

1 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
2 SENATE RULES COMMITTEE SUBSTITUTE FOR  
3 SENATE BILL 261

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10 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

11 AN ACT

12 RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
13 AMENDING THE CRIME OF UNLAWFUL POSSESSION OF A FIREARM AT A  
14 POLLING PLACE TO ELIMINATE CERTAIN EXEMPTIONS TO THE CRIME.

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

16 **SECTION 1.** Section 1-20-24 NMSA 1978 (being Laws 2024,  
17 Chapter 50, Section 1, as amended) is amended to read:

18 "1-20-24. UNLAWFUL POSSESSION OF A FIREARM AT A POLLING  
19 PLACE.--

20 A. Unlawful possession of a firearm at a polling  
21 place consists of possession of a loaded or unloaded firearm by  
22 any person within:

23 (1) one hundred feet of the door through which  
24 voters may enter to vote at a school building in which a  
25 polling place is located while early voting is in progress or

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1 on election day;

2 (2) one hundred feet of the door through which  
3 voters may enter to vote at the office of the county clerk, an  
4 alternate voting location, a mobile voting site or any location  
5 used as a polling place while early voting is in progress or on  
6 election day that is not a school; or

7 (3) fifty feet of a monitored secured  
8 container as used in Subsection E of Section 1-6-9 NMSA 1978,  
9 beginning twenty-eight days before an election through election  
10 day.

11 B. The provisions of Subsection A of this section  
12 do not apply to:

13 [ (1) ~~a certified law enforcement officer in~~  
14 ~~performance of the officer's official duties;~~,

15 (2) ~~a law enforcement officer who is certified~~  
16 ~~pursuant to the Law Enforcement Training Act acting in~~  
17 ~~accordance with the policies of the officer's law enforcement~~  
18 ~~agency;~~,

19 (3) ~~a commissioned law enforcement officer~~  
20 ~~with the power to arrest in performance of the officer's~~  
21 ~~official duties;~~,

22 (4) ~~a commissioned law enforcement officer~~  
23 ~~with the power to arrest acting in accordance with the policies~~  
24 ~~of the officer's law enforcement agency;~~

25 (5)] (1) a law enforcement officer when the

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1 law enforcement officer's presence is requested by the  
2 presiding judge, an election judge, a county clerk or the  
3 secretary of state to assist in maintaining order and orderly  
4 control of access or to respond to a disaster or an emergency  
5 event;

6                   (2) a person in a private automobile or other  
7 private means of conveyance; or

8                   [~~(6) a person carrying a concealed firearm who~~  
9 ~~is in possession of a valid concealed handgun license for that~~  
10 ~~firearm pursuant to the Concealed Handgun Carry Act.~~

11                  C. A person conducting lawful, non-election-related  
12 business nearer than one hundred feet from the door through  
13 which voters may enter to vote or nearer than fifty feet from a  
14 monitored secured container is not guilty of unlawful  
15 possession of a firearm at a polling place.]

16                  (3) a commissioned law enforcement officer  
17 whose office is located in the same facility as the polling  
18 place.

19                  [D.] C. A person who commits unlawful possession of  
20 a firearm at a polling place is guilty of a petty misdemeanor  
21 and shall be sentenced pursuant to Section 31-19-1 NMSA 1978,  
22 in addition to any other penalty provided by law.

23                  [E.] D. For the purposes of this section, "firearm"  
24 means a weapon that will or is designed to or may readily be  
25 converted to expel a projectile by the action of an explosion,

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1 or the frame or receiver of any such weapon."

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