

HOUSE BILL 137

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

INTRODUCED BY

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AN ACT

RELATING TO FIREARMS; ENACTING THE GAS-OPERATED SEMIAUTOMATIC  
FIREARMS EXCLUSION ACT; PROHIBITING THE IMPORTATION, SALE,  
MANUFACTURE, TRANSFER, RECEIPT OR POSSESSION OF GAS-OPERATED  
SEMIAUTOMATIC FIREARMS; PROHIBITING LARGE-CAPACITY AMMUNITION  
FEEDING DEVICES; PROHIBITING DEVICES THAT MATERIALLY INCREASE  
THE RATE OF FIRE OF A FIREARM OR APPROXIMATE THE ACTION OR RATE  
OF FIRE OF A MACHINE GUN; PROHIBITING MACHINE GUNS AND MACHINE  
GUN ATTACHMENTS; REQUIRING THE ATTORNEY GENERAL TO LIST GAS-  
OPERATED SEMIAUTOMATIC FIREARMS SUBJECT TO THE PROVISIONS OF  
THE GAS-OPERATED SEMIAUTOMATIC FIREARMS EXCLUSION ACT;  
REQUIRING THE CERTIFICATION OF SEMIAUTOMATIC FIREARMS;  
PROVIDING EXCEPTIONS; PROVIDING PENALTIES.

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

**SECTION 1.** A new section of Chapter 30, Article 7 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the  
3 "Gas-Operated Semiautomatic Firearms Exclusion Act"."

4 SECTION 2. A new section of Chapter 30, Article 7 NMSA  
5 1978 is enacted to read:

6 "[NEW MATERIAL] DEFINITIONS.--As used in the Gas-Operated  
7 Semiautomatic Firearms Exclusion Act:

8 A. "ammunition" means ammunition or cartridge  
9 cases, primers, bullets or propellant powder designed for use  
10 in any firearm;

11 B. "cycle the action" means to extract the fired  
12 cartridge case, chamber the next cartridge and prepare the  
13 firing mechanism to fire again;

14 C. "gas-operated" means any firearm that harnesses  
15 or traps a portion of the high-pressure gas from a fired  
16 cartridge to cycle the action using:

17 (1) a long stroke piston, in which gas is  
18 vented from the barrel to a piston that is mechanically fixed  
19 to the bolt group and moves to cycle the action;

20 (2) a short stroke piston, in which gas is  
21 vented from the barrel to a piston that moves separately from  
22 the bolt group so that the energy is imparted through a gas  
23 piston to cycle the action;

24 (3) a system that traps and vents gas from  
25 either the barrel or the chamber to directly strike or impinge

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1 the bolt, bolt carrier or slide assembly to unlock and cycle  
2 the action;

3 (4) a hybrid system that combines elements of  
4 a system described in Paragraph (3) of this subsection with a  
5 system described in Paragraph (1) or (2) of this subsection to  
6 capture gas vented from the barrel to cycle the action; or

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

11 D. "large-capacity ammunition feeding device":

12 (1) means a magazine, belt, drum, feed strip,  
13 helical feeding device or similar device, including any such  
14 device joined or coupled with another in any manner, that:

15 (a) has an overall capacity of, or that  
16 can be readily restored, altered or converted to accept, more  
17 than ten rounds of ammunition; and

18 (b) is not permanently fixed; and

19 (2) does not include any device designed to  
20 accept, and capable of operating only with, .22 or less caliber  
21 rimfire ammunition;

22 E. "machine gun" has the same meaning as set forth  
23 in Section 5845(b) of the National Firearms Act and includes a  
24 semiautomatic firearm that has been modified in any way that:

25 (1) materially increases the rate of fire of

1 the firearm; or

2 (2) approximates the action or rate of fire of  
3 a machine gun;

4 F. "machine gun attachment":

5 (1) means a manual, power-driven, or  
6 electronic device primarily designed or redesigned so that if  
7 the device is attached to a semiautomatic firearm, the device:

8 (a) materially increases the rate of  
9 fire of the firearm; or

10 (b) approximates the action or rate of  
11 fire of a machine gun; or

12 (2) means a device, part or combination of  
13 parts that is designed and functions to materially increase the  
14 rate of fire of the semiautomatic firearm by eliminating the  
15 need for the operator of the firearm to make a separate  
16 movement for each individual function of the trigger; and

17 G. "semiautomatic firearm" means any firearm that:

18 (1) upon initiating the firing sequence, fires  
19 the first chambered cartridge and uses a portion of the energy  
20 of the firing cartridge to:

21 (a) extract the expended cartridge case;  
22 (b) chamber the next round; and  
23 (c) prepare the firing mechanism to fire  
24 again;

25 (2) requires a separate pull, release, push or

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1 initiation of the trigger to fire each cartridge; and

2 (3) is not a machine gun."

