

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 279

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

AN ACT

RELATING TO FIREARMS; ENACTING THE ASSAULT WEAPONS REGULATION
ACT; PROHIBITING ASSAULT WEAPONS, .50 CALIBER RIFLES AND .50
CALIBER CARTRIDGES; REQUIRING ENDORSEMENT AFFIDAVITS; PROVIDING
EXCEPTIONS; REQUIRING PUBLIC OUTREACH; PROHIBITING LARGE-
CAPACITY AMMUNITION FEEDING DEVICES; 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
1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Assault Weapons Regulation Act"."

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

"[NEW MATERIAL] DEFINITIONS.--As used in the Assault
Weapons Regulation Act:

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underscored material = new
[bracketed material] = delete

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

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

15 C. "antique firearm" has the meaning ascribed to it
16 in 18 U.S.C. 921(a)(16);

17 D. "assault weapon" means any of the following
18 firearms:

19 (1) a semiautomatic rifle that has the
20 capacity to accept a detachable magazine or that may be readily
21 modified to accept a detachable magazine, if the firearm has
22 one or more of the following:

23 (a) a pistol grip or thumbhole stock;

24 (b) a feature capable of functioning as
25 a protruding grip that can be held by the non-trigger hand;

1 (c) a folding, telescoping, thumbhole or
2 detachable stock or a stock that is otherwise foldable or
3 adjustable in a manner that operates to reduce the length, size
4 or any other dimension or otherwise enhances the concealability
5 of the weapon;

6 (d) a flash suppressor;

7 (e) a grenade launcher; or

8 (f) a shroud attached to the barrel or
9 that partially or completely encircles the barrel, allowing the
10 bearer to hold the firearm with the non-trigger hand without
11 being burned, but excluding a slide that encloses the barrel;

12 (2) a semiautomatic rifle that has a fixed
13 magazine with the capacity to accept more than ten rounds,
14 except for an attached tubular device designed to accept, and
15 capable of operating only with, .22 caliber rimfire ammunition;

16 (3) a semiautomatic pistol that has the
17 capacity to accept a detachable magazine or that may be readily
18 modified to accept a detachable magazine, if the firearm has
19 one or more of the following:

20 (a) a threaded barrel;

21 (b) a second pistol grip or another
22 feature capable of functioning as a protruding grip that can be
23 held by the non-trigger hand;

24 (c) a shroud attached to the barrel or
25 that partially or completely encircles the barrel, allowing the

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1 bearer to hold the firearm with the non-trigger hand without
2 being burned, but excluding a slide that encloses the barrel;

3 (d) a flash suppressor;

4 (e) the capacity to accept a detachable
5 magazine at some location outside of the pistol grip; or

6 (f) a buffer tube, arm brace or other
7 part that protrudes horizontally behind the pistol grip and is
8 designed or redesigned to allow or facilitate a firearm to be
9 fired from the shoulder;

10 (4) a semiautomatic pistol that has a fixed
11 magazine with the capacity to accept more than fifteen rounds;

12 (5) a shotgun with a revolving cylinder;

13 (6) a semiautomatic shotgun that has one or
14 more of the following:

15 (a) a pistol grip or thumbhole stock;

16 (b) a feature capable of functioning as
17 a protruding grip that can be held by the non-trigger hand;

18 (c) a folding or thumbhole stock;

19 (d) a grenade launcher;

20 (e) a fixed magazine with the capacity
21 of more than five rounds; or

22 (f) the capacity to accept a detachable
23 magazine;

24 (7) a semiautomatic firearm that has the
25 capacity to accept a belt ammunition feeding device;

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1 (8) a firearm that has been modified to be
2 operable as an assault weapon as defined in this subsection; or

3 (9) a part or combination of parts designed or
4 intended to convert a firearm into an assault weapon, including
5 a combination of parts from which an assault weapon may be
6 readily assembled if those parts are in the possession or under
7 the control of the same person;

8 E. "assault weapon" does not include:

9 (1) a firearm that is an unserviceable firearm
10 or has been made permanently inoperable;

11 (2) an antique firearm or a replica of an
12 antique firearm; or

13 (3) a firearm that is manually operated by
14 bolt, pump, lever or slide action, unless the firearm is a
15 shotgun with a revolving cylinder;

