

CITY OF AZTEC

Ordinance 2013-422

An Ordinance Amending Section 12-161. Unlawful Carrying Of A Deadly Weapon

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF AZTEC:

Sec. 12-161 Unlawful Carrying of a Deadly Weapon of the Aztec City Code is hereby amended as follows:

1. Unlawful carrying of a deadly weapon consists of carrying a concealed loaded firearm or any other type of deadly weapon anywhere, except in the following cases:
 - (1) In the person's residence or on real property belonging to him as owner, lessee, tenant or licensee;
 - (2) In a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property;
 - (3) By a peace officer in accordance with the policies of his law enforcement agency who is certified pursuant to the Law Enforcement Training Act (NMSA 1978, § 29-7-1 et seq.);
 - (4) By a peace officer in accordance with the policies of his law enforcement agency who is employed on a temporary basis by that agency and who has successfully completed a course of firearms instruction prescribed by the state law enforcement academy or provided by a certified firearms instructor who is employed on a permanent basis by a law enforcement agency; ~~or~~
 - (5) **By a person in possession of a valid concealed handgun license issued to him by the department of public safety pursuant to the provisions of the Concealed Handgun Carry Act (NMSA 1978, § 29-19-1); or**
 - (6) On a target range or school range as authorized by law.
2. Nothing in this section shall be construed to prevent the carrying of any unloaded firearm.
3. The following definitions apply to this section:

Another or Other

Any other human being or legal entity, whether incorporated or unincorporated, including the United State, the State of New Mexico or any subdivision thereof.

Carrying a Deadly Weapon

Being armed with a deadly weapon by having it on the person, or in close proximity thereto, so that the weapon is readily accessible for use.

Deadly Weapon

Any firearm, bows, arrows, crossbows, whether loaded or unloaded; or any weapon which is capable of producing death or great bodily harm, including but not restricted to any types of dagger, metallic knuckles, switchblade knives, poniard, dirk knives and all other weapons with which dangerous cuts can be given, or with which dangerous thrusts can be inflicted, including sword canes, and any kind of sharp pointed can or rod, also slingshots, slung shots or bludgeon; or any other weapons with which dangerous wounds can be inflicted.

Firearm

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" included any handgun, rifle or shotgun.

Great Bodily Harm

An injury to the person which creates a high probability of death; or which causes serious disfigurement; or which results in permanent or protracted loss or impairment of the function of any member or organ of the body.

Peace Officer

Any public official or public officer vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

- 4. Unlawful carrying of a deadly weapon is a misdemeanor. (Code 2007, 12-161)

Passed, Approved, Signed and Adopted this _____ day of _____, 2013

By the Aztec City Commission, City of Aztec, New Mexico

Mayor Sally Burbridge

ATTEST:

Karla Saylor

APPROVE AS TO FORM:

Larry Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: _____

EFFECTIVE DATE OF ORDINANCE _____