

NEW MEXICO
CONCEALED HANDGUN CARRY
ACT OF 2003
WITH RULES AND REGULATIONS
AS AMENDED IN 2005, 2010, 2015, and 2016

APPLICATION INCLUDED



ISSUED BY

New Mexico Department of Public Safety
Law Enforcement Records Bureau
Concealed Carry Unit

6301 Indian School Road NE Suite 310
Albuquerque, NM 87110

<https://www.dps.nm.gov/top-links-for-nm-residents/concealed-carry-licenses>

NMCC.Questions@dps.nm.gov

(505)841-8053

Effective 1/1/2025

Two Year Refresher Reminder

New Mexico Concealed Handgun Carry Act

29-19-6

Appeal; license renewal; **refresher firearms training course**; suspension or revocation of License

H. A licensee shall complete a two-hour refresher firearms training course two years after the issuance of an original or renewed license. The refresher course shall be approved by the department and shall be taken twenty-two to twenty-six months after the issuance of an original or renewed license. A certificate of completion shall be submitted to the department no later than thirty days after completion of the course.

Renewal Reminder

New Mexico Administrative Code

10.8.2.17

To renew a New Mexico license.

(1) The licensee may submit the application anytime from 60 calendar days before, and until 60 days after the license expires. If the license has expired, a licensee shall not carry a concealed handgun until he or she receives a renewed license.

To renew your license you must take a 4-hour renewal course and submit an application no later than 60 days past your expiration date.

ATTENTION:

To reduce delays in processing your application, please be sure that all documents that need to be notarized, witnessed, or photocopied are completed prior to your submittal of your application to the concealed carry unit.



**FOLLOW THE CHECKLIST BELOW FOR YOUR APPROPRIATE CATEGORY BEFORE
SUBMITTING YOUR APPLICATION TO THE DEPARTMENT**

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Documents needed for **Civilian**

(New/ Initial Application)

- 2-Page Application
- Authorization to Obtain Health Information complete with WITNESS SIGNATURE (Anyone over the age of 18)
- Authorization for Release of Information complete with NOTARY (Please have documents notarized prior to submittal of application)
- Photocopy of valid New Mexico Driver's License or Identification Card
- Photocopy of Birth Certificate or other required legal documents (Not required if NMDL is a Real ID)
- Training Certificate w/ NM DPS-Approved Instructor
- IDEMIA (IdentoGO) Fingerprint Receipt (ORI NM920200Z \$59)
- \$100 fee made payable to **NMDPS CCU**

(Renewal Application)

- 2-Page Application
- Photocopy of valid New Mexico Driver's License or Identification Card
- Training Certificate w/ NM DPS-Approved Instructor
- \$75 fee made payable to **NMDPS CCU**

Documents needed for **Active Military**

(New/ Initial Application)

- 2-Page Application
- Authorization to Obtain Health Information complete with WITNESS SIGNATURE (Anyone over the age of 18)
- Authorization for Release of Information complete with NOTARY (Please have documents notarized prior to submittal of application)
- Photocopy of valid Driver's License or Identification Card
- One (1) passport photo if your Driver's License is not issued in New Mexico
- Photocopy of Birth Certificate or other required legal documents (Not required if NMDL is a Real ID)
- Photocopy of Military ID and PCS (Permanent Change of Station) Orders
- IDEMIA (IdentoGO) Fingerprint Receipt (ORI NM920272Z \$23.00)

(Renewal Application)

- 2-Page Application
- Photocopy of valid Driver's License or Identification Card
- Photocopy of Military ID and PCS (Permanent Change of Station) Orders
- One (1) passport photo if your Driver's License is not issued in New Mexico

Documents needed for **Retired Military/ Military Veteran**

(New/ Initial Application)

- 2-Page Application
- Authorization to Obtain Health Information complete with WITNESS SIGNATURE (Anyone over the age of 18)
- Authorization for Release of Information complete with NOTARY (Please have documents notarized prior to submittal of application)
- Photocopy of valid New Mexico Driver's License or Identification Card
- Photocopy of Birth Certificate or other required legal documents (Not required if NMDL is a Real ID)
- Photocopy of DD-214 with character of discharge (Must have Honorable Discharge)
(Letter from the VA stating honorable discharge is an acceptable alternative)
- Training Certificate w/ NM DPS-Approved Instructor *If outside of 20 years of separation
- IDEMIA (IdentoGO) Fingerprint Receipt (ORI NM920272Z \$23.00)

(Renewal Application)

- 2-Page Application
- Photocopy of valid Driver's License or Identification Card
- DD-214 with character of discharge (Must have Honorable Discharge)
- Training Certificate w/ NM DPS-Approved Instructor *If outside of 20 years of separation

Documents needed for **Active Law Enforcement Officer**

(New/ Initial Application)

- 2-Page Application
- Authorization to Obtain Health Information complete with WITNESS SIGNATURE (Anyone over the age of 18)
- Authorization for Release of Information complete with NOTARY (Please have documents notarized prior to submittal of application)
- Photocopy of valid NM Driver's License or Identification Card
- Photocopy of Birth Certificate or other required legal documents (Not required if NMDL is a Real ID)
- Agency ID/ Law Enforcement Credentials
- Certification Number (If certification number was issued)
- Letter of Good Standing
- Copy of last qualification
- IDEMIA (IdentoGO) Fingerprint Receipt (ORI NM920272Z \$23.00)

(Renewal Application)

- 2-Page Application
- Photocopy of valid New Mexico Driver's License or Identification Card
- Agency ID
- Certification Number (If certification number was issued)
- Letter of Good Standing
- Photocopy of last qualification

Documents needed for **Retired Law Enforcement Officer**

(New/ Initial Application) (Must show proof of having completed a minimum of 15 years as LEO or retired due to job related disability)

- 2-Page Application
- Authorization to Obtain Health Information complete with WITNESS SIGNATURE (Anyone over the age of 18)
- Authorization for Release of Information complete with NOTARY (Please have documents notarized prior to submittal of application)
- Photocopy of valid New Mexico Driver's License or Identification Card
- Photocopy of Birth Certificate or other required legal documents (Not required if NMDL is a Real ID)
- Letter of Good Standing with Agency ID and Certification Number (If certification number was issued)
- IDEMIA (IdentoGO) Fingerprint Receipt (ORI NM920272Z \$23.00)
- Photocopy of last qualification * If less than 10 years retired
- Training Certificate w/ NM DPS-Approved Instructor *If more than 10 years retired

(Renewal Application) (Must have completed a minimum of 15 years as LEO or retired due to job related disability)

- 2-Page Application
- Photocopy of valid New Mexico Driver's License or Identification Card
- Agency ID
- Certification Number (If certification number was issued)
- Letter of Good Standing
- Photocopy of last qualification * If less than 10 years retired
- Training Certificate w/ NM DPS-Approved Instructor *If more than 10 years retired

Applications can now be submitted through the Online Portal.

