

New Mexico State Law
NM Stat. Ann.
Chapter 30. Criminal Offenses

30-7-16. Firearms; receipt, transportation or possession by a felon; penalty.

A. It is unlawful for a felon to receive, transport or possess any firearm or destructive device in this state.

B. Any person violating the provisions of this section shall be guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of the Criminal Sentencing Act [Chapter 31, Article 18 NMSA 1978].

C. As used in this section:

(1) "destructive devices" means:

(a) any explosive, incendiary or poison gas:

1) bomb;

2) grenade;

3) rocket having a propellant charge of more than four ounces;

4) missile having an explosive or incendiary charge of more than one-quarter ounce;

5) mine; or

6) similar device; and

(b) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which is generally recognized as particularly suitable for sporting purposes; and any combination of parts either designed or intended for use in converting any device into a destructive device as defined in Paragraphs (1) and (2) and from which a destructive device may be readily assembled.

The term **"destructive device"** shall not include any device which is neither designed nor redesigned for use as a weapon or any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device;

(2) "felon" means a person who has been convicted in the preceding ten years by a court of the United States or of any state or political subdivision thereof, to a sentence of death or one or more years imprisonment and has not been pardoned of the conviction by the appropriate authority; and

(3) "firearm" means any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosion; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer.

"Firearm" includes any handgun, rifle or shotgun.

30-7-18. Definitions.

A. "Explosive" means any chemical compound or mixture or device, the primary or common purpose of which is to explode * * *; and

B. "Explosive device" or "incendiary device" means:

(1) any explosive bomb, grenade, missile or similar device;

(2) any device or mechanism used or created to start a fire or explosion with or without a timing mechanism except cigarette lighters and matches; or

(3) any incendiary bomb or grenade, fire bomb or similar device or any device which includes a flammable liquid or compound and a wick or igniting agent

composed of any material which is capable of igniting the flammable liquid or compound.

30-7-19. Possession of explosives.

A. Possession of explosives consists of knowingly possessing, manufacturing or transporting any explosive and either intending to use the explosive in the commission of any felony or knowing or reasonably believing that another intends to use the explosive to commit any felony.

B. Any person who commits possession of explosives is guilty of a fourth degree felony.

30-7-19.1. Possession of explosive device or incendiary device.

A. Possession of any explosive device or incendiary device consists of knowingly possessing, manufacturing or transporting any explosive device or incendiary device or complete combination of parts thereof necessary to make an explosive device or incendiary device. This subsection shall not apply to any fireworks as defined in Section 60-2C-2 NMSA 1978 or any lawfully acquired household, commercial, industrial or sporting device or compound included in the definition of explosive devices or incendiary device in Section 30-7-18 NMSA 1978 that has legitimate and lawful commercial, industrial or sporting purposes or that is lawfully possessed under Section 30-7-7 NMSA 1978.

B. Any person who commits possession of an explosive device or incendiary device is guilty of a fourth degree felony.

Publisher's Notes:

1. The following jurisdictions prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts) [An asterisk (*) next to a name indicates another listing]

Alamagordo
Albuquerque*
Grants*

2. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Albuquerque*
Artesia
Gallup
Grants
Las Cruces
Las Vegas
Santa Fe