a system that traps and vents gas from
24 either the barrel or the chamber to directly strike or impinge
25 the bolt, bolt carrier or slide assembly to extract the fired

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cartridge case and chamber the next cartridge;

(4) a hybrid system that combines elements of a system described in Paragraph (3) of this subsection with a system described in Paragraph (1) or (2) of this subsection to capture gas vented from the barrel to extract the fired cartridge case and chamber the next cartridge; or

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

J. "gun show" means an event at which twenty-five or more firearms are on site and available for sale or transfer to the public;

K. "law enforcement agency" means the police department of any city or town, the sheriff's office of any county, the New Mexico state police division of the department of public safety, a district attorney's office in the state and the attorney general;

L. "law enforcement officer" means a public official or public officer vested by law with a duty to maintain public order or to make arrests;

M. "machine gun" has the same meaning as set forth in Section 5845(b) of the federal National Firearms Act and includes a semiautomatic firearm that has been modified in any way that approximates the action or rate of fire of a machine

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1 gun;

2 N. "manufacturer" means a person or business in the
3 state that holds a federal firearms license issued in
4 accordance with 18 U.S.C. Section 923(a)(1);

5 O. "semiautomatic firearm" means a firearm that is
6 not a machine gun and that, upon initiating the firing
7 sequence, fires the first chambered cartridge and uses a
8 portion of the energy of the firing cartridge to extract the
9 expended cartridge case, chamber the next round and prepare the
10 firing mechanism to fire again and requires a separate pull,
11 release, push or initiation of the trigger to fire each
12 cartridge. "Semiautomatic firearm" includes a semiautomatic
13 rifle, semiautomatic shotgun or semiautomatic handgun;

14 P. "straw purchase" means the purchase, or attempt
15 to purchase, of a firearm or ammunition for, on behalf of or
16 for use by another person known or unknown. "Straw purchase"
17 does not include a bona fide gift to a person who is not
18 prohibited from possessing or receiving a firearm or
19 ammunition; and

20 Q. "transaction" means the transfer of ownership of
21 a firearm from a seller to a buyer."

22 SECTION 3. A new section of Chapter 30, Article 7 NMSA
23 1978 is enacted to read:

24 "[NEW MATERIAL] REQUIRING DEALER SECURITY MEASURES TO
25 PREVENT THEFT AND LOSS OF FIREARMS.--

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A. No later than July 1, 2026, the department, in collaboration with the attorney general, shall promulgate rules governing the physical security of dealer premises and inventory. The rules shall be effective beginning December 1, 2026 and shall require:

(1) installation and use of security alarm systems on dealer premises that meet quality and other standards established by the department. Eligible security alarm systems shall have the capacity to be monitored by a central station and shall provide protection and monitoring for all accessible openings and partial motion and sound detection at all other areas of the premises;

(2) site hardening, including locks on doors and windows and other features. Features shall be designed to prevent unauthorized entry, which may include bars or grates, security screens and commercial-grade metal doors;

(3) installation and use of video surveillance systems, including video recording devices at each point of sale and each entrance and exit to the premises, which shall be recorded from both the indoor and outdoor vantage point, and the dealer shall maintain such recordings for a period of not less than two years; and

(4) other reasonable requirements, as determined by the department and the attorney general, to reduce the risk of burglaries at dealers' premises and the

theft of firearms in shipment to and from dealers' premises.

B. The department shall specify in rules which, if any, of the security measures identified in Subsection A of this section apply to gun shows."

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

"NEW MATERIAL] MINIMUM AGE OF EMPLOYMENT--REQUIRING
BACKGROUND CHECKS AND TRAINING FOR DEALER EMPLOYEES.--

A. A dealer shall not employ a person to handle, sell or deliver firearms unless the person is at least twenty-one years of age and is not prohibited from possessing a firearm under state, municipal, tribal or federal law. The department shall promulgate rules to address dealer employee criminal history checks no later than August 1, 2026. The rules shall direct dealers to use the national instant criminal background check system to determine eligibility for current and prospective dealer employees only if the use of the national instant criminal background check system is permitted by federal regulations.