3 SECTION 3. A new section of Chapter 30, Article 7 NMSA  
4 1978 is enacted to read:

5 "[NEW MATERIAL] PROHIBITING THE IMPORTATION, SALE,  
6 MANUFACTURE, TRANSFER, RECEIPT OR POSSESSION OF GAS-OPERATED  
7 SEMIAUTOMATIC FIREARMS--PROVIDING EXCEPTIONS.--

8 A. Beginning January 1, 2025, and except as  
9 provided in Subsection C or D of this section or Section 8 of  
10 the Gas-Operated Semiautomatic Firearms Exclusion Act, it is  
11 unlawful for any person to import, sell, manufacture, transfer  
12 or receive any of the following firearms, devices or  
13 combinations of parts:

14 (1) a firearm that is included on the list of  
15 prohibited gas-operated semiautomatic firearms identified by  
16 the attorney general;

17 (2) a modified non-prohibited firearm that, as  
18 modified, operates as a firearm included on the list of  
19 prohibited gas-operated semiautomatic firearms identified by  
20 the attorney general;

21 (3) a combination of parts that is designed  
22 and functions to modify an otherwise non-prohibited firearm so  
23 that the firearm, as modified, operates as a gas-operated  
24 semiautomatic firearm included on the list of prohibited gas-  
25 operated semiautomatic firearms identified by the attorney

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1 general;

2 (4) a combination of parts that is designed to  
3 be assembled into a firearm that operates as a firearm included  
4 on the list of prohibited gas-operated semiautomatic firearms  
5 identified by the attorney general; or

6 (5) a combination of parts that functions to  
7 produce a gas-operated semiautomatic cycling action.

8 B. Beginning January 1, 2025, and except as  
9 provided in Subsection C or D of this section, it is unlawful  
10 for any person to possess a firearm, device or combination of  
11 parts described in Paragraphs (1) through (5) of Subsection A  
12 of this section.

13 C. Subsections A and B of this section do not  
14 apply:

15 (1) to the importation or manufacture by or  
16 for, sale or transfer to or possession by or under the  
17 authority of the United States or any department or agency  
18 thereof or a state or an Indian nation, tribe or pueblo or a  
19 department, an agency or a political subdivision thereof;

20 (2) to the importation or manufacture for,  
21 sale or transfer to, or possession by, a licensee under Title 1  
22 of the federal Atomic Energy Act of 1954 for purposes of  
23 establishing and maintaining an on-site physical security  
24 protection system and security organization required by federal  
25 law, or the transfer to, or possession by, a contractor of such

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1 a licensee on-site for such purposes or off-site for purposes  
2 of licensee-authorized training or transportation of nuclear  
3 materials;

4 (3) to the possession of a gas-operated  
5 semiautomatic firearm that, before January 1, 2025, was  
6 lawfully:

7 (a) manufactured;

8 (b) transferred by the manufacturer to  
9 another party; and

10 (c) certified by the owner in accordance  
11 with Section 7 of the Gas-Operated Semiautomatic Firearms  
12 Exclusion Act;

13 (4) to the transfer of a gas-operated  
14 semiautomatic firearm that is lawfully possessed before January  
15 1, 2025 in accordance with Paragraph (3) of this subsection, in  
16 which:

17 (a) the transferee is an immediate  
18 family member of the transferor; and

19 (b) upon taking possession of the  
20 firearm, the person to whom the firearm was transferred  
21 certifies the firearm in accordance with Section 7 of the Gas-  
22 Operated Semiautomatic Firearms Exclusion Act; or

23 (5) to the transfer of a gas-operated  
24 semiautomatic firearm certified in accordance with Section 7 of  
25 the Gas-Operated Semiautomatic Firearms Exclusion Act to a

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1 person residing in another state or maintaining it in another  
2 state or to a licensed firearms dealer.