**NEW ONLINE PORTAL AVAILABLE FOR CONCEALED
CARRY APPLICANTS!**

Press the button below if:

- You have met the requirements for a concealed carry license and are ready to submit.
- You need to replace your current license.
- You want to check on your status of an existing/pending application.

[Register/Log In](#)

For more information please visit us at WWW.DPS.NM.GOV

Application Instructions

For a complete outline of eligibility requirements, refer to the New Mexico Concealed Handgun Carry Act of 2003 (as amended in 2005, 2010, 2015, and 2016) Section 29-19-1 through 14, NMSA 1978 and NMAC 10.8.2 included in this packet. Personal check, cashier's check, or money order should be made payable to New Mexico Department of Public Safety (NMDPS CCU). Credit/Debit cards are also accepted in person at our office in Albuquerque.

Applications may be mailed to:
NMDPS Concealed Carry Unit
6301 Indian School Rd NE Suite 310
Albuquerque, NM 87110

Incomplete applications **will not** be processed.
Be sure to sign and date all appropriate locations
and provide a witness and notary signature where required.

Your fee will be deposited, and you must meet the guidelines set forth in NMAC 10.8.2.11(C) **Fees are non-refundable** NMSA 29-19-5(B)(2)

Fingerprinting Procedures for Concealed Carry License

- Register at <https://nm.state.identogo.com>
- Select "schedule a new appointment"
- Enter corresponding ORI information:
 NM920200Z for civilian \$59.00
 NM920272Z for military or law enforcement \$23.00
- Privacy act statement
- Enter zip code
- Select preferred available time
- Enter applicant information
- Review info and continue to pay screen
- Print or record receipt for use at scheduled appointment
- Fingerprint location will provide a TCN Number after you are fingerprinted

If the fingerprints are not accepted by the FBI for comparison purposes, processing of your applications may be significantly delayed, and you may be required to submit another set. You may request to have original documents returned to you by submitting this request along with a self-addressed, stamped envelope.

Additional information and updates pertaining to NM Concealed Carry are available on the NMDPS website: <http://www.dps.nm.gov>.

Check this website periodically for new and updated forms and information on recognition and reciprocity.

New Mexico Department of Public Safety

CONCEALED HANDGUN LICENSE APPLICATION

Read “APPLICATION INSTRUCTIONS” prior to completing this application.

TYPE or PRINT LEGIBLY IN INK.

Your application **WILL NOT** be processed unless/until all applicable questions have been answered on page 2 and all required documents have been submitted.

Be sure to include: IDEMIA fingerprint receipt, authorization to obtain health information form, authorization for release of information form, a current certificate of firearms training, a photocopy of your New Mexico Driver’s License or Identification Card, a photocopy of your birth certificate or naturalization certificate (not required if the Driver’s License is a Real ID), and payment in the form of personal check, cashier’s check, money order, or credit card for the appropriate amount.

FEES ARE NON-REFUNDABLE

<input type="checkbox"/> New License Application <input type="checkbox"/> Renewal Application (Expiration Date _____) Permit Number (Not Required) _____							
<input type="checkbox"/> Civilian		<input type="checkbox"/> Active Law Enforcement		<input type="checkbox"/> Mounted Patrol		<input type="checkbox"/> Retired LE (Retirement Date _____)	
<input type="checkbox"/> Active Military		<input type="checkbox"/> Veteran (Discharge Date _____) ❖ Training is required after 20 years of being discharged from service.					
Last Name:		First Name:		Middle Name:		County of Residency:	
Social Security Number:		Fingerprint TCN: (New Applicants Only)		Driver’s License or I.D Number:		DL Issue Date:	
Date of Birth: (mm-dd-yyyy)		Sex: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> X	Height:	Weight:	Eye Color:	Hair Color:	Race:
City of Birth:			State of Birth:		Country of Birth other than USA:		
Mailing Address:				City:		State:	Zip Code:
Physical Address (if different than above):				City:		State:	Zip Code:
How long have you lived at the above address?			Phone Number:		Business Phone Number:		
Years Months							
Email Address:							
FOR OFFICE USE ONLY:							
Form of Payment: <input type="checkbox"/> Money Order <input type="checkbox"/> Cashier’s Check <input type="checkbox"/> Personal Check # _____ <input type="checkbox"/> Credit Card							
Applicant Name _____							
The Department of Public Safety acknowledges that on _____ the sum of \$ _____ was received by:							
_____				_____			
Signature of employee accepting application				Printed name of employee accepting application			

	YES	NO
1. Are you a citizen of the United States OR permanent resident?		
2. Are you a resident of New Mexico OR a member of the armed forces whose permanent duty station is located in New Mexico?		
3. Are you 21 years of age or older?		
4. Have you satisfactorily completed a NM DPS-Approved Firearms Safety Training Program or Renewal Training Program? (Training is not required for active military, veterans under 20 years discharged, and LE retired less than 10 years.)		
5. Have you been convicted of a felony in New Mexico or any other state or pursuant to the laws of the United States or any other state or pursuant to the laws of the United States or any other jurisdiction?		
6. Are you currently under indictment for a felony criminal offense in New Mexico or any other state or pursuant to the laws of the United States or any other jurisdiction?		<input checked="" type="radio"/>
7. Are you otherwise prohibited by federal law or the law of any other jurisdiction from purchasing or possessing firearm?		
8. Have you been adjudicated incompetent or committed to a mental institution?		
9. Are you an unlawful user of, or addicted to, any controlled substances and/or alcohol?		
10. Have you received a conditional discharge, a diversion or a deferment, or been convicted of, pled guilty to, or entered a plea of nolo contendere to a misdemeanor offense involving a crime of violence within the last 10 years?	<input checked="" type="radio"/>	<input type="radio"/>
11. Have you, within five years immediately preceding this application, been convicted of a misdemeanor offense involving driving while under the influence of intoxicating liquor or drugs?		
12. Have you been convicted of a misdemeanor offense involving the possession or abuse of a controlled substance within the last 10 years immediately preceding this application?		
13. Have you been convicted of a misdemeanor offense involving assault, battery, or battery against a household member?		
14. Since the age of 18, have you been arrested for a disqualifying charge? (Include final disposition documents with application.)		
15. Are you a fugitive from justice?		
16. Are you an alien who is residing in the United States illegally or a former citizen of the United States who has renounced citizenship?		

