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**HB 87 FIREARM RELINQUISHEMENT:**

**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 sperate 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 full 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