16 F. "detachable magazine" means an ammunition
17 feeding device that may be removed from a firearm without
18 disassembly of the firearm action, including an ammunition
19 feeding device that may be readily removed from a firearm with
20 the use of a bullet, cartridge, accessory, other tool or other
21 object that functions as a tool, including a bullet or
22 cartridge;

23 G. "firearm" means a weapon that will or is
24 designed to or may readily be converted to expel a projectile
25 by the action of an explosion; and

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1 H. "fixed magazine" means an ammunition feeding
2 device that is permanently attached to a firearm, contained in
3 and not removable from a firearm or that is otherwise not a
4 detachable magazine, but does not include an attached tubular
5 device designed to accept, and capable of operating only with,
6 .22 caliber rimfire ammunition."

7 **SECTION 3.** A new section of Chapter 30, Article 7 NMSA
8 1978 is enacted to read:

9 "[NEW MATERIAL] PROHIBITING THE MANUFACTURE, POSSESSION,
10 DELIVERY, SALE, IMPORTATION AND PURCHASE OF ASSAULT WEAPONS,
11 .50 CALIBER RIFLES AND .50 CALIBER CARTRIDGES.--

12 A. Except as provided in Sections 4 and 5 of the
13 Assault Weapons Regulation Act, it is unlawful for any person
14 to knowingly manufacture, deliver, sell, import, purchase or
15 cause to be manufactured, delivered, sold, imported or
16 purchased by another an assault weapon, .50 caliber rifle or
17 .50 caliber cartridge.

18 B. Except as provided in Sections 4 and 5 of the
19 Assault Weapons Regulation Act, beginning on January 1, 2026,
20 it is unlawful for any person to knowingly possess an assault
21 weapon, .50 caliber rifle or .50 caliber cartridge.

22 C. Whoever violates the provisions of this section
23 is guilty of a fourth degree felony."

24 **SECTION 4.** A new section of Chapter 30, Article 7 NMSA
25 1978 is enacted to read:

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1 "[NEW MATERIAL] ENDORSEMENT AFFIDAVIT--RULEMAKING--
2 TRANSFERS--NEW RESIDENTS--CONFIDENTIALITY.--

3 A. Section 3 of the Assault Weapons Regulation Act
4 does not apply to a person's possession of an assault weapon,
5 .50 caliber rifle or .50 caliber cartridge if the person
6 lawfully possessed that assault weapon, .50 caliber rifle or
7 .50 caliber cartridge prohibited by that section if the person
8 has provided an endorsement affidavit under oath or affirmation
9 prior to January 1, 2026 and in the form and manner prescribed
10 by the department of public safety containing:

11 (1) an affirmation that the affiant:

12 (a) possessed an assault weapon, .50
13 caliber rifle or .50 caliber cartridge before the effective
14 date of the Assault Weapons Regulation Act; or

15 (b) inherited the assault weapon, .50
16 caliber rifle or .50 caliber cartridge from a person with an
17 endorsement pursuant to this section or from a person
18 authorized pursuant to Paragraphs (1) through (5) of Subsection
19 A of Section 5 of the Assault Weapons Regulation Act to possess
20 the assault weapon, .50 caliber rifle or .50 caliber cartridge;
21 and

22 (2) the make, model, caliber and serial number
23 of the .50 caliber rifle or assault weapon or weapons.

24 B. No later than July 1, 2025, and every July 1
25 thereafter, the department of public safety shall, by rule,

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1 identify the list of commonly available assault weapons subject
2 to an endorsement affidavit pursuant to this section, which
3 shall be published and made available on the department's
4 website.

5 C. No later than July 1, 2025, the department of
6 public safety shall promulgate rules providing for the
7 submission of endorsement affidavits. The rules shall allow
8 owners of assault weapons, .50 caliber rifles or .50 caliber
9 cartridges to submit endorsement affidavits to either the
10 department of public safety or federally licensed firearm
11 dealers within the state of New Mexico. The rules for
12 submissions of endorsement affidavits to federally licensed
13 firearm dealers shall require dealers to maintain the
14 endorsement affidavits in the same manner as forms maintained
15 under 27 C.F.R. Section 478.124.

