

1 HOUSE BILL 565

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Stefani Lord and Jimmy G. Mason and John Block

5 and William A. Hall II and Harlan Vincent

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10 AN ACT

11 RELATING TO FIREARMS; PROVIDING THAT THE REQUIRED WAITING
12 PERIOD FOR THE SALE OF A FIREARM DOES NOT APPLY TO A BUYER WHO
13 IS A CERTIFIED LAW ENFORCEMENT OFFICER OR A COMMISSIONED LAW
14 ENFORCEMENT OFFICER WITH THE POWER TO MAKE ARRESTS.

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

17 SECTION 1. Section 30-7-7.3 NMSA 1978 (being Laws 2024,
18 Chapter 46, Section 1) is amended to read:

19 "30-7-7.3. UNLAWFUL SALE OF A FIREARM BEFORE REQUIRED
20 WAITING PERIOD ENDS.--

21 A. A waiting period of seven calendar days shall be
22 required for the sale of a firearm and the transfer of the
23 firearm to the buyer. The seven-calendar-day waiting period
24 shall include the period required to conduct a federal instant
25 background check; provided that, if the seven-calendar-day

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1 waiting period has expired without the completion of a required
2 federal instant background check, the seller shall not transfer
3 the firearm to the buyer until the federal instant background
4 check is completed. If the required federal instant background
5 check has not been completed within twenty days, the seller may
6 transfer the firearm to the buyer.

7 B. The firearm shall remain in the custody of the
8 seller or the federal firearms licensee performing the federal
9 instant background check during the entirety of the waiting
10 period.

11 C. Unlawful sale of a firearm before the required
12 waiting period ends consists of the transfer of ownership,
13 possession or physical control of the firearm from the seller
14 to the buyer before the end of the required seven-calendar-day
15 waiting period, but does not include temporary possession or
16 control of a firearm provided to a customer by the proprietor
17 of a licensed business in the conduct of that business.

18 D. Each party to an unlawful sale of a firearm
19 before the required waiting period ends is in violation of this
20 section and may be separately charged for the same sale.

21 E. Each firearm sold contrary to the provisions of
22 this section constitutes a separate offense under Subsection C
23 of this section.

24 F. Two or more offenses may be charged in the same
25 complaint, information or indictment and shall be punished as

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1 separate offenses.

2 G. Whoever violates the provisions of this section
3 is guilty of a misdemeanor.

4 H. The provisions of this section do not apply to
5 the sale of a firearm:

6 (1) to a buyer who holds a valid federal
7 firearms license;

8 (2) to a buyer who holds a valid New Mexico
9 concealed handgun license pursuant to the Concealed Handgun
10 Carry Act;

11 (3) to a law enforcement agency;

12 (4) between two law enforcement officers
13 authorized to carry a firearm and certified pursuant to federal
14 law or the Law Enforcement Training Act; [ø]

15 (5) to a buyer who is a law enforcement
16 officer authorized to carry a firearm and certified pursuant to
17 federal law or the Law Enforcement Training Act;

18 (6) to a buyer who is a commissioned law
19 enforcement officer who has the power to arrest while
20 performing the officer's official duties; or

21 [~~5~~] (7) between immediate family members.

22 I. As used in this section:

23 (1) "firearm" means any weapon that will or is
24 designed to or may readily be converted to expel a projectile
25 by the action of an explosion; the frame or receiver of any

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1 such weapon; and includes any handgun, rifle or shotgun; but
2 shall not include an antique firearm as defined in 18 U.S.C.
3 Section 921(16), a powder-actuated tool or other device
4 designed to be used for construction purposes, an emergency
5 flare or a firearm in permanently inoperable condition; and

6 (2) "immediate family member" means a spouse,
7 a parent, a child, a sibling, a grandparent, a grandchild, a
8 great-grandchild, a niece, a nephew, a first cousin, an aunt or
9 an uncle."

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