

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2017-7

3 INTRODUCED BY:

4
5 Councilor Joseph M. Maestas Mayor Javier M. Gonzales
6 Councilor Renee D. Villarreal Councilor Mike Harris
7 Councilor Carmichael A. Dominguez Councilor Peter N. Ives
8 Councilor Signe I. Lindell Councilor Ronald S. Trujillo
9 Councilor Chris Rivera

10 A RESOLUTION

11 CALLING ON THE NEW MEXICO STATE LEGISLATURE TO AMEND CHAPTER
12 29-1-14(H) NMSA 1978 TO REQUIRE THE DESTRUCTION BY ALL NEW MEXICO
13 LAW ENFORCEMENT AGENCIES OF ALL FIREARMS IN THEIR POSSESSION
14 THAT ARE NO LONGER NECESSARY FOR USE IN OBTAINING A CONVICTION,
15 OR ARE NOT NEEDED FOR ANY OTHER PUBLIC PURPOSE.

16
17 WHEREAS, the City of Santa Fe disposed of 600 seized firearms in 2014 by bulldozing
18 and burying them at the Santa Fe landfill; and

19 WHEREAS, the City of Santa Fe collected 174 firearms in 2015; and

20 WHEREAS, as a result of Resolution 2016-83, with support of the Santa Fe Police
21 Department, the Guns to Gardens project sponsored by New Mexicans to Prevent Gun Violence
22 hosted a recent gun buyback to repurpose guns into garden tools; and

23 WHEREAS, current Santa Fe Police Department policy allows for the “destruction or
24 disposal of...firearms in accordance with applicable laws”; and

25 WHEREAS, in 2014, the City of Albuquerque confiscated 1,644 firearms during

1 criminal investigations; and

2 **WHEREAS**, Chapter 29-1-14(H) NMSA 1978 states that “[o]nce it is determined by the
3 law enforcement agency that any property enumerated in this subsection is no longer necessary
4 for use in obtaining a conviction or is not needed for any other public purpose, the law
5 enforcement agency may apply to the district court...for an order authorizing destruction or other
6 disposition of the property...”; and

7 **WHEREAS**, it is the current policy of the Santa Fe Police Department to destroy all
8 unclaimed and seized weapons in the possession of the Police Department; and

9 **WHEREAS**, the Santa Fe Police Department sponsored a gun buyback program in 2013
10 that brought in over 400 firearms, all of which were subsequently destroyed, taking many
11 weapons off of our streets; and

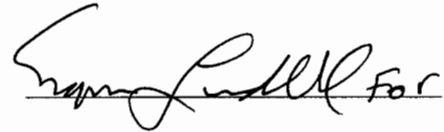
12 **WHEREAS**, it is the desire of the Governing Body to ensure that the Santa Fe Police
13 Department destroys all firearms in its possession, when legally permissible, to ensure they do not
14 return to our streets.

15 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
16 **CITY OF SANTA FE** that the New Mexico Legislature is requested to amend Chapter 29-1-
17 14(H) NMSA 1978 to require that all firearms in the possession of New Mexico law enforcement
18 agencies, which are no longer necessary for use in obtaining a conviction, or are not needed for
19 any other public purpose, shall be destroyed.

20 **BE IT FURTHER RESOLVED** that this request shall in no way conflict or contradict
21 the provisions of the Second Amendment to the United States Constitution regarding the right to
22 bear arms, or any other national, state or local law regulating that right.

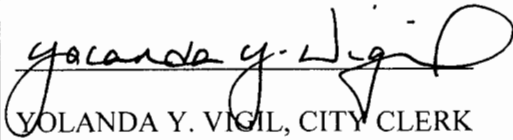
23 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
24 resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.

1 PASSED, APPROVED AND ADOPTED this 11th day of January, 2017.

2
3
4 

5 JAVIER M. GONZALES, MAYOR

6 ATTEST:

7
8 
9 YOLANDA Y. VIGIL, CITY CLERK

10 APPROVED AS TO FORM:

11 
12
13 KELLEY A. BRENNAN, CITY ATTORNEY