

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 25

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

AN ACT

RELATING TO JUVENILE DELINQUENCY; PROHIBITING AN ADULT WITH A JUVENILE DISPOSITION FOR UNLAWFUL POSSESSION OR USE OF A FIREARM FROM RECEIVING, TRANSPORTING OR POSSESSING A FIREARM OR DESTRUCTIVE DEVICE; PROVIDING ACCESS TO JUVENILE DELINQUENCY RECORDS FOR FIREARM BACKGROUND CHECKS; PROVIDING THAT A JUDGMENT IN PROCEEDINGS ON A PETITION UNDER THE DELINQUENCY ACT RESULTING IN A JUVENILE DISPOSITION FOR UNLAWFUL POSSESSION OR USE OF A FIREARM SHALL BE CONSIDERED A CONVICTION OF A CRIME FOR LIMITED PURPOSE.

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

SECTION 1. Section 30-7-16 NMSA 1978 (being Laws 1981, Chapter 225, Section 1, as amended) is amended to read:

"30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,
TRANSPORTATION OR POSSESSION BY CERTAIN PERSONS--PENALTY--

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underscored material = new
[bracketed material] = delete

1 A. It is unlawful for the following persons to
2 receive, transport or possess a firearm or destructive device
3 in this state:

4 (1) a felon;
5 (2) a person subject to an order of protection
6 pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978; [or]
7 (3) a person convicted of any of the following
8 crimes:

9 (a) battery against a household member
10 pursuant to Section 30-3-15 NMSA 1978;

11 (b) criminal damage to property of a
12 household member pursuant to Section 30-3-18 NMSA 1978;

13 (c) a first offense of stalking pursuant
14 to Section 30-3A-3 NMSA 1978; or

15 (d) a crime listed in 18 U.S.C. 921; or
16 (4) an adult with a juvenile disposition for a
17 delinquent act subject to the Delinquency Act for unlawful
18 possession or use of a firearm that would be a felony if
19 committed by an adult, regardless of whether the judgment
20 resulted in an adult sentence.

21 B. A felon [~~found in possession of~~] or an adult
22 with a juvenile disposition for a delinquent act subject to the
23 Delinquency Act for unlawful possession or use of a firearm
24 that would be a felony if committed by an adult, regardless of
25 whether the judgment resulted in an adult sentence, who

1 receives, transports or possesses a firearm or destructive
2 device shall be guilty of a third degree felony.

3 C. A serious violent felon [~~that is found to be in~~
4 ~~possession of~~] who receives, transports or possesses a firearm
5 or destructive device shall be guilty of a third degree felony,
6 and notwithstanding the provisions of Section 31-18-15 NMSA
7 1978, shall be sentenced to a basic term of six years
8 imprisonment.

9 D. Any person subject to an order of protection
10 pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978 or convicted
11 of a crime listed in Paragraph (3) of Subsection A of this
12 section who receives, transports or possesses a firearm or
13 destructive device is guilty of a misdemeanor.

14 E. As used in this section:

15 (1) "adult with a juvenile disposition for a
16 delinquent act subject to the Delinquency Act for unlawful
17 possession or use of a firearm that would be a felony if
18 committed by an adult" means a person eighteen years of age or
19 older with a juvenile disposition for a delinquent act subject
20 to the Delinquency Act for unlawful possession or use of a
21 firearm that would be a felony if committed by an adult;
22 provided that:

23 (a) less than ten years have passed
24 since the date of the most recent juvenile disposition and the
25 judgment in accordance with the Delinquency Act; and

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(b) the person has not been pardoned for the juvenile disposition by the proper authority;

[~~(1)~~] (2) except as provided in Paragraph [~~(2)~~] (3) of this subsection, "destructive device" 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-fourth ounce; 5) mine; or 6) similar device;

(b) any type of weapon by whatever name known that will, or that 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 that is generally recognized as particularly suitable for sporting purposes; or

(c) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in this paragraph and from which a destructive device may be readily assembled;

