

**9-515A. Misdemeanor crime of domestic violence relationship finding for NICS reporting.**

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT,

\_\_\_\_\_, Plaintiff

v.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant

**MISDEMEANOR CRIME OF DOMESTIC VIOLENCE (MCDV)  
RELATIONSHIP FINDING FOR NICS REPORTING<sup>1</sup>**

The Defendant has entered a plea or has been found guilty of the following misdemeanor crime (use a separate form for each charge/victim):

- Assault, NMSA 1978, Section 30-3-1;
- Assault against a household member, NMSA 1978, Section 30-3-12;
- Battery, NMSA 1978, Section 30-3-4;
- Battery against a household member, NMSA 1978, Section 30-3-15;
- Criminal damage to property of a household member, NMSA 1978, Section 30-3-18(B);
- Aggravated battery, NMSA 1978, Section 30-3-5(B);
- Aggravated battery against a household member, NMSA 1978, Section 30-3-16(B);
- Criminal sexual contact, NMSA 1978, Section 30-9-12(D);
- Public affray, NMSA 1978, Section 30-20-2;
- Stalking (1st offense), NMSA 1978, 30-3A-3;
- Attempted 4th degree felony (*List the name of the offense*): \_\_\_\_\_.

The Court finds the following upon sentencing:

1. The above conviction involved the use or attempted use of physical force or threatened use of a deadly weapon.<sup>2</sup>  Yes  No<sup>3</sup>
2. The finding of the use or attempted use of physical force or threatened use of a deadly weapon was made by  Admission in plea colloquy,  Stipulation by parties,  Guilty verdict.
3. The relationship between the Defendant and Victim is<sup>4</sup>:
  - Defendant is the victim's current or former spouse;
  - Defendant shares a child in common/is the co-parent with the victim (biological or adopted children);
  - Defendant is currently or has cohabitated with the victim as a spouse, parent, or guardian. (*serious dating relationship plus cohabitation*);
  - The Defendant is similarly situated as a spouse, co-parent, or co-

- guardian with the victim;
- The Defendant and victim are/were recently dating or involved in an intimate relationship;
- The Defendant is the victim's current or former parent/guardian;
- The victim is the Defendant's present or former parent, parent-in-law or step-parent;
- The victim is the Defendant's grandparent or grandparent-in-law;
- OR
- The relationship between the Defendant and the victim is none of the options above;
- The relationship between Defendant and the victim was not established by admission of the Defendant during the plea colloquy, stipulation of the parties orally or by written plea agreement, or as an element of an offense for which the Defendant was found guilty.
4. The finding of the relationship was made by<sup>5</sup>  Admission in plea colloquy,  Stipulation by parties,  Guilty verdict.
5.  The Defendant will be reported to NICS.  
 The Defendant will not be reported to NICS.

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Judge

#### USE NOTES

1. The Court shall complete this form at time of sentencing solely for the purpose of determining the Administrative Office of the Courts' obligation to report information to the National Instant Criminal Background Check System (NICS) consistent with NMSA 1978, Section 34-9-19. If a Defendant is reported to NICS, the Defendant may not possess, receive, ship, transport, or purchase a firearm or ammunition.
2. Not required for state prohibitor crimes Criminal Damage to Property of a Household Member, Section 30-3-18, and Stalking (1st offense), Section 30-3A-3.
3. "Yes" for "use or attempted use of physical force or threatened use of a deadly weapon" should only be checked if it is established through admission of the Defendant during the plea colloquy, stipulation of the parties orally or by written plea agreement, or as an element of an offense for which the Defendant was found guilty. If not, check "No."
4. Not required for Stalking (1st offense), Section 30-3A-3.
5. If the court finds a relationship between the Defendant and Victim existed, that finding must be established through admission of the Defendant during the plea colloquy, stipulation of the parties orally or by written plea agreement, or as an element of an offense for which the Defendant was found guilty.
6. To determine if a Defendant should be reported to NICS, consult the reference chart on the Administrative Office of the Courts' website that cross references

the relationship and charge to determine whether the Defendant is subject to federal and/or state firearm prohibitions, and whether the Defendant will be reported to the FBI for entry into NICS.

7. Copies of this form shall be provided to the Defendant and all counsel.

8. A Defendant may still be subject to federal and/or state firearm prosecution if the actual relationship between the Defendant and the victim is later established/shown to be different than what is represented at the time this form is completed.

9. NMSA 1978, Section 30-7-16(A)(3) makes it unlawful for a person convicted for certain misdemeanor crimes to receive, transport, or possess a firearm or destructive device in this state.

10. 18 U.S.C. § 922(g)(9) makes it unlawful for a person convicted for a misdemeanor crime of domestic violence to possess, ship, or transport any firearm or ammunition. 18 U.S.C. § 921(a)(33)(A) defines a misdemeanor crime of domestic violence.

[Adopted by Supreme Court Order No. S-1-RCR-2024-00096, effective for all cases pending or filed on or after December 31, 2025.]