WARNING: Submission of a false answer to any question or submission of a materially false document will result in the denial of the application and may result in criminal prosecution for perjury (NMSA 30-25-1). Tampering with public records may result in criminal prosecution under NMSA 30-26-1.

I HEREBY STATE UNDER PENALTY OF LAW THAT:

- I have read the New Mexico Concealed Handgun Carry Act of 2003 and qualify to apply for a concealed handgun license;
- I have been furnished with a copy of the state laws relating to concealed handguns and have read and understand them;
- I want a permit to carry a concealed handgun for lawful purposed, which may include self-defense;
- The information in this application and any documents submitted in this application is true, correct, and complete to the best of my knowledge and belief; and
- I understand a license eligibility investigation will be conducted as a part of the application process; this may involve, but is not limited to, computerized record searches/ criminal history searches and I authorize the investigation.

Signature of Applicant

Printed Name

Date



AUTHORIZATION FOR RELEASE OF INFORMATION

DEPARTMENT OF PUBLIC SAFETY / P.O. BOX 1628 / SANTA FE, NM 87504-1628

I _____
NAME (MUST BE PRINTED-LEGIBLY) SSN # DOB

PURSUANT TO NMSA 1978, SECTION 29-10-6(A) (Repl. Pamp. 1990), OF THE NEW MEXICO ARREST RECORD INFORMATION ACT, HEREBY APPOINT:

Department of Public Safety - Concealed Carry Unit 6301 Indian School Rd Suite 310, Albuquerque, NM 87110
NAME (MUST BE PRINTED) (IF NO AGENT, PRINT "SELF") ADDRESS

AS AN AUTHORIZED AGENT FOR ME FOR THE PURPOSE OF INSPECTING (AND /OR OBTAINING COPIES OF) ANY NEW MEXICO ARREST FINGERPRINT CARD SUPPORTED ARREST RECORD INFORMATION MAINTAINED BY THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING INFORMATION CONCERNING FELONY OR MISDEMEANOR ARRESTS AND INFORMATION OBTAINED FROM RELEVANT FINGERPRINT DATABASES.

TO THE CUSTODIAN OF THE RECORDS IN QUESTION, I HEREBY DIRECT YOU TO RELEASE SUCH INFORMATION TO THE AUTHORIZED AGENT AS DESCRIBED ABOVE.

I HEREBY RELEASE THE CUSTODIAN OR CUSTODIANS OF SUCH RECORDS AND THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING ANY OF THEIR AGENTS, EMPLOYEES, OR REPRESENTATIVES IN ANY CAPACITY, FROM ANY AND ALL CLAIMS OF LIABILITY OR DAMAGE OF WHATEVER KIND OR NATURE, WHICH AT ANY TIME COULD RESULT TO ME, MY HEIRS, ASSIGNS, ASSOCIATES, PERSONAL REPRESENTATIVE OR REPRESENTATIVES OF ANY NATURE BECAUSE OF COMPLIANCE BY SAID CUSTODIAN OR CUSTODIANS WITH THIS "AUTHORIZATION FOR RELEASE OF INFORMATION" AND MY REQUEST CONTAINED HEREIN FOR THIS RELEASE OR BECAUSE OF ANY USE OF THESE RECORDS. THIS RELEASE IS BINDING, NOW AND IN THE FUTURE AND IS VALID FOR A PERIOD OF UP TO 120 DAYS FROM THE DATE SIGNED, ON MY HEIRS, ASSIGNS, ASSOCIATES, PERSONAL REPRESENTATIVE OR REPRESENTATIVES OF ANY NATURE.

DPS USE ONLY

DPS USE ONLYDPS USE ONLY

APPLICANT SIGNATURE: DATE

SIGNED AND SWORN TO BEFORE ME ON THIS _____ DAY OF _____ 20_____.

STATE OF _____ COUNTY OF _____.

(SEAL)

NOTARY PUBLIC SIGNATURE

MY COMMISSION EXPIRES

**NEW MEXICO DEPARTMENT OF PUBLIC SAFETY
AUTHORIZATION TO OBTAIN HEALTH INFORMATION**

This authorization allows the New Mexico Department of Public Safety (DPS) to obtain confidential health information about you. The authorization may be revoked by you. It will remain in effect indefinitely solely for purposes of obtaining information regarding your Concealed Handgun Carry Act application or permit. You are entitled to a copy of the completed authorization. There may be fees charged for any copying associated with this request. If you are a person with a disability and you require this authorization in an alternative format or require a special accommodation to complete this form, you may request assistance from staff at any DPS location.

Applicant Name Printed (First, Middle, Last)

1. I authorize the Department of Public Safety to obtain health information as described below.
2. I understand that any information disclosed by any provider of any kind may include information about behavioral or mental health services, and treatment for alcohol or dmg/substance abuse and information obtained by the New Mexico Department of Public Safety from any other provider specifically related to the statutory purposes set out in the Concealed Handgun Carry Act at Section 29-19-1 to 29-19-13, NMSA 1978.
3. This authorization applies to any health information from any provider or any source relating to the stated purposes.
4. The health information will specifically be related to (a) adjudication of mental incompetence or any commitment to a mental institution; (b) any addiction to alcohol or controlled substances.
5. This health information shall be utilized in order to assess compliance with the purposes of the Concealed Handgun Carry Act.

STATEMENT OF UNDERSTANDING:

I understand that I have a right to revoke this authorization at any time. I understand that if I revoke this authorization, I must do so in writing to the New Mexico Department of Public Safety. I understand that the revocation will not apply to information that has already been obtained pursuant to this authorization. I understand that unless I revoke this authorization as stated above, this authorization will continue in full force and effect. I understand that authorizing the disclosure of this health information is voluntary. I further understand that revoking this authorization may have consequences regarding my application for a concealed handgun carry permit, or my ability to continue carrying a concealed handgun if I have already been issued a concealed handgun carry permit.