[~~(2)~~] (3) the term "destructive device" does not include any device that is neither designed nor redesigned for use as a weapon or any device, although originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device;

[~~(3)~~] (4) "felon" means a person convicted of a felony offense by a court of the United States or of any state or political subdivision thereof and:

(a) less than ten years have passed since the person completed serving a sentence or period of probation for the felony conviction, whichever is later;

(b) the person has not been pardoned for the felony conviction by the proper authority; and

(c) the person has not received a deferred sentence;

[~~(4)~~] (5) "firearm" means any 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; and

[~~(5)~~] (6) "serious violent felon" means a person convicted of an offense enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection [~~L~~] N of Section 33-2-34 NMSA 1978; provided that:

(a) less than ten years have passed since the person completed serving a sentence or a period of probation for the felony conviction, whichever is later;

(b) the person has not been pardoned for the felony conviction by the proper authority; and

(c) the person has not received a deferred sentence and completed the total term of deferment

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1 provided in Section 31-20-9 NMSA 1978."

2 **SECTION 2.** Section 32A-2-26 NMSA 1978 (being Laws 1993,
3 Chapter 77, Section 55, as amended) is amended to read:

4 "32A-2-26. SEALING OF RECORDS.--

5 A. On motion by or on behalf of a person who has
6 been the subject of a delinquency petition or on the court's
7 own motion, the court shall vacate its findings, orders and
8 judgments on the petition and order the legal and social files
9 and records of the court, probation services and any other
10 agency in the case sealed. If requested in the motion, the
11 court shall also order law enforcement files and records
12 sealed. An order sealing records and files shall be entered if
13 the court finds that:

14 (1) two years have elapsed since the final
15 release of the person from legal custody and supervision or two
16 years have elapsed since the entry of any other judgment not
17 involving legal custody or supervision;

18 (2) the person has not, within the two years
19 immediately prior to filing the motion, been convicted of a
20 felony or of a misdemeanor involving moral turpitude or been
21 found delinquent by a court and no proceeding is pending
22 seeking such a conviction or finding; and

23 (3) the person is eighteen years of age or
24 older or the court finds that good cause exists to seal the
25 records prior to the child's eighteenth birthday.

1 B. Reasonable notice of the motion shall be given
2 to:

3 (1) the children's court attorney;
4 (2) the authority granting the release;
5 (3) the law enforcement officer, department
6 and central depository having custody of the law enforcement
7 files and records; and
8 (4) any other agency having custody of records
9 or files subject to the sealing order.

10 C. Upon the entry of the sealing order, the
11 proceedings in the case shall be treated as if they never
12 occurred and all index references shall be deleted. The court,
13 law enforcement officers and departments and agencies shall
14 reply, and the person may reply, to an inquiry that no record
15 exists with respect to the person. Copies of the sealing order
16 shall be sent to each agency or official named in the order.

17 D. Inspection of the files and records or the
18 release of information in the records included in the sealing
19 order may thereafter be permitted by the court only:

20 (1) upon motion by the person who is the
21 subject of the records and only to those persons named in the
22 motion; and

23 (2) in its discretion, in an individual case,
24 to any clinic, hospital or agency that has the person under
25 care or treatment or to other persons engaged in fact finding

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1 or research.

2 E. Any finding of delinquency or need of services
3 or conviction of a crime subsequent to the sealing order may at
4 the court's discretion be used by the court as a basis to set
5 aside the sealing order.

6 F. A court may set aside a sealing order for the
7 juvenile disposition of a youthful offender and any evidence
8 given in a hearing in court for a youthful offender for the
9 purpose of considering the setting of bail or other conditions
10 of release of a person charged with a felony whether charged as
11 an adult or a juvenile.

12 G. A child who has been the subject of a petition
13 filed pursuant to the provisions of the Delinquency Act shall
14 be notified in writing by the department when the child reaches
15 the age of eighteen or at the expiration of legal custody and
16 supervision, whichever occurs later, that the department's
17 records have been sealed and that the court, the children's
18 court attorney, the child's attorney and the referring law
19 enforcement agency have been notified that the child's records
20 are subject to sealing.

