



Written by [Bob Adelman](#) on October 11, 2023

New Mexico Governor Extends Carry Ban

Few were surprised when New Mexico's anti-gun Governor Michelle Lujan Grisham [extended the "temporary" ban](#) on legally owned firearms being carried in public places last week. Because her initial ban was put on temporary hold by a court, she backed off, with her new order limited to the prohibiting of the private carrying of guns in parks or playgrounds or other "public places provided for kids." This means, of course, that those places remain prime places for criminals bent on targeting youngsters.

But her vendetta against guns themselves remains firmly in place. At a press conference announcing the extension, she declared, "We have far too many firearms in our community."



AP Images
Michelle Lujan-Grisham

At that press conference, New Mexico State Police Chief Pete Kassetas implied that the real problem isn't guns, but criminals using them returning to the streets. And the reason they are still allowed to roam the streets of Albuquerque? "At the end of the day, if you can't book people, we can't arrest people. If we don't arrest people, they continue to commit crimes."

In other words, Kassetas implies that the reason crime is so high in New Mexico's largest city is because the city doesn't have enough staffers to handle the paperwork, or room to incarcerate those charged after they've been booked.

This is part and parcel of a long-range plan that the state adopted years ago — the Juvenile Detention Alternatives Initiative, or JDAI. This is the brainchild of, and funded by, the Annie E. Casey Foundation. It is specifically designed "to safely reduce reliance on secure confinement of children" and in its place adopt other "reform" strategies to keep them from becoming repeat offenders.

In the press release from New Mexico's Department of Health, Secretary Patrick Allen reiterated Grisham's excuse for initiating the ban: "gun violence ... currently constitute[s] statewide public health emergencies." But, tacitly admitting the failure of the JDAI, "the New Mexico Children, Youth and Families Department shall immediately suspend the Juvenile Detention Alternatives Initiative" and will now "evaluate [all] juvenile probation protocols."

Allen also announced that his department "shall coordinate with local law enforcement agencies and the district attorneys' offices [to] assist in [the] apprehension of individuals with outstanding arrest warrants."

The governor announced that the state will now, using taxpayer monies, institute a useless "gun buyback" program, only it's being called a "safe surrender event."

The idea is that someone illegally possessing a firearm will all of a sudden show up and give over his firearm in exchange for cash and the promise of no charges being filed against him. Gun-buyback



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programs have been proven to have no effect on gun violence but instead allow owners of old, rusty, useless, nonworking firearms to offload them onto the state at the taxpayers' expense.

And the infringements against gun dealers announced in the governor's initial illegal order back in September remain in place:

The New Mexico Regulation and Licensing Department shall conduct monthly inspections of licensed firearms dealers in the State to ensure compliance with all sales and storage laws.

In addition, reports on gunshot victims — age, race, gender, etc. — will continue to be demanded by the state, but without a similar demand for the same information on the shooters.

As for the temporary restraining order, it expires in early November. This hopefully will give U.S. District Court Judge David Urias, who issued the TRO, time to hear the state's explanation of how Grisham's executive order is "consistent with this Nation's historical tradition of firearm regulation" (from *New York State Rifle & Pistol Association v. Bruen*).

As Urias previously ruled, "given the directives and holdings of this Supreme Court precedent, plaintiffs [gun rights groups bringing the complaint] have shown a substantial likelihood of success on the merits of their Second Amendment claim."

He is likely to rule that the governor's claim of a "health emergency" that overrides the Second Amendment will not stand. As Jacob Sullum, senior editor at *Reason* magazine, put it:

It seems unlikely that the persistent, omnipresent threat of violent crime constitutes the sort of "emergency" that New Mexico legislators had in mind.

But the more important point, repeatedly confirmed by state and federal courts, is that even properly defined emergencies do not nullify constitutional rights.

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