Signature of Applicant

Date

Signature of Witness

Date

New Mexico Department of Public Safety

CONCEALED HANDGUN LICENSE REPLACEMENT CARD APPLICATION TYPE or PRINT LEGIBLY IN INK.

Your application will not be processed unless all application questions have been answered and all required documents have been submitted. FOR ANY LICENSE CHANGES, THE CURRENT CARD MUST BE SURRENDERED WITH APPLICATION AND \$10.00 FEE. See NMAC 10.8.2.18 and NMAC 10.8.2.19(A)(4).

FEES ARE NON-REFUNDABLE

10.8.2.19 REPLACEMENT LICENSE:

A. Change of name address, or status: A licensee who changes his or her name, address or law enforcement status shall file within 30 days:

- 1) an application for a replacement license on the form prescribed by the department;
- 2) if applicable, a certified copy of a legal document proving the change of name;
- 3) a nonrefundable \$10 processing fee; and
- 4) if applicable, proof of reemployment with a law enforcement agency.

B. Loss, theft, or destruction of license: A licensee who loses his or her license or whose license is stolen or destroyed shall file a police report within 10 days of the date the licensee discovers the loss, theft, or destruction of the license. The licensee shall not carry a concealed handgun until he or she obtains a replacement license. A licensee who seeks to replace a license that is lost, stolen, or destroyed shall file with the department:

- 1) an application for a replacement license on the form prescribed by the department;
- 2) the case number of the police report;
- 3) a notarized statement made under oath that the license was lost, stolen or destroyed; and
- 4) a nonrefundable \$10 processing fee.

The department shall issue a replacement license within 10 days of receipt of the application.

[10.8.2.19 NMAC - Rp, 10.8.2.19 NMAC, 11-30-16

FOLLOW THE CHECKLIST BELOW FOR YOUR APPROPRIATE CATEGORY BEFORE SUBMITTING YOUR REPLACEMENT CARD APPLICATION TO THE DEPARTMENT

INCOMPLETE REPLACEMENT CARD APPLICATIONS WILL NOT BE ACCEPTED

Documents needed for a **Lost License**

- Replacement Card Application
- Notarized statement about lost license
- Copy of police report or case number
- \$10.00 Fee

Documents needed for a **Stolen License**

- Replacement Card Application
- Notarized statement about stolen license
- Copy of police report or case number
- \$10.00 Fee

Documents needed for a **Destroyed License**

- Replacement Card Application
- Notarized statement about destroyed license
- Copy of police report or case number
- \$10.00 Fee

Documents needed for a **Change of Address**

- Replacement Card Application
- Proof of address change
(utility bill, lease, or NM drivers license)
- \$10.00 Fee

Documents needed for a **Change of Name**

- Replacement Card Application
- Name change documents
- \$10.00 Fee

Documents needed for an **Endorsement**

- Replacement Card Application
- Training Certificate from NM DPS-Approved Instructor
- \$10.00 Fee

**NEW MEXICO CONCEALED
HANDGUN CARRY ACT OF
2003 CHAPTER 29
Law Enforcement
ARTICLE 19
Concealed Handgun Carry**

<p>Sec. 29-19-1. Short title. 29-19-2. Definitions. 29-19-3. Date of licensure; period of licensure. 29-19-4. Applicant qualifications. 29-19-5. Application form; screening of applicants; fee; limitations on liability. 29-19-6. Department response to application; right to appeal; license renewal; suspension or revocation of license.</p>	<p>Sec. 29-19-7. Demonstration of ability and knowledge; course requirement; proprietary interest; exemptions. 29-19-8. Limitation on license. 29-19-9. Possession of license. 29-19-10. Validity of license on tribal land. 29-19-11. Validity of license in a courthouse or court facility. 29-19-12. Rules; department to administer. 29-19-13. Fund created. 29-19-14. Current and retired law enforcement officers. 29-19-15. Military service persons – Requirements</p>
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29-19-1. Short title.

Chapter 29, Article 19 NMSA 1978 may be cited as the “Concealed Handgun Carry Act”.

(History: Laws 2003, ch. 255, § 1; 2005, ch. 242, § 1.)

29-19-2. Definitions.

As used in the Concealed Handgun Carry Act [29-19-1 NMSA 1978]:

- A. “applicant” means a person seeking a license to carry a concealed handgun;
- B. “caliber” means the diameter of the bore of a handgun;
- C. “category” means whether a handgun is semiautomatic or not semiautomatic;
- D. “concealed handgun” means a loaded handgun that is not visible to the ordinary observations of a reasonable person;
- E. “department” means the department of public safety;
- F. “handgun” means a firearm that will, is designed to or may readily be converted to expel a projectile by the action of an explosion and the barrel length of which, not including a revolving, detachable or magazine breech, does not exceed twelve inches; and
- G. “licensee” means a person holding a valid concealed handgun license issued to him by the department.

(History: Laws 2003, ch. 255, § 2.)

29-19-3. Date of licensure; period of licensure.

Effective January 1, 2004, the department is authorized to issue concealed handgun licenses to qualified applicants. Original and renewed concealed handgun licenses shall be valid for a period of four years from the date of issuance, unless the license is suspended or revoked.

(History: Laws 2003, ch. 255, § 3; 2005, ch. 242, § 2.)

29-19-4. Applicant qualifications.