B. A dealer shall complete the training developed by the department pursuant to Subsection C of this section and shall provide the training to all new employees within thirty days of employment and to all employees annually thereafter. Beginning December 1, 2026, no employee of any dealer shall participate in the sale or disposition of firearms unless that

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1 person has first received the training required by this
2 section. The department shall promulgate rules setting forth
3 minimum requirements for the maintenance of records of the
4 training no later than August 1, 2026.

5 C. No later than August 1, 2026, the department
6 shall develop and make available to each dealer a training
7 course in the conduct of firearm transfers, including:

8 (1) federal and state laws governing firearm
9 transfers and transactions;

10 (2) how to recognize, identify, respond to and
11 report straw purchases, illegal purchases and fraudulent
12 activity;

13 (3) how to recognize, identify, respond to and
14 report an individual who intends to use a firearm for unlawful
15 purposes or for self-harm;

16 (4) how to prevent, respond to and report
17 theft or burglary of firearms and ammunition;

18 (5) how to educate customers on gun safety
19 practices, including the safe handling and storage of firearms
20 and ammunition; and

21 (6) other topics the department deems
22 necessary and appropriate."

23 SECTION 5. A new section of Chapter 30, Article 7 NMSA
24 1978 is enacted to read:

25 "[NEW MATERIAL] REQUIRING DEALER MAINTENANCE OF RECORDS--

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A. A dealer shall:

(1) establish and maintain a record of

27 CFR Section 478.125. The record shall, at a minimum, include the make, model, caliber or gauge, manufacturer's name and serial number of all firearms that are purchased, sold, acquired or disposed of not later than one business day after the firearms' purchase, sale, acquisition or disposition. The records shall be maintained securely to prevent loss of the records due to fire, theft or flood. If a record is maintained in a physical form, the record shall be backed up monthly. If a record is an electronic-based record system, it shall be backed up on an external server at the close of each business day;

(2) retain all federal bureau of alcohol, tobacco, firearms and explosives form 4473 records on the dealer's premises for as long as the dealer's business is in operation. The records shall be stored in a secure container designed to prevent loss by fire, theft or flood;

(3) account for all firearms acquired but not yet disposed of in a monthly inventory check, which shall be maintained in a secure location;

(4) maintain records of all criminal traces initiated by the federal bureau of alcohol, tobacco, firearms and explosives for six years;

(5) maintain and make available at any time to law enforcement agencies and to the manufacturer of a firearm or the manufacturer's designee firearm disposition information, including the serial numbers of firearms sold, dates of sale and identities of purchasers; and

(6) permit any law enforcement officer to inspect the records required to be maintained pursuant to this section during business hours.

B. Information contained in the records required pursuant to this section shall be confidential, is exempt from the Inspection of Public Records Act and shall not be disclosed except to a law enforcement agency acting in the performance of the law enforcement agency's duties.

C. If a dealer discontinues business operations and is succeeded by a new dealer in the state, the records required to be kept pursuant to this section shall be delivered to the successor dealer. Where discontinuance of the business is absolute, the records shall be delivered, in a format to be prescribed by the department, to the department within thirty days after the business discontinuance. The department shall permanently retain the records."

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

"NEW MATERIAL] REQUIRING DEALER REPORTING OF CRIME GUN TRACES, MULTIPLE FIREARM SALES, THEFTS AND LOSSES.--

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1 A. A dealer shall report transactions involving
2 more than one firearm within five business days to the
3 department.

4 B. A dealer shall report thefts and losses of
5 firearms within forty-eight hours of discovery of the theft or
6 loss to the department.

7 C. A dealer shall promptly respond to a request
8 from a law enforcement agency or officer, including trace
9 requests and requests for documents and records, within
10 twenty-four hours after learning of the request.