3 D. A gas-operated semiautomatic firearm that is  
4 lawfully certified in accordance with the process established  
5 by the attorney general pursuant to Section 7 of the Gas-  
6 Operated Semiautomatic Firearms Exclusion Act may only be  
7 possessed:

8 (1) on private property owned or immediately  
9 controlled by the person;

10 (2) on private property that is not open to  
11 the public with the express permission of the person who owns  
12 or immediately controls such property;

13 (3) while on the premises of a licensed  
14 firearms dealer or gunsmith for the purpose of lawful transfer  
15 or repair of the firearm;

16 (4) while engaged in the legal use of the  
17 firearm at a properly licensed firing range or sport shooting  
18 competition venue; or

19 (5) while traveling to or from the locations  
20 described in Paragraphs (1) through (4) of this subsection;  
21 provided that the firearm is unloaded and the firearm is  
22 enclosed in a case, firearm carrying box, shipping box or other  
23 container.

24 E. Licensed firearms dealers shall mark all gas-  
25 operated semiautomatic firearms imported or manufactured under

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1 Paragraphs (1) and (2) of Subsection C of this section after  
2 January 1, 2025 in the manner prescribed by the attorney  
3 general before any transfer under Paragraphs (1) and (2) of  
4 Subsection C of this section.

5 F. For purposes of this section:

6 (1) "gas-operated semiautomatic firearm" does  
7 not include:

8 (a) any firearm designed to accept, and  
9 capable of operating only with, .22 caliber rimfire ammunition;

10 (b) a rifle that: 1) is a single-shot  
11 rifle; 2) is a breech loading rifle with a capacity not to  
12 exceed two rounds of ammunition; 3) is a muzzleloading rifle or  
13 smoothbore shoulder-fired firearm; 4) uses a bolt action, lever  
14 action or pump action to cycle the action of the rifle; or 5)  
15 has a permanently fixed magazine with a capacity not to exceed  
16 ten rounds of ammunition that cannot be converted or changed to  
17 accept more than ten rounds of ammunition;

18 (c) a shotgun that: 1) is a single-shot  
19 shotgun; 2) is a breech loading shotgun with a capacity not to  
20 exceed two rounds of ammunition; 3) is a muzzleloading shotgun;  
21 4) uses a bolt action, lever action or pump action to cycle the  
22 action of the shotgun; 5) is a semiautomatic or autoloading  
23 shotgun that does not use detachable magazines; or 6) has a  
24 permanently fixed magazine with a capacity not to exceed ten  
25 rounds of ammunition that cannot be converted or changed to

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1 accept more than ten rounds of ammunition;

2 (d) a breech loading firearm capable of  
3 holding a single cartridge and a single shotgun shell  
4 simultaneously that must be reloaded after firing those rounds  
5 of ammunition; or

6 (e) a handgun that: 1) is a single-shot  
7 handgun; 2) is a breech loading handgun with a capacity not to  
8 exceed two rounds of ammunition; 3) is a muzzleloading or  
9 smoothbore handgun; 4) uses a bolt action to cycle the action  
10 of the handgun; 5) is a single- or double-action revolver; 6)  
11 is a single- or double-action semiautomatic handgun that uses  
12 recoil to cycle the action of the handgun; or 7) has a  
13 permanently fixed magazine with a capacity not to exceed  
14 fifteen rounds of ammunition that cannot be converted or  
15 changed to accept more than fifteen rounds of ammunition; and

16 (2) "immediate family member" means:

17 (a) a spouse, parent, brother, sister or  
18 child of that person, or an individual to whom the person  
19 stands in loco parentis; or

20 (b) any other person living in the  
21 household of that person and related to that person by blood or  
22 marriage."

23 SECTION 4. A new section of Chapter 30, Article 7 NMSA  
24 1978 is enacted to read:

25 "[NEW MATERIAL] PROHIBITING LARGE-CAPACITY AMMUNITION

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1 FEEDING DEVICES.--

2 A. Except as provided in Subsection C of this  
3 section and Section 8 of the Gas-Operated Semiautomatic  
4 Firearms Exclusion Act, on or after July 1, 2024, it is  
5 unlawful for any person to:

6 (1) import, sell, manufacture, transfer or  
7 receive a large-capacity ammunition feeding device; or

8 (2) possess a large-capacity ammunition  
9 feeding device manufactured after July 1, 2024.

10 B. It is unlawful for any person who owns or  
11 possesses a large-capacity ammunition feeding device that was  
12 manufactured and purchased or transferred before July 1, 2024  
13 to transfer a large-capacity ammunition feeding device after  
14 July 1, 2024.