- A. The department shall issue a concealed handgun license to an applicant who:
- (1) is a citizen of the United States;
 - (2) is a resident of New Mexico or is a member of the armed forces whose permanent duty station is located in New Mexico or is a dependent of such a member;
 - (3) is twenty-one years of age or older;
 - (4) is not a fugitive from justice;
 - (5) has not been convicted of a felony in New Mexico or any other state or pursuant to the laws of the United States or any other jurisdiction;
 - (6) is not currently under indictment for a felony criminal offense in New Mexico or any other state or pursuant to the laws of the United States or any other jurisdiction;
 - (7) is not otherwise prohibited by federal law or the law of any other jurisdiction from purchasing or possessing a firearm;
 - (8) has not been adjudicated mentally incompetent or committed to a mental institution;
 - (9) is not addicted to alcohol or controlled substances; and
 - (10) has satisfactorily completed a firearms training course approved by the department for the category and the largest caliber of handgun that the applicant wants to be licensed to carry as a concealed handgun.
- B. The department shall deny a concealed handgun license to an applicant who has:
- (1) received a conditional discharge, a diversion or a deferment or has been convicted of, pled guilty to or entered a plea of nolo contendere to a misdemeanor offense involving a crime of violence within ten years immediately preceding the application;
 - (2) been convicted of a misdemeanor offense involving driving while under the influence of intoxicating liquor or drugs within five years immediately preceding the application for a concealed handgun license;
 - (3) been convicted of a misdemeanor offense involving the possession or abuse of a controlled substance within ten years immediately preceding the application; or
 - (4) been convicted of a misdemeanor offense involving assault, battery or battery against a household member.
- C. Firearms training course instructors who are approved by the department shall not be required to complete a firearms training course pursuant to Paragraph (10) of Subsection A of this section.

(History: Laws 2003, ch. 255, § 4; 2005, ch. 242, § 3.)

29-19-5. Application form; screening of applicants; fee; limitations on liability.

- A. Effective July 1, 2003, applications for concealed handgun licenses shall be made readily available at locations designated by the department. Applications for concealed handgun licenses shall be completed, under penalty of perjury, on a form designed and provided by the department and shall include:
- (1) the applicant's name, current address, date of birth, place of birth, social security number, height, weight, gender, hair color, eye color and driver's license number or other state-issued identification number;
 - (2) a statement that the applicant is aware of, understands and is in compliance with the requirements for licensure set forth in the Concealed Handgun Carry Act [29-19-1 NMSA 1978];
 - (3) a statement that the applicant has been furnished a copy of the Concealed Handgun Carry Act [29-19-1 NMSA 1978] and is knowledgeable of its provisions; and
 - (4) a conspicuous warning that the application form is executed under penalty of perjury and that a materially false answer or the submission of a materially false document to the department may result in denial or revocation of a concealed handgun license and may subject the applicant to criminal prosecution for perjury as provided in Section 30-25-1 NMSA 1978.
- B. The applicant shall submit to the department:
- (1) a completed application form;

- (2) a nonrefundable application fee in an amount not to exceed one hundred dollars (\$100);
 - (3) two full sets of fingerprints;
 - (4) a certified copy of a certificate of completion for a firearms training course approved by the department;
 - (5) two color photographs of the applicant;
 - (6) a certified copy of a birth certificate or proof of United States citizenship, if the applicant was not born in the United States; and
 - (7) proof of residency in New Mexico.
- C. A law enforcement agency may fingerprint an applicant and may charge a reasonable fee.
- D. Upon receipt of the items listed in Subsection B of this section, the department shall make a reasonable effort to determine if an applicant is qualified to receive a concealed handgun license. The department shall conduct an appropriate check of available records and shall forward the applicant's fingerprints to the federal bureau of investigation for a national criminal background check. The department shall comply with the license-issuing requirements set forth in Section 29-19-7 NMSA 1978. However, the department shall suspend or revoke a license if the department receives information that would disqualify an applicant from receiving a concealed handgun license after the thirty-day time period has elapsed.
- E. A state or local government agency shall comply with a request from the department pursuant to the Concealed Handgun Carry Act [29-19-1 NMSA 1978] within thirty days of the request.

(History: Laws 2003, ch. 255, § 5; 2005, ch. 242, § 4.)

29-19-6. Appeal; license renewal; refresher firearms training course; suspension or revocation of license.

- A. Pursuant to rules adopted by the department, the department, within thirty days after receiving a completed application for a concealed handgun license and the results of a national criminal background check on the applicant, shall:
- (1) issue a concealed handgun license to an applicant; or
 - (2) deny the application on the grounds that the applicant failed to qualify for a concealed handgun license pursuant to the provisions of the Concealed Handgun Carry Act [29-19-1 NMSA1978].
- B. Information relating to an applicant or to a licensee received by the department or any other law enforcement agency is confidential and exempt from public disclosure unless an order to disclose information is issued by a court of competent jurisdiction. The information shall be made available by the department to a state or local law enforcement agency upon request by the agency.
- C. A concealed handgun license issued by the department shall include:
- (1) a color photograph of the licensee;
 - (2) the licensee's name, address and date of birth;
 - (3) the expiration date of the concealed handgun license; and
 - (4) the category and the largest caliber of handgun that the licensee is licensed to carry, with a statement that the licensee is licensed to carry smaller caliber handguns but shall carry only one concealed handgun at any given time.
- D. A licensee shall notify the department within thirty days regarding a change of the licensee's name or permanent address. A licensee shall notify the department within ten days if the licensee's concealed handgun license is lost, stolen or destroyed.
- E. If a concealed handgun license is lost, stolen or destroyed, the license is invalid, and the licensee may obtain a duplicate license by furnishing the department a notarized statement that the original license was lost, stolen or destroyed and paying a reasonable fee. If the license is lost or stolen, the licensee shall file a police report with a local law enforcement agency and include the police case number in the notarized statement.
- F. A licensee may renew a concealed handgun license by submitting to the department:
- (1) a completed renewal form, under penalty of perjury, designed and provided by the department;
 - (2) a payment of a seventy-five-dollar (\$75.00) renewal fee; and

- (3) a certificate of completion of a four-hour refresher firearms training course approved by the department.
- G. The department shall conduct a national criminal record check of a licensee seeking to renew a license. A concealed handgun license shall not be renewed more than sixty days after it has expired. A licensee who fails to renew a concealed handgun license within sixty days after it has expired may apply for a new concealed handgun license pursuant to the provisions of the Concealed Handgun Carry Act [29-19-1 NMSA 1978].
- H. A licensee shall complete a two-hour refresher firearms training course two years after the issuance of an original or renewed license. The refresher course shall be approved by the department and shall be taken twenty-two to twenty-six months after the issuance of an original or renewed license. A certificate of completion shall be submitted to the department no later than thirty days after completion of the course.
- I. The department shall suspend or revoke a concealed handgun license if:
 - (1) the licensee provided the department with false information on the application form or renewal form for a concealed handgun license;
 - (2) the licensee did not satisfy the criteria for issuance of a concealed handgun license at the time the license was issued; or
 - (3) subsequent to receiving a concealed handgun license, the licensee violated a provision of the Concealed Handgun Carry Act [29-19-1 NMSA 1978].