16 D. The affidavit form shall include the following
17 statement printed in bold type: "Warning: Entering false
18 information on this form is punishable as perjury pursuant to
19 Section 30-25-1 NMSA 1978.". In any administrative, civil or
20 criminal proceeding in the state, a completed endorsement
21 affidavit submitted to the department of public safety by a
22 person pursuant to this section creates a rebuttable
23 presumption that the person is entitled to possess and
24 transport the assault weapon, .50 caliber rifle or .50 caliber
25 cartridge.

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1 E. Beginning on January 1, 2026, a person
2 authorized pursuant to this section to possess an assault
3 weapon, .50 caliber rifle or .50 caliber cartridge shall
4 possess the items only:

5 (1) on private property owned or immediately
6 controlled by the person;

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

10 (3) while on the premises of a licensed
11 firearms dealer or gunsmith for the purpose of lawful repair;

12 (4) while engaged in the legal use of the
13 assault weapon, .50 caliber rifle or .50 caliber cartridge at a
14 properly licensed firing range or sport shooting competition
15 venue; or

16 (5) while traveling to or from a location
17 listed in Paragraphs (1) through (4) of this subsection;
18 provided that the assault weapon or .50 caliber rifle is
19 unloaded and the assault weapon, .50 caliber rifle or .50
20 caliber cartridge is enclosed in a case, firearm carrying box,
21 shipping box or other container.

22 F. Beginning on January 1, 2026, a person with the
23 endorsement affidavit for an assault weapon, .50 caliber rifle
24 or .50 caliber cartridge or a person authorized pursuant to
25 Paragraphs (1) through (5) of Subsection A of Section 5 of the

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~~[bracketed material] = delete~~

1 Assault Weapons Regulation Act to possess an assault weapon,
2 .50 caliber rifle or .50 caliber cartridge may transfer the
3 assault weapon, .50 caliber rifle or .50 caliber cartridge only
4 to an heir, an individual residing in another state maintaining
5 it in another state or a dealer licensed as a federal firearms
6 dealer pursuant to Section 923 of the federal Gun Control Act
7 of 1968. Within ten days after transfer of the weapon except
8 to an heir, the person shall notify the department of public
9 safety of the name and address of the transferee. The person
10 to whom the weapon or ammunition is transferred shall, within
11 sixty days of the transfer, complete an endorsement affidavit
12 pursuant to this section if the person is required to file an
13 affidavit. A person to whom the weapon is transferred may
14 transfer it only as provided in this subsection.

15 G. Except as provided in Section 5 of the Assault
16 Weapons Regulation Act and beginning on January 1, 2026, any
17 nonresident who moves into the state in possession of an
18 assault weapon, .50 caliber rifle or .50 caliber cartridge
19 shall, within sixty days, complete and submit an endorsement
20 affidavit pursuant to this section.

21 H. Information contained in the endorsement
22 affidavit shall be confidential, is exempt from disclosure
23 pursuant to the Inspection of Public Records Act and shall not
24 be disclosed, except to law enforcement agencies acting in the
25 performance of their duties.

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1 I. Any person not subject to Section 3 of the
2 Assault Weapons Regulation Act may submit an endorsement
3 affidavit if the person chooses.

4 J. A person required to submit an endorsement
5 affidavit who fails to submit the endorsement affidavit prior
6 to the time required by the Assault Weapons Regulation Act is
7 guilty of a fourth degree felony."

8 SECTION 5. A new section of Chapter 30, Article 7 NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] EXCEPTIONS--LAW ENFORCEMENT--OTHERS.--

11 A. The provisions of Section 3 of the Assault
12 Weapons Regulation Act regarding the purchase or possession of
13 assault weapons, .50 caliber rifles and .50 cartridges, as well
14 as the provisions of that section that prohibit causing those
15 items to be purchased or possessed, do not apply to:

16 (1) peace officers, as defined in Section
17 31-1-2 NMSA 1978, in the course of their professional duties;

18 (2) qualified law enforcement officers and
19 qualified retired law enforcement officers as defined in the
20 federal Law Enforcement Officers Safety Act of 2004 acting in
21 the law enforcement officers' professional duties;