15 C. Subsection A of this section does not apply to:

16 (1) the importation or manufacture by or for,  
17 sale or transfer to or possession by or under the authority of  
18 the United States or any department or agency thereof or a  
19 state or an Indian nation, tribe or pueblo or a department, an  
20 agency or a political subdivision thereof; or

21 (2) the importation or manufacture for, sale  
22 or transfer to or possession by a licensee under Title 1 of the  
23 federal Atomic Energy Act of 1954 for purposes of establishing  
24 and maintaining an on-site physical security protection system  
25 and security organization required by federal law or the

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1 transfer to or possession by a contractor of such a licensee  
2 on-site for such purposes or off-site for purposes of licensee-  
3 authorized training or transportation of nuclear materials.

4 D. Any person in possession of a large-capacity  
5 ammunition feeding device:

6 (1) shall mark such large-capacity ammunition  
7 feeding device imported or manufactured under Subsection C of  
8 this section after January 1, 2025 in the manner prescribed by  
9 the attorney general before any transfer; and

10 (2) shall not obliterate or otherwise alter  
11 the serial number on such large-capacity ammunition feeding  
12 device."

13 SECTION 5. A new section of Chapter 30, Article 7 NMSA  
14 1978 is enacted to read:

15 "[NEW MATERIAL] PROHIBITING MACHINE GUNS AND MACHINE GUN  
16 ATTACHMENTS.--

17 A. Beginning July 1, 2024, and except as provided  
18 in Subsection B or C of this section, it is unlawful for any  
19 person to import, sell, manufacture, transfer, receive or  
20 possess a machine gun or machine gun attachment.

21 B. Subsection A of this section does not apply to:

22 (1) the importation or manufacture by or for,  
23 sale or transfer to or possession by or under the authority of  
24 the United States or any department or agency thereof or a  
25 state or an Indian nation, tribe or pueblo or a department, an

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1 agency or a political subdivision thereof;

2 (2) the importation or manufacture for, sale  
3 or transfer to or possession by a licensee under Title 1 of the  
4 federal Atomic Energy Act of 1954 for purposes of establishing  
5 and maintaining an on-site physical security protection system  
6 and security organization required by federal law, or the  
7 transfer to or possession by a contractor of such a licensee  
8 on-site for such purposes or off-site for purposes of licensee-  
9 authorized training or transportation of nuclear materials; and

10 (3) machine guns and machine gun attachments  
11 lawfully registered with the United States bureau of alcohol,  
12 tobacco, firearms and explosives pursuant to the National  
13 Firearms Act.

14 C. Whoever violates this section is guilty of a  
15 fourth degree felony."

16 SECTION 6. A new section of Chapter 30, Article 7 NMSA  
17 1978 is enacted to read:

18 "[NEW MATERIAL] LIST OF REGULATED WEAPONS.--

19 A. No later than December 1, 2024, the attorney  
20 general, in consultation with the department of public safety,  
21 shall identify the list of gas-operated semiautomatic firearms  
22 subject to the Gas-Operated Semiautomatic Firearms Exclusion  
23 Act that shall be published and made available on the attorney  
24 general's website. The attorney general shall update the list  
25 as necessary.

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B. The department of public safety shall:

(1) require that each licensed firearms dealer record purchaser acknowledgment of the list published under Subsection A of this section before any sale of a firearm that is not prohibited under that list;

(2) before removing any gas-operated semiautomatic firearm from the list required under Subsection A of this section, submit to the attorney general clear and convincing evidence that the firearm should be removed from the list; and

(3) advise the attorney general on carrying out the authority described in Subsection A of this section.

C. The attorney general may request any additional information from the manufacturer necessary to make the determination under Subsection A of this section.

D. No later than December 1, 2024, the attorney general, in consultation with the department of public safety, shall publish on the attorney general's website the manner in which a large-capacity ammunition feeding device shall be marked pursuant to Subsection D of Section 4 of the Gas-Operated Semiautomatic Firearms Exclusion Act and the manner in which gas-operated semiautomatic firearms shall be marked pursuant to Subsection E of Section 3 of the Gas-Operated Semiautomatic Firearms Exclusion Act."

SECTION 7. A new section of Chapter 30, Article 7 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] CERTIFICATION OF SEMIAUTOMATIC FIREARMS.--

3 A. No later than October 1, 2024, the attorney  
4 general, in consultation with the department of public safety,  
5 shall develop and make available a system for certifying gas-  
6 operated semiautomatic firearms pursuant to Section 5 of the  
7 Gas-Operated Semiautomatic Firearms Exclusion Act.