(History: Laws 2003, ch. 255, § 6; 2005, ch. 242, § 5.)

29-19-7. Demonstration of ability and knowledge; course requirement; proprietary interest; exemptions.

- A. The department shall prepare and publish minimum standards for approved firearms training courses that teach competency with handguns. A firearms training course shall include classroom instruction and range instruction and an actual demonstration by the applicant of his ability to safely use a handgun. An applicant shall not be licensed unless he demonstrates, at a minimum, his ability to use a handgun of .32 caliber. An approved firearms training course shall be a course that is certified or sponsored by a federal or state law enforcement agency, a college, a firearms training school or a nationally recognized organization, approved by the department, that customarily offers firearms training. The firearms training course shall be not less than fifteen hours in length and shall provide instruction regarding:
 - (1) knowledge of and safe handling of single and double-action revolvers and semiautomatic handguns;
 - (2) safe storage of handguns and child safety;
 - (3) safe handgun shooting fundamentals;
 - (4) live shooting of a handgun on a firing range;
 - (5) identification of ways to develop and maintain handgun shooting skills;
 - (6) federal, state and local criminal and civil laws pertaining to the purchase, ownership, transportation, use and possession of handguns;
 - (7) techniques for avoiding a criminal attack and how to control a violent confrontation; and
 - (8) techniques for nonviolent dispute resolution.
- B. Every instructor of an approved firearms training course shall annually file a copy of the course description and proof of certification with the department.

(History: Laws 2003, ch. 255, § 7.)

29-19-8. Limitation on license.

- A. Nothing in the Concealed Handgun Carry Act [29-19-1 NMSA 1978] shall be construed as allowing a licensee in possession of a valid concealed handgun license to carry a concealed handgun into or on premises where to do so would be in violation of state or federal law.
- B. Nothing in the Concealed Handgun Carry Act [29-19-1 NMSA 1978] shall be construed as allowing a licensee in possession of a valid concealed handgun license to carry a concealed handgun on school premises, as provided in Section 30-7-2.1 NMSA 1978.

- C. Nothing in the Concealed Handgun Carry Act [29-19-1 NMSA 1978] shall be construed as allowing a licensee in possession of a valid concealed handgun license to carry a concealed handgun on the premises of a preschool.

(History: Laws 2003, ch. 255, § 8.)

29-19-9. Possession of license.

A licensee shall have his concealed handgun license in his possession at all times while carrying a concealed handgun.

(History: Laws 2003, ch. 255, § 9.)

29-19-10. Validity of license on tribal land.

A concealed handgun license shall not be valid on tribal land, unless authorized by the governing body of an Indian nation, tribe or pueblo.

(History: Laws 2003, ch. 255, § 10.)

29-19-11. Validity of license in a courthouse or court facility.

A concealed handgun license shall not be valid in a courthouse or court facility, unless authorized by the presiding judicial officer for that courthouse or court facility.

(History: Laws 2003, ch. 255, § 11.)

29-19-12. Rules; department to administer; reciprocal agreements with other states.

The department shall promulgate rules necessary to implement the provisions of the Concealed Handgun Carry Act [29-19-1 NMSA 1978]. The rules shall include:

- A. grounds for the suspension and revocation of concealed handgun licenses issued pursuant to the provisions of the Concealed Handgun Carry Act [29-19-1 NMSA 1978];
- B. provision of authority for a law enforcement officer to confiscate a concealed handgun license when a licensee violates the provisions of the Concealed Handgun Carry Act [29-19-1 NMSA 1978];
- C. provision of authority for a private property owner to disallow the carrying of a concealed handgun on the owner's property;
- D. creation of a sequential numbering system for all concealed handgun licenses issued by the department and display of numbers on issued concealed handgun licenses; and
- E. provision of discretionary state authority for the transfer, recognition or reciprocity of a concealed handgun license issued by another state if the issuing authority for the other state:
 - (1) includes provisions at least as stringent as or substantially similar to the Concealed Handgun Carry Act [29-19-1 NMSA 1978];
 - (2) issues a license or permit with an expiration date printed on the license or permit;
 - (3) is available to verify the license or permit status for law enforcement purposes within three business days of a request for verification;
 - (4) has disqualification, suspension and revocation requirements for a concealed handgun license or permit; and
 - (5) requires that an applicant for a concealed handgun license or permit:
 - (a) submit to a national criminal history record check;
 - (b) not be prohibited from possessing firearms pursuant to federal or state law; and
 - (c) satisfactorily complete a firearms safety program that covers deadly force issues, weapons care and maintenance, safe handling and storage of firearms and marksmanship.

(History: Laws 2003, ch. 255, § 12; 2005, ch. 242, § 6.)

29-19-13. Fund created.

- A. The "concealed handgun carry fund" is created in the state treasury.
- B. All money received by the department pursuant to the provisions of the Concealed

Handgun Carry Act [29-19-1 NMSA 1978] shall be deposited by the state treasurer for credit to the concealed handgun carry fund. The state treasurer shall invest the fund as all other state funds are invested, and income from the investment of the fund shall be credited to the fund. Balances remaining at the end of any fiscal year shall not revert to the general fund and may be used to maintain the state's criminal history database.

- C. Money in the concealed handgun carry fund is appropriated to the department to carry out the provisions of the Concealed Handgun Carry Act [29-19-1 NMSA 1978].

(History: Laws 2003, ch. 255, § 13)

29-19-14. Current and retired law enforcement officers and New Mexico Mounted Patrol Members.

