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The Honorable Raúl Torrez  
Attorney General of New Mexico  
Office of the Attorney General  
Santa Fe, NM

Jan 5, 2026

Re: Request for Attorney General guidance regarding enforcement status of New Mexico's 7-Day Firearm Waiting Period

Attorney General Torrez,

I am writing to respectfully request guidance from your Office regarding the current enforcement posture of New Mexico's seven-day waiting period for most firearm purchases, in light of recent federal court developments.

As you are aware, the U.S. Court of Appeals for the Tenth Circuit issued a ruling blocking enforcement of the Waiting Period Act while litigation continues, concluding that the law is likely unconstitutional. Subsequent reporting indicates the court declined to rehear the matter en banc, leaving the panel decision in effect at this stage of the proceedings.

In the wake of these rulings, my office has received feedback from constituents and federally licensed firearms dealers indicating that compliance practices vary across the state. Some retailers are proceeding with firearm transfers without the additional waiting period, while others continue to apply the seven-day delay based on differing interpretations of the law's current status. This lack of uniformity has created uncertainty for regulated businesses and the public.

Given the Attorney General's role in providing legal guidance on matters of statewide significance, I would appreciate your Office's clarification on several practical points:

1. **Current enforcement posture:** Whether, in light of the Tenth Circuit's decision and subsequent procedural developments, the State of New Mexico is presently barred from enforcing the Waiting Period Act.
2. **Guidance to firearms dealers:** What compliance expectations, if any, your Office recommends for federally licensed firearms dealers operating in New Mexico while the litigation remains pending.

Clear direction on these issues would assist legislators, businesses, and constituents in understanding the practical effect of the court's rulings and would help promote consistency in how the law is treated across New Mexico during the pendency of the case.

Thank you for your consideration of this request. My office would welcome the opportunity to coordinate with your staff as needed.

Respectfully,

Senator Crystal Brantley  
New Mexico State Senate