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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2019-52

INTRODUCED BY:

Mayor Alan M. Webber

Councilor Mike Harris

Councilor Peter N. Ives

Councilor Roman "Tiger" Abeyta

Councilor Renee D. Villarreal

A RESOLUTION

URGING THE NEW MEXICO LEGISLATURE TO PASS AN EXTREME RISK PROTECTION BILL AND AN APPROPRIATION TO FUND RESEARCH ON THE CAUSES OF GUN VIOLENCE AND SOLUTIONS TO END GUN VIOLENCE AMONGST NEW MEXICO YOUTH DURING THE 2020 LEGISLATIVE SESSION; AND URGING THE NEW MEXICO LEGISLATURE TO PROPOSE A CONSTITUTIONAL AMENDMENT TO ALLOW MUNICIPALITIES TO ADOPT THEIR OWN PUBLIC SAFETY MEASURES IF THE LEGISLATURE FAILS TO ACT.

WHEREAS, according to a 2018 Center for Disease Control report, New Mexico has higher firearm death rates than the United States as a whole; and

WHEREAS, trends over the past two decades reveal persistent annual increases in the rates and numbers of firearm deaths in New Mexico; and

WHEREAS, according to a 2018 report done by the Epidemiology and Report Division of the New Mexico Department of Health ("NMDH"), New Mexico experienced its most violent year of firearm deaths in more than a century

1 **WHEREAS**, according to this report, in 2018 there was a 6% increase in firearm-related
2 deaths statewide, jumping from 412 deaths to 436; and

3 **WHEREAS**, according to the same report by, two-thirds of resident firearm deaths in
4 2017 were suicides and 30% were homicides; and

5 **WHEREAS**, extreme risk protection laws save lives from suicide by creating a tool to
6 proactively intervene and keep those at risk of hurting themselves from accessing the most lethal
7 means of suicide during desperate periods; and

8 **WHEREAS**, a 2018 FBI study on pre-attack behaviors of active shooters found that the
9 average shooter displayed four to five observable and concerning behaviors over time, often
10 related to the shooter’s mental health, problematic interpersonal interactions, or other signs of
11 violent intentions; and

12 **WHEREAS**, the New Mexico Constitution (N.M. Const., Art. II, § 6) prohibits
13 municipalities or counties from regulating “in any way, an incident of the right to keep and bear
14 arms”; and

15 **WHEREAS**, the National Rifle Association (“NRA”) successfully pushed for the
16 language restricting local governments by way of a constitutional amendment in 1986, an
17 amendment that has prevented local communities from addressing basic measures to provide
18 safety to their residents; and

19 **WHEREAS**, according to the NMDH, between 2012 to 2018, the number of visits to
20 New Mexico emergency rooms for firearm injuries increased 65 percent; and

21 **WHEREAS**, according to the NMDH, from 2012 to 2017, 110 children were killed with
22 a firearm in New Mexico; and hundreds more were injured; and

23 **WHEREAS**, rampant gun violence in schools and other locations throughout the United
24 States continues to plague our communities in 2018; and

25 **WHEREAS**, New Mexico gun laws do not

- 1 1. Limit the number of firearms purchased at one time;
- 2 2. Prohibit the possession of assault rifles that have no use in civilian society;
- 3 3. Prohibit the transfer or possession of assault weapons, large caliber rifles, or
- 4 large capacity magazines;
- 5 4. Significantly regulate firearm dealers;
- 6 5. Impose a minimum age for to purchase ammunition;
- 7 6. Regulate “unusually dangerous ammunition” such as armor piercing rounds,
- 8 large caliber, exploding, flechette, dragon’s breath, bolo shell, hollow nose/dum-dum;
- 9 7. Impose a waiting period for the purchase of firearms; or
- 10 8. Require the registration of firearms; and

11 **WHEREAS**, the NRA was incorporated in 1871 with a primary goal of promoting and
12 encouraging rifle shooting on a scientific basis, but it has since become an organization opposed
13 to legislation that promotes the safe purchase and use of firearms; and

14 **WHEREAS**, the inaction of the New Mexico Legislature has left students and other
15 residents of New Mexico vulnerable to acts of gun violence; and

16 **WHEREAS**, there are numerous common sense laws that the New Mexico Legislature
17 can enact that would take the initial steps toward ensuring those persons who purchase firearms
18 do not endanger themselves, their family members, or others; and

19 **WHEREAS**, the New Mexico Legislature must continue to enact sensible legislation to
20 address the devastating effect that gun violence is having in the City of Santa Fe and in other New
21 Mexico communities – the New Mexico Legislature must lead or get out of the way so that local
22 governments may lead.

23 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
24 **CITY OF SANTA FE** that the New Mexico Legislature is urged to pass an Extreme Risk
25 Protective law that would authorize the police or family members to petition a state court to order

1 the temporary removal of firearms from a person who may present a danger to themselves or
2 others and an appropriation that would fund research on the cause of gun violence and the
3 solutions to end gun violence amongst New Mexico youth.

4 **BE IT FURTHER RESOLVED** that if the members of the Legislature decide they do
5 not have the political will to pass such legislation, they instead propose legislation to amend the
6 New Mexico Constitution to permit local governments to adopt their own reform measures to
7 address public safety as it relates to firearms.

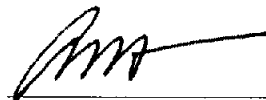
8 PASSED, APPROVED, and ADOPTED this 30th day of October, 2019.

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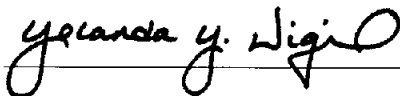
ALAN M. WEBBER, MAYOR

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ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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Legislation/2019/Resolutions/2019-52 Extreme Risk Protection Support