



The Legislature
of the
State of New Mexico

49th Legislature, Second Session

LAWS 2010

CHAPTER 106

SENATE BILL 40

Introduced by

SENATOR GEORGE K. MUÑOZ
SENATOR STEVEN P. NEVILLE
REPRESENTATIVE NATHAN P. COTE
REPRESENTATIVE CANDY SPENCE EZZELL
REPRESENTATIVE JIMMIE C. HALL
REPRESENTATIVE KATHY McCOY
REPRESENTATIVE DON TRIPP



Chapter 106

AN ACT

RELATING TO FIREARMS; ALLOWING CONCEALED HANDGUNS IN A RESTAURANT THAT SELLS BEER AND WINE AND DERIVES NO LESS THAN SIXTY PERCENT OF ITS ANNUAL GROSS RECEIPTS FROM THE SALE OF FOOD FOR CONSUMPTION ON THE PREMISES; AMENDING A SECTION OF THE CRIMINAL CODE.

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

Section 1. Section 30-7-3 NMSA 1978 (being Laws 1975, Chapter 149, Section 1, as amended) is amended to read:

"30-7-3. UNLAWFUL CARRYING OF A FIREARM IN LICENSED LIQUOR ESTABLISHMENTS.--

A. Unlawful carrying of a firearm in an establishment licensed to dispense alcoholic beverages consists of carrying a loaded or unloaded firearm on any premises licensed by the regulation and licensing department for the dispensing of alcoholic beverages except:

(1) by a law enforcement officer in the lawful discharge of the officer's duties;

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

(3) by the owner, lessee, tenant or operator of the licensed premises or the owner's, lessee's, tenant's

1 or operator's agents, including privately employed security
2 personnel during the performance of their duties;

3 (4) by a person carrying a concealed handgun
4 who is in possession of a valid concealed handgun license for
5 that gun pursuant to the Concealed Handgun Carry Act on the
6 premises of:

7 (a) a licensed establishment that does
8 not sell alcoholic beverages for consumption on the premises;
9 or

10 (b) a restaurant licensed to sell only
11 beer and wine that derives no less than sixty percent of its
12 annual gross receipts from the sale of food for consumption
13 on the premises, unless the restaurant has a sign posted, in
14 a conspicuous location at each public entrance, prohibiting
15 the carrying of firearms, or the person is verbally
16 instructed by the owner or manager that the carrying of a
17 firearm is not permitted in the restaurant;

18 (5) by a person in that area of the licensed
19 premises usually and primarily rented on a daily or
20 short-term basis for sleeping or residential occupancy,
21 including hotel or motel rooms;

22 (6) by a person on that area of a licensed
23 premises primarily used for vehicular traffic or parking; or

24 (7) for the purpose of temporary display,
25 provided that the firearm is:

1 (a) made completely inoperative before
2 it is carried onto the licensed premises and remains
3 inoperative while it is on the licensed premises; and

4 (b) under the control of the licensee
5 or an agent of the licensee while the firearm is on the
6 licensed premises.

7 B. Whoever commits unlawful carrying of a firearm
8 in an establishment licensed to dispense alcoholic beverages
9 is guilty of a fourth degree felony."

10 Section 2. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2010. _____

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Diane D. Denish

Diane D. Denish, President
Senate

Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

Ben Lujan

Ben Lujan, Speaker
House of Representatives

Stephen R. Arias
Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 10th day of March, 2010

Bill Richardson

Governor Bill Richardson
State of New Mexico

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