11 D. A dealer shall provide quarterly reporting to
12 the department and the attorney general, in a format to be
13 prescribed by the department and the attorney general no later
14 than June 1, 2026, concerning trace requests, including at a
15 minimum:

16 (1) the total number of trace requests
17 received, including the make and model of the firearm and date
18 of sale; and

19 (2) whether the dealer was inspected by the
20 federal bureau of alcohol, tobacco, firearms and explosives
21 within the past ten years and copies of any reports of
22 violations or letters received from the federal bureau of
23 alcohol, tobacco, firearms and explosives.

24 E. Whenever a dealer or manufacturer located in the
25 state is inspected by the federal bureau of alcohol, tobacco,

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1 firearms and explosives, the dealer or manufacturer shall
2 notify the department of the inspection no later than twenty-
3 four hours after completion of the inspection and shall send to
4 the department a copy of any reports of violations or letters
5 received from the federal bureau of alcohol, tobacco, firearms
6 and explosives no later than twenty-four hours after receiving
7 the reports or letters, which shall be permanently retained by
8 the department in a format to be determined by the department.

9 F. A dealer shall, no later than March 31 of each
10 calendar year, provide an annual report to the department, in a
11 form specified by the department, containing the following
12 information for January 1 to December 31 of the preceding
13 calendar year:

14 (1) the number of firearms sold or
15 transferred, listed by make and model of the firearm;
16 (2) the number of approved federal bureau of
17 alcohol, tobacco, firearms and explosives forms 4473 completed;
18 and
19 (3) any other information required by the
20 department."

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

23 "[NEW MATERIAL] PROHIBITING THE SALE OF EXTREMELY
24 DANGEROUS WEAPONS.--

25 A. Beginning on July 1, 2026, a dealer shall not

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1 sell or transfer any of the following firearms, ammunition or
2 devices to a person who is not licensed pursuant to 18 U.S.C.
3 Section 923, nor shall a dealer process a background check
4 pursuant to Section 30-7-7.1 NMSA 1978 for the transfer of any
5 of the following firearms, ammunition and devices between
6 parties that are not licensed pursuant to 18 U.S.C. Section
7 923:

- 8 (1) a detachable magazine that holds more than
9 ten rounds of ammunition;
- 10 (2) a .50 caliber rifle;
- 11 (3) a .50 caliber cartridge;
- 12 (4) a gas-operated semiautomatic firearm that
13 can accept a detachable magazine;
- 14 (5) a gas-operated semiautomatic firearm with
15 a fixed magazine that holds more than ten rounds of ammunition;
16 or
- 17 (6) a machine gun.

18 B. The provisions of Subsection A of this section
19 do not apply to the sale of:

- 20 (1) a firearm designed to accept, and capable
21 of operating only with, .22 or less caliber rimfire ammunition;
- 22 (2) an antique firearm; or
- 23 (3) a firearm that:
 - 24 (a) is a single-shot rifle, shotgun or
25 handgun;

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(b) is a breech-loading rifle, shotgun or handgun with a capacity not to exceed two rounds of ammunition;

(c) is a muzzleloading rifle, shotgun or handgun;

(d) is a bolt-action rifle, shotgun or handgun;

(e) is a lever-action or pump-action rifle or shotgun;

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

(g) has a fixed magazine with a capacity not to exceed ten rounds of ammunition.

C. The provisions of Subsection A of this section do not apply to the sale or transfer of a firearm or device to:

(1) a law enforcement agency in the state, the United States armed forces, the New Mexico national guard or the New Mexico state defense force;

(2) an Indian nation, tribe or pueblo or an agency or political subdivision thereof;

(3) a licensee under Title I of the federal Atomic Energy Act of 1954 or its contractor for purposes of establishing and maintaining an on-site physical security protection system and security organization required by federal

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1 law or the transfer to a site; or

2 (4) a dealer, distributor or manufacturer

3 licensed under 18 U.S.C. Section 923."