22 (3) acquisition and possession by a federal,
23 state or local law enforcement agency for the purpose of
24 equipping the agency's peace officers, qualified law
25 enforcement officers or qualified retired law enforcement

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1 officers;

2 (4) wardens, superintendents and keepers of
3 prisons, penitentiaries, jails and other institutions for the
4 detention of persons accused or convicted of an offense acting
5 in the wardens', superintendents' or keepers' professional
6 duties;

7 (5) members of the armed services or reserve
8 forces of the United States or the New Mexico national guard,
9 while performing their official duties or while traveling to or
10 from their places of duty;

11 (6) a company that employs armed security
12 officers in this state at a nuclear energy, storage, weapons or
13 development site or facility regulated by the nuclear
14 regulatory commission and a person employed as an armed
15 security force member at a nuclear energy, storage, weapons or
16 development site or facility regulated by the nuclear
17 regulatory commission who has completed the background
18 screening and training mandated by the rules and regulations of
19 the nuclear regulatory commission and while performing official
20 duties; and

21 (7) a private security contractor agency
22 licensed pursuant to the Private Investigations Act that
23 employs private security contractors and a private security
24 contractor who is licensed and allowed to carry a firearm
25 pursuant to that act while performing official duties.

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1 B. The provisions of Section 3 of the Assault
2 Weapons Regulation Act do not apply to the manufacture,
3 delivery, sale, import, purchase or possession of an assault
4 weapon, .50 caliber rifle or .50 caliber cartridge or causing
5 the manufacture, delivery, sale, importation, purchase or
6 possession of those items:

7 (1) for sale or transfer to persons authorized
8 pursuant to this section to possess those items; or

9 (2) for sale or transfer to the United States
10 or any department or agency thereof.

11 C. The provisions of Section 3 of the Assault
12 Weapons Regulation Act do not apply to or affect any of the
13 following:

14 (1) possession of a firearm if that firearm is
15 sanctioned by the international olympic committee and by USA
16 shooting, the national governing body for international
17 shooting competitions in the United States, but only when the
18 firearm is in the actual possession of an olympic target
19 shooting competitor or target shooting coach for the purpose of
20 storage, transporting to and from olympic target shooting
21 practice or events if the firearm is broken down in a
22 nonfunctioning state, is not immediately accessible or is
23 unloaded and enclosed in a firearm case, carrying box, shipping
24 box or other similar portable container designed for the safe
25 transportation of firearms; and when the olympic target

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1 shooting competitor or target shooting coach is engaging in
2 those practices or events;

3 (2) a nonresident who transports, within
4 twenty-four hours, an assault weapon, .50 caliber rifle or .50
5 caliber cartridge for a lawful purpose from a place where the
6 nonresident may lawfully possess and carry those items to
7 another place where the nonresident may lawfully possess and
8 carry those items if, during the transportation, the assault
9 weapon or .50 caliber rifle is unloaded, and neither the
10 assault weapon nor .50 caliber rifle nor any ammunition being
11 transported is readily accessible or is directly accessible
12 from the passenger compartment of the transporting vehicle. In
13 the case of a vehicle without a compartment separate from the
14 driver's compartment, the assault weapon, .50 caliber rifle or
15 ammunition shall be contained in a locked container other than
16 the glove compartment or console; and

17 (3) the manufacture, transportation,
18 possession, sale or rental of blank-firing assault weapons and
19 .50 caliber rifles, or the weapons' respective attachments, to
20 persons authorized or permitted, or both authorized and
21 permitted, to acquire and possess these assault weapons for the
22 purpose of rental for use solely as props for a motion picture,
23 television or video production or an entertainment event."

24 SECTION 6. A new section of Chapter 30, Article 7 NMSA
25 1978 is enacted to read:

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1 "[NEW MATERIAL] PENDING SALES AND TRANSFERS.--A sale or
2 transfer requiring a federal instant background check pursuant
3 to Section 30-7-7.1 NMSA 1978 is allowed to be completed after
4 the effective date of the Assault Weapons Regulation Act if the
5 background check is initiated on or before that date and the
6 background check is approved by the federal bureau of
7 investigation."

