



FIREARM RELINQUISHMENT: A DOMESTIC VIOLENCE PREVENTION BILL THAT WORKS

WHY DO WE NEED A NEW MEXICO RELINQUISHMENT LAW?

- The presence of a gun in a domestic violence situation makes it five times more likely the woman will die.
- Between 2001 and 2012, more than 6,000 women were murdered in the United States by an intimate partner using a gun.
- States that collect guns from people under restraining orders have a 22 percent lower rate of intimate-partner homicide by gun than those that don't
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- Currently, New Mexico law enforcement agencies have no way to take away guns from domestic violence perpetrators.

WHAT WILL A RELINQUISHMENT LAW DO?

- Enable our state court judges to protect victims of domestic violence who are not being protected by the federal law
- Bring New Mexico into line with 27 other states that have similar laws
- Require relinquishment of all firearms owned by domestic violence offenders while they are under an order of protection

- Make possession of a firearm by a person who has been convicted of a misdemeanor DV offense a separate misdemeanor offense.
- Make possession of a firearm by a restrained person a separate misdemeanor offense
- Create simple procedures for relinquishment, storage and return of firearms

HOW ARE GUN OWNER RIGHTS PROTECTED?

- Relinquishment is only permitted after a judge has weighed the evidence of domestic violence at an evidentiary hearing. Due process rights to notice and a hearing are fully protected.
- Law enforcement officers and others required to carry a firearm for employment purposes who are under an order of protection can carry a firearm only while on work. All other provisions of the law will apply to them.
- A person's Fifth Amendment right against self-incrimination is fully protected. Evidence regarding relinquishment may not be introduced in any criminal case

HOW ARE LAW ENFORCEMENT AGENCIES PROTECTED?

- Law enforcement agencies are immune from civil and criminal liability for any damage to the firearms they store or transport unless they are grossly negligent
- Law enforcement has the right to destroy firearms that are unclaimed or cannot legally be returned