4 SECTION 8. A new section of Chapter 30, Article 7 NMSA
5 1978 is enacted to read:

6 "[NEW MATERIAL] INSPECTIONS AND COMPLIANCE--PENALTY.--

7 A. A dealer shall annually certify to the
8 department that the dealer has complied with all of the
9 requirements of the Stop Illegal Gun Trade and Extremely
10 Dangerous Weapons Act. The department shall, by rule,
11 determine the form and content of the annual certification.

12 B. The department shall promulgate rules requiring
13 periodic inspections of a dealer and the dealer's premises, at
14 least once every three years, during regular and usual business
15 hours, by the department to determine compliance with the
16 provisions of the Stop Illegal Gun Trade and Extremely
17 Dangerous Weapons Act. A dealer shall provide the department
18 with full access to the dealer's premises for inspections.

19 C. The department shall prepare an annual report
20 providing information on the number of dealers inspected
21 annually, the number of dealers found to be in compliance with
22 the requirements of the Stop Illegal Gun Trade and Extremely
23 Dangerous Weapons Act, the number of dealers found to have
24 failed to comply with the requirements of that act, the number
25 of trace requests submitted to dealers, the number of firearms

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1 recovered from crime scenes or criminal investigations in New
2 Mexico that were sold by dealers and other information that the
3 department deems necessary and appropriate. Beginning June 1,
4 2027, the department shall prepare and publish the annual
5 report. The department shall also make all annual reports
6 publicly available on the department's website.

7 D. A dealer that knowingly falsifies information or
8 contents in the compliance report required by this section is
9 guilty of a misdemeanor."

10 SECTION 9. A new section of Chapter 30, Article 7 NMSA
11 1978 is enacted to read:

12 "[NEW MATERIAL] REQUIRING DEALERS TO POST LEGAL AND SAFETY
13 NOTICES TO FIREARM PURCHASERS.--

14 A. A retail firearm dealer shall conspicuously post
15 at each point of purchase where firearms may be purchased a
16 sign, in a format to be prescribed by the department, with the
17 following notices:

18 (1) "Failure to securely store a firearm may
19 result in criminal penalties if a child gains access to the
20 firearm, pursuant to Section 30-7-4.1 NMSA 1978. Keep firearms
21 and ammunition separate and locked up. Use tamper-resistant
22 trigger locks, lockboxes or safes.";

23 (2) "Most firearm sales in New Mexico,
24 including those between private parties, require a background
25 check. Consult Section 30-7-7.1 NMSA 1978 before selling or

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1 buying any firearm.";

2 (3) "Purchasing a firearm for someone who
3 intends to commit a crime or who has a felony record is a
4 federal crime and a fourth degree felony pursuant to Section
5 30-7-7.2 NMSA 1978. Don't buy a gun for someone who can't.";
6 and

7 (4) "If you or a loved one is experiencing
8 distress or depression or is contemplating suicide, please call
9 the National Suicide Prevention Lifeline at 1-800-273-TALK
10 (8255).".

11 B. The signs required pursuant to this section
12 shall be posted at all entrances of a gun show."

13 SECTION 10. A new section of Chapter 30, Article 7 NMSA
14 1978 is enacted to read:

15 "[NEW MATERIAL] PENALTIES.--Unless otherwise specified, a
16 person who violates a provision of Section 7 of the Stop
17 Illegal Gun Trade and Extremely Dangerous Weapons Act or the
18 rules promulgated pursuant to that act is guilty of a
19 misdemeanor. Unless otherwise specified, a person who violates
20 a provision of Section 3, 4, 5, 6, 8 or 9 of the Stop Illegal
21 Gun Trade and Extremely Dangerous Weapons Act or the rules
22 promulgated pursuant to that act shall be subject to a civil
23 penalty of two hundred dollars (\$200) for a first violation and
24 a civil penalty of up to one thousand dollars (\$1,000) for each
25 subsequent violation."

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