

1 HOUSE BILL 235  
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY  
4 Jenifer Jones and Nicole Chavez and Andrea Reeb  
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10 AN ACT  
11 RELATING TO FIREARMS; PROHIBITING AN UNDOCUMENTED ALIEN FROM  
12 RECEIVING, TRANSPORTING OR POSSESSING A FIREARM OR DESTRUCTIVE  
13 DEVICE; PROVIDING A PENALTY.  
14

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

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

18 "30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,  
19 TRANSPORTATION OR POSSESSION BY CERTAIN PERSONS--PENALTY.--

20 A. It is unlawful for the following persons to  
21 receive, transport or possess a firearm or destructive device  
22 in this state:

- 23 (1) a felon;  
24 (2) a person subject to an order of protection  
25 pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978; [or]

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1                   (3) an undocumented alien; or

2                   ~~(3)~~ (4) a person convicted of any of the  
3 following crimes:

4                   (a) battery against a household member  
5 pursuant to Section 30-3-15 NMSA 1978;

6                   (b) criminal damage to property of a  
7 household member pursuant to Section 30-3-18 NMSA 1978;

8                   (c) a first offense of stalking pursuant  
9 to Section 30-3A-3 NMSA 1978; or

10                   (d) a crime listed in 18 U.S.C. 921.

11                   B. A felon found in possession of a firearm shall  
12 be guilty of a third degree felony.

13                   C. A serious violent felon that is found to be in  
14 possession of a firearm shall be guilty of a third degree  
15 felony, and notwithstanding the provisions of Section 31-18-15  
16 NMSA 1978, shall be sentenced to a basic term of six years  
17 imprisonment.

18                   D. Any person subject to an order of protection  
19 pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978 or convicted  
20 of a crime listed in Paragraph ~~(3)~~ (4) of Subsection A of  
21 this section or an undocumented alien who receives, transports  
22 or possesses a firearm or destructive device is guilty of a  
23 misdemeanor.

24                   E. As used in this section:

25                   (1) except as provided in Paragraph (2) of

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1 this subsection, "destructive device" means:

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

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

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

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

23 (3) "felon" means a person convicted of a  
24 felony offense by a court of the United States or of any state  
25 or political subdivision thereof and:

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

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

6 (c) the person has not received a  
7 deferred sentence;

8 (4) "firearm" means any weapon that will or is  
9 designed to or may readily be converted to expel a projectile  
10 by the action of an explosion or the frame or receiver of any  
11 such weapon; ~~and~~

12 (5) "serious violent felon" means a person  
13 convicted of an offense enumerated in [~~Subparagraphs (a)~~  
14 ~~through (n) of~~] Paragraph (4) of Subsection L of Section  
15 33-2-34 NMSA 1978; provided that:

16 (a) less than ten years have passed  
17 since the person completed serving a sentence or a period of  
18 probation for the felony conviction, whichever is later;

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

21 (c) the person has not received a  
22 deferred sentence and completed the total term of deferment as  
23 provided in Section 31-20-9 NMSA 1978; and

24 (6) "undocumented alien" means a person who is  
25 a foreign national and who is illegally or unlawfully present

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in the United States as provided by federal law."