21 H. The department shall seal the child's files and
22 records when the child reaches the age of eighteen or at the
23 expiration of the disposition, whichever occurs later. The
24 department shall notify the children's court attorney, the
25 child's attorney and the referring law enforcement agency that

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1 the child's records are subject to sealing.

2 I. Youthful offender records sealed pursuant to
3 Subsection H of this section may be unsealed by the court along
4 with any evidence given in a hearing in court for a youthful
5 offender for the purpose of considering the setting of bail or
6 other conditions of release of a person charged with a felony,
7 whether charged as an adult or juvenile.

8 J. A child who is determined by the court not to be
9 a delinquent offender shall have the child's files and records
10 in the instant proceeding automatically sealed by the court
11 upon motion by the children's court attorney at the conclusion
12 of the proceedings.

13 K. After sealing, the department may store and use
14 a person's records for research and reporting purposes, subject
15 to the confidentiality provisions of Section 32A-2-32 NMSA 1978
16 and other applicable federal and state laws.

17 L. Notwithstanding any provision of the law to the
18 contrary, prior to sealing a juvenile record, the court order
19 or judgment of a juvenile disposition for the unlawful
20 possession or use of a firearm for a delinquent act that would
21 be a felony if committed by an adult shall be electronically
22 transmitted to the federal bureau of investigation's national
23 instant criminal background check system and made available
24 only to state and local law enforcement agencies for a period
25 of ten years from the date of the most recent court disposition

1 or judgment for the sole purpose of determining whether a
2 person is in violation of Subsection A of Section 30-7-16 NMSA
3 1978."

4 SECTION 3. Section 32A-2-18 NMSA 1978 (being Laws 1993,
5 Chapter 77, Section 47, as amended) is amended to read:

6 "32A-2-18. JUDGMENT--NONCRIMINAL NATURE--
7 NONADMISSIBILITY--CONVICTION OF A CRIME--

8 A. The court shall enter a judgment setting forth
9 the court's findings and disposition in the proceeding. Except
10 as provided in Subsection D of this section, a judgment in
11 proceedings on a petition under the Delinquency Act resulting
12 in a juvenile disposition shall not be deemed a conviction of
13 crime nor shall it impose any civil disabilities ordinarily
14 resulting from conviction of a crime nor shall it operate to
15 disqualify the child in any civil service application or
16 appointment. The juvenile disposition of a child and any
17 evidence given in a hearing in court shall not be admissible as
18 evidence against the child in any case or proceeding in any
19 other tribunal whether before or after reaching the age of
20 majority, except in sentencing proceedings after conviction of
21 a felony and then only for the purpose of a presentence study
22 and report.

23 B. If a judgment resulting from a youthful offender
24 or serious youthful offender proceeding under the Delinquency
25 Act results in an adult sentence, a record of the judgment

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1 shall be admissible in any other case or proceeding in any
2 other court involving the youthful offender or serious youthful
3 offender.

4 C. If a judgment on a proceeding under the
5 Delinquency Act results in an adult sentence, the determination
6 of guilt at trial becomes a conviction for purposes of the
7 Criminal Code.

8 D. A judgment in a delinquency proceeding on a
9 petition under the Delinquency Act resulting in a juvenile
10 disposition for a delinquent act for unlawful possession or use
11 of a firearm that would constitute a felony if committed by an
12 adult shall be considered a conviction of a crime by state and
13 local law enforcement agencies for the sole purpose of
14 determining violations of the federal Gun Control Act of 1968
15 and Section 30-7-16 NMSA 1978 for a period of ten years, which
16 begins on the date of the most recent court disposition or
17 judgment for unlawful possession or use of a firearm for a
18 delinquent act that would be a felony if committed by an adult,
19 regardless of whether the judgment resulted in an adult
20 sentence."

21 SECTION 4. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2026.