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

10 "[NEW MATERIAL] DEPARTMENT OF PUBLIC SAFETY--DUTIES--
11 PUBLIC OUTREACH CAMPAIGN.--

12 A. The department of public safety shall take all
13 steps necessary to carry out the requirements of the Assault
14 Weapons Regulation Act by December 1, 2025.

15 B. The department of public safety shall develop
16 and implement a public notice and public outreach campaign to
17 promote awareness about the provisions of the Assault Weapons
18 Regulation Act and increase compliance with that act."

19 **SECTION 8.** A new section of Chapter 30, Article 7 NMSA
20 1978 is enacted to read:

21 "[NEW MATERIAL] RESTRICTIONS ON LARGE-CAPACITY AMMUNITION
22 FEEDING DEVICES.--

23 A. A person shall not possess, manufacture,
24 purchase, sell or transfer any large-capacity ammunition
25 feeding device regardless of whether the device is attached to

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1 a firearm. This section shall not apply to magazines
2 originally designed to accept more than ten rounds of
3 ammunition that have been modified to accept no more than ten
4 rounds and that are not capable of being readily restored to a
5 capacity of more than ten rounds.

6 B. For the purposes of this section, "large-
7 capacity ammunition feeding device" means a magazine, belt,
8 drum, feed strip or similar device that has a capacity of, or
9 that can be readily restored or converted to accept, more than
10 ten rounds of ammunition. "Large-capacity ammunition feeding
11 device" does not include an attached tubular device designed to
12 accept, and capable of operating only with, .22 caliber rimfire
13 ammunition.

14 C. A person who may not lawfully possess a
15 large-capacity ammunition feeding device beginning July 1, 2025
16 shall, prior to July 1, 2025:

- 17 (1) remove the large-capacity ammunition
18 feeding device from the state;
- 19 (2) sell the large-capacity ammunition feeding
20 devices to a licensed firearms dealer; or
- 21 (3) surrender the large-capacity ammunition
22 feeding device to a law enforcement agency for destruction.

23 D. The provisions of this section regarding the
24 purchase or possession of large-capacity ammunition feeding
25 devices, as well as the provisions of this section that

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1 prohibit causing those items to be purchased or possessed, do
2 not apply to persons and entities identified in Subsection A of
3 Section 5 of the Assault Weapons Regulation Act.

4 E. This section does not apply to or affect any of
5 the following:

6 (1) the manufacture, delivery, sale,
7 importation, purchase or possession of or causing to be
8 manufactured, delivered, sold, imported, purchased or possessed
9 a large-capacity ammunition feeding device:

10 (a) for sale or transfer to persons
11 authorized under Subsection D of this section to possess those
12 items; or

13 (b) for sale or transfer to the United
14 States or any department or agency thereof; or

15 (2) the sale or rental of large-capacity
16 ammunition feeding devices for blank-firing assault weapons and
17 .50 caliber rifles to persons authorized or permitted or both
18 authorized and permitted to acquire these devices for the
19 purpose of rental for use solely as props for a motion picture,
20 television or video production or an entertainment event.

21 F. Any person who violates the provisions of this
22 section is guilty of a fourth degree felony."

23 SECTION 9. A new section of Chapter 30, Article 7 NMSA
24 1978 is enacted to read:

25 "[NEW MATERIAL] APPLICABILITY OF NEW MEXICO CIVIL RIGHTS

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1 ACT.--The New Mexico Civil Rights Act does not apply to
2 official actions taken in good faith compliance with the
3 Assault Weapons Regulation Act."

4 SECTION 10. A new section of Chapter 30, Article 7 NMSA
5 1978 is enacted to read:

6 "[NEW MATERIAL] SEVERABILITY.--

7 A. If any part or application of the Assault
8 Weapons Regulation Act is held invalid, the remainder or its
9 application to other situations or persons shall not be
10 affected.

11 B. Should a court of competent jurisdiction hold
12 that Section 3 of the Assault Weapons Regulation Act is
13 invalid, Section 4 of that act shall be deemed to apply to all
14 assault weapons, .50 caliber rifles or .50 caliber cartridges,
15 except as provided in Section 5 of that act and to persons who
16 hold a valid federal firearms license issued pursuant to 18
17 U.S.C. Section 923(a)."