8 B. The certification shall include:

9 (1) an affirmation that the person possessed  
10 the semiautomatic firearm pursuant to Section 5 of the Gas-  
11 Operated Semiautomatic Firearms Exclusion Act prior to January  
12 1, 2025;

13 (2) as applicable, the make, model, caliber  
14 and serial number of the firearm; and

15 (3) the person's name, address, telephone  
16 number and date of birth.

17 C. Information contained in the certification shall  
18 be confidential, is exempt from disclosure pursuant to the  
19 Inspection of Public Records Act and shall not be disclosed,  
20 except to law enforcement agencies acting in the performance of  
21 their duties.

22 D. The affidavit form shall include the following  
23 statement printed in bold type: "Warning: Entering false  
24 information on this form is punishable as perjury pursuant to  
25 Section 30-25-1 NMSA 1978.". In any administrative, civil or

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1 criminal proceeding in the state, a completed certification  
2 submitted to the attorney general by a person pursuant to this  
3 section creates a rebuttable presumption that the person is  
4 entitled to possess and transport the gas-operated  
5 semiautomatic firearm."

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

8 "[NEW MATERIAL] NONRESIDENTS.--

9 A. A nonresident may transport, within twenty-four  
10 hours, a firearm, device or combination of parts described in  
11 Paragraphs (1) through (5) of Subsection A of Section 3 of the  
12 Gas-Operated Semiautomatic Firearms Exclusion Act or a large-  
13 capacity ammunition feeding device manufactured after July 1,  
14 2024 for a lawful purpose from a place where the nonresident  
15 may lawfully possess the firearm, device or combination of  
16 parts to another place where the nonresident may lawfully  
17 possess the firearm, device or combination of parts if, during  
18 the transportation, the firearm, device or combination of parts  
19 is unloaded and is not readily accessible or directly  
20 accessible from the passenger compartment of the transporting  
21 vehicle. In the case of a vehicle without a compartment  
22 separate from the driver's compartment, the firearm, device or  
23 combination of parts shall be contained in a locked container  
24 other than the glove compartment or console.

25 B. Any nonresident who moves into the state in

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1 possession of a firearm, device or combination of parts  
2 described in Paragraphs (1) through (5) of Subsection A of  
3 Section 3 of the Gas-Operated Semiautomatic Firearms Exclusion  
4 Act shall, within sixty days, complete and submit a  
5 certification in accordance with the process established by the  
6 attorney general pursuant to Section 7 of the Gas-Operated  
7 Semiautomatic Firearms Exclusion Act.

8 C. The provisions of this section shall not apply  
9 to a firearm, device or combination of parts described in  
10 Paragraphs (1) through (5) of Subsection A of Section 3 of the  
11 Gas-Operated Semiautomatic Firearms Exclusion Act or a large-  
12 capacity ammunition feeding device manufactured after July 1,  
13 2024 that is lawfully certified within sixty days in accordance  
14 with Subsection B of this section, in which the transferee is:

15 (1) an immediate family member of the  
16 transferor;

17 (2) a firearms dealer or gunsmith for the  
18 purpose of lawful transfer or repair of the firearm; or

19 (3) a person residing in another state."

20 SECTION 9. A new section of Chapter 30, Article 7 NMSA  
21 1978 is enacted to read:

22 "[NEW MATERIAL] PENALTIES.--

23 A. Unless specified otherwise in the Gas-Operated  
24 Semiautomatic Firearms Exclusion Act, whoever violates a  
25 provision of the Gas-Operated Semiautomatic Firearms Exclusion

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1 Act is guilty of a misdemeanor.

2 B. Whoever commits, or attempts to commit, a felony  
3 offense while in possession of a gas-operated semiautomatic  
4 firearm or large-capacity ammunition feeding device in  
5 violation of the Gas-Operated Semiautomatic Firearms Exclusion  
6 Act is guilty of a fourth degree felony."

7 SECTION 10. A new section of Chapter 30, Article 7 NMSA  
8 1978 is enacted to read:

9 "[NEW MATERIAL] SEVERABILITY.--If any part or application  
10 of the Gas-Operated Semiautomatic Firearms Exclusion Act is  
11 held invalid, the remainder or its application to other  
12 situations or persons shall not be affected."