

1 SENATE RULES COMMITTEE SUBSTITUTE FOR  
2 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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underscored material = new  
[bracketed material] = delete

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) law enforcement officers when their  
14 presence is requested by the presiding judge, an election  
15 judge, a county clerk or the secretary of state to assist in  
16 maintaining order and orderly control of access or to respond  
17 to a disaster or emergency event; or

18 [ (1) ~~a certified law enforcement officer in~~  
19 ~~performance of the officer's official duties;~~

20 (2) ~~a law enforcement officer who is certified~~  
21 ~~pursuant to the Law Enforcement Training Act acting in~~  
22 ~~accordance with the policies of the officer's law enforcement~~  
23 ~~agency;~~

24 (3) ~~a commissioned law enforcement officer~~  
25 ~~with the power to arrest in performance of the officer's~~

1 ~~official duties;~~

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

3 ~~(5) (2) a person in a private automobile or other private means of conveyance. [or~~

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

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

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

7 [E.] D. ~~For the purposes of this section, "firearm" means a weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion, or the frame or receiver of any such weapon."~~