- A. An application fee, a renewal fee and a firearms training course are not required for an applicant or licensee who is:
 - (1) a current or retired certified law enforcement officer pursuant to the Law Enforcement Training Act; or
 - (2) a current member of the New Mexico mounted patrol who has successfully completed a law enforcement academy basic law enforcement training program for New Mexico mounted patrol members pursuant to Section 29-6-4.1 NMSA 1978.
- B. A law enforcement officer or New Mexico mounted patrol member shall submit to the department two full sets of fingerprints and a color photograph of the law enforcement officer or New Mexico mounted patrol member. The department shall conduct an appropriate check of available records and shall forward the fingerprints to the federal bureau of investigation for a national criminal background check.
- C. A retired law enforcement officer is not required to submit an application fee or a renewal fee if:
 - (1) the officer was a certified law enforcement officer pursuant to the Law Enforcement Training Act for at least fifteen years prior to retirement; and
 - (2) the retirement is in good standing as shown by a letter from the agency from which the officer retired.
- D. A retired law enforcement officer who has been retired ten years or less is not required to complete a firearms training course.
- E. A retired law enforcement officer who has been retired for more than ten years shall be required to complete a firearms training course. The officer shall be allowed to attend any local law enforcement agency's firearms qualification course; provided that the officer supplies the officer's own ammunition, handgun, targets and range equipment. A local law enforcement agency shall not be liable under the Tort Claims Act for providing a firearms training course to a retired law enforcement officer pursuant to this subsection.
- F. A retired law enforcement officer's concealed handgun license shall have printed on the license "retired police officer" and shall be valid for a period of five years.

29-19-15. MILITARY SERVICE PERSONS – REQUIREMENTS –

- A. For a concealed handgun license applicant or licensee who submits with a concealed handgun license application documentation satisfactory to the department that the applicant is a military service person as defined in Subsection E of this section, an application fee or renewal fee is not required. For a military service person discharged from military service within twenty years of the application for a license or renewal of a license, a firearms training course or refresher firearms training course is not required.
- B. A military service person shall submit to the department two full sets of fingerprints and a color photograph of the military service person. The department shall conduct an appropriate check of available records and shall forward the fingerprints to the federal bureau of investigation for a national criminal background check.
- C. A military service person's concealed handgun carry license shall have printed on the license 'military service person' and shall be valid for a period of five years.

- D. The department shall suspend or revoke a military service person's concealed handgun license if:
- (1) the military service person provided the department with false information on the application form or renewal form;
 - (2) the military service person did not satisfy the criteria for issuance of a concealed handgun license at the time the license was issued; or
 - (3) subsequent to receiving a concealed handgun license, the military service person violated a provision of the Concealed Handgun Carry Act.
- E. As used in this section, "military service person" means a person who was accepted into the United States armed forces and:
- (1) is on active duty with the United States armed forces;
 - (2) is on reserve or guard duty with the United States armed forces; or
 - (3) is a veteran or a retiree who received an honorable discharge as indicated on a United States department of defense form 214.

(History: Laws 2005, ch. 242, § 7.)

NEW MEXICO ADMINISTRATIVE
CODE
TITLE 10
PUBLIC SAFETY AND LAW
ENFORCEMENT CHAPTER 8
Weapons and Explosives
PART 2
Carrying Concealed Handguns

Sec.	Sec.
10.8.2.1. Issuing Agency.	10.8.2.18. Additional Handgun Endorsement.
10.8.2.2. Scope.	10.8.2.19. Replacement License.
10.8.2.3. Statutory Authority.	10.8.2.20. Enforcement.
10.8.2.4. Duration.	10.8.2.21. Denial, Suspension and Revocation of a license.
10.8.2.5. Effective Date.	10.8.2.22. Department Approval of Instructors and Firearms Training Courses.
10.8.2.6. Objective.	10.8.2.23. Background Investigations of Applicants and Instructor Applicants.
10.8.2.7. Definitions.	10.8.2.24. Responsibilities of Approved Instructors.
10.8.2.8. Filings and Correspondence.	10.8.2.25. In-service Training Cycle for Concealed Carry Instructors.
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10.8.2.10. Department-Prescribed Forms.	10.8.2.27. Hearing Procedures.
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10.8.2.13. License Application Review and Issuance.	10.8.2.30. Current Law Enforcement Officers or Mounted Patrol Officers.
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10.8.2.15. Firearms Training for Applicants and licensees.	10.8.2.32. Military Service Persons.
10.8.2.16. Terms and Conditions of License.	
10.8.2.17. License Renewal and Transfer.	

10.8.2.1 ISSUING AGENCY: Department of Public Safety.

[10.8.2.1 NMAC - Rp, 10.8.2.1 NMAC, 11-30-16]

10.8.2.2 SCOPE: This rule applies to all persons who wish to carry a concealed handgun or to be an approved instructor in New Mexico.

[10.8.2.2 NMAC - Rp, 10.8.2.2 NMAC, 11-30-16]

10.8.2.3 STATUTORY AUTHORITY: Section 29-19-1 through Section 29-19-15 NMSA 1978; Section 30-7-2 NMSA 1978; and Section 30-7-2.4 NMSA 1978.

[10.8.2.3 NMAC - Rp, 10.8.2.3 NMAC, 11-30-16]

10.8.2.4 DURATION: Permanent.

[10.8.2.4 NMAC - Rp, 10.8.2.4 NMAC, 11-30-16]

10.8.2.5 EFFECTIVE DATE: November 30, 2016, unless a later date is cited at the end of a section.

[10.8.2.4 NMAC - Rp 10.8.2.5 NMAC, 11-30-16]

10.8.2.6 OBJECTIVE:

The purpose of this rule is to implement the Concealed Handgun Carry act by establishing requirements and procedures governing licenses to carry concealed handguns and approval instructors and firearms training courses.

[10.8.2.6 NMAC - Rp, 10.8.2.6 NMAC, 11-30-16]

10.8.2.7 DEFINITIONS:

In addition to the definitions in Section 29-19-2 NMSA 1978, unless the context clearly indicates otherwise, as used in this rule:

- A. **act** means the Concealed Handgun Carry Act, Sections 29-19-1 through 29-19-15 NMSA 1978;
- B. **approved instructor** means a person to whom the department has issued a permit to provide all or any part of classroom and firing range instruction;
- C. **controlled substance** means controlled substance as defined in the New Mexico Controlled Substances Act, Sections 30-31-4 et seq. NMSA 1978, or a similar act of any other jurisdiction;
- D. **conviction** means an adjudication of guilt, and includes a guilty plea, judgment, or verdict, no contest, nolo contendere, conditional plea of guilty, or any other plea that would result in an adjudication of guilt in any court of competent jurisdiction. A conviction includes a deferred sentence and a conditional discharge prior to satisfaction of the conditions and after satisfaction of conditions where required by the act;
- E. **court** means any federal, state, county, municipal, or tribal court;
- F. **days** means business days when the period referenced is 10 days or less, and calendar days when the period reference is 11 days or more;
- G. **department** means the New Mexico department of public safety;
- H. **instructor applicant** means a person seeking a permit as an approved instructor;
- I. **mounted patrol** means a current member of the New Mexico mounted patrol who has successfully completed a law enforcement academy basic law enforcement training program for New Mexico mounted patrol members pursuant to Section 29-6-4.1 NMSA 1978;
- J. **military service person** means a person who:
 - (1) is on active duty with the United States armed forces;
 - (2) is on reserve or guard duty with the United States armed forces;
 - (3) is a veteran or a retiree who received an honorable discharge as indicated on a United States department of defense form 214; or
 - (4) is his or her dependent.
- K. **peace officer** means any public official or public officer vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;
- L. **permit** means the authorization granted by the department to teach firearms qualification courses as an approved instructor;
- M. **range qualification** means the performance requirements that must be met by an applicant or licensee for his or her approved caliber of handgun;
- N. **reciprocity** means permission granted for an out of state licenses issued to a person who is not a New Mexico resident to be used in the state of New Mexico by a licensee visiting or passing through the state;
- O. **resident** means:
 - (1) a person who, for a period of not less than 90 days immediately preceding the date of application for the license, has been domiciled in New Mexico, does not claim residence elsewhere for any purpose and is not otherwise entitled to claim residence in another state; or
 - (2) a person who is a member of the armed forces of the United States and

permanently assigned to a military installation located within this state. A military person's dependent may be considered a resident for the purposes of this rule.

- P. **respondent** means, in the context of 10.8.2.27 NMAC, an applicant, instructor applicant, approved instructor, or licensee;
- Q. **retired peace officer** means a New Mexico resident who has retired in good standing from any law enforcement agency with at least 15 years as a certified police officer or by work related disability;
- R. **revocation** means the involuntary termination of a license or permit by the department for cause for an indefinite period of time;
- S. **secretary** means the secretary of the department of public safety or his designee;
- T. **suspension** means the involuntary termination of a license or permit by the department for cause for a specified period of time;
- U. **transfer** means issuance of a permit in New Mexico under the act when the applicant holds a valid concealed carry permit or license issued by another state with which New Mexico has reciprocity, and the other conditions prescribed in this rule have been satisfied.

[10.8.2.7 NMAC - Rp, 10.8.2.7 NMAC, 11-30-16]

10.8.2.8 FILINGS AND CORRESPONDENCE:

A. To the department.

- (1) A person shall address all filings and correspondence relating to hearings held pursuant to this rule to the New Mexico Department of Public Safety, Post Office Box 1628, Santa Fe, New Mexico 87504-1628, Attention: Office of Legal Affairs Concealed Handgun Section.
- (2) A person shall address all filings and correspondence relating to licenses, instructor approval, and all other matters to the New Mexico Department of Public Safety, Concealed Handgun Licensing Unit, 6301 Indian School Road NE, Suite 310, Albuquerque, New Mexico 87110.

- B. **From the department.** The department shall send all legal notices and orders required by the act and this rule by certified mail to the last address reported to the department by an applicant, instructor applicant, licensee, or approved instructor. The department shall send all other correspondence by regular mail.

[10.8.2.8 NMAC - Rp, 10.8.2.8 NMAC, 11-30-16]

10.8.2.9 INCOMPLETE FILINGS:

The department may deny or reject an incomplete filing. A filing will be considered incomplete if:

- A. it is unsigned;
- B. documents that are required to be certified or notarized are not certified or notarized;
- C. it omits any information required by law or department rule, form, or order;
- D. it is not filed on a department-prescribed form and a form exists for that purpose; or
- E. the required fee is not filed with the application.

[10.8.2.9 NMAC - Rp, 10.8.2.9 NMAC, 11-30-16]

10.8.2.10 DEPARTMENT-PREScribed FORMS:

- A. **Use required.** The department has prescribed forms to carry out certain requirements of this rule. The most current version of a department form must be used when a form exists for that purpose, unless the department waives this requirement.
- B. **How to obtain.** Department-prescribed forms may be obtained:

- (1) at New Mexico state police offices throughout the state; or
- (2) from the department's website at www.dps.nm.gov

[10.8.2.10 NMAC - Rp, 10.8.2.10 NMAC, 11-30-16]

10.8.2.11 APPLICATION REQUIREMENTS FOR ALICENSE:

- A. **Filing.** An applicant must file an application for a license with the department in person or by mail.
- B. **Fees.** All fees are non-refundable and are required by the act or this rule to be paid to the department and shall be in the form of cash, credit card, a personal check, cashier's check, certified check, or money order made payable to the New Mexico department of public safety.
- C. **Completeness.** All applications must be complete and legible.
 - (1) If an application is incomplete, the department will return the application and a letter outlining the deficiencies in the application to the applicant by regular mail. The applicant will have 45 calendar days from the date the letter is postmarked to cure the deficiencies. If the applicant fails to return the application to the department within 45 calendar days from the date the letter was postmarked, the application will be deemed abandoned, the application file will be closed, and all fees paid will be forfeited to the state. The department will send a letter notifying the applicant that the application has been deemed abandoned, the file has been closed, and all fees paid have been forfeited to the state.
 - (2) If the applicant returns the application to the department within 45 days from the date the initial letter was postmarked but the application is still deficient, the department will return the application and a second letter outlining the deficiencies in the application to the applicant by regular mail. The applicant will have 30 days from the date the second letter is postmarked to cure the deficiencies. If the applicant fails to return the application to the department within 30 days from the date the second letter was postmarked, or returns the application but it is still deficient, the application will be deemed abandoned, the application file will be closed, and all fees paid will be forfeited to the state. The department will send a letter notifying the applicant that the application has been deemed abandoned, the file has been closed, and all fees paid have been forfeited to the state.
 - (3) An applicant may contact the concealed carry unit to inquire about the status of their application. Agents may provide the information to the applicant after the applicant has supplied sufficient identifiers such as address, social security number, DOB, etc.

[10.8.2.11 NMAC - Rp, 10.8.2.11 NMAC, 11-30-16]

10.8.2.12 OTHER REQUIRED DOCUMENTS FOR A LICENSE:

In addition to the application form, each applicant shall file copies of other documents required by the act or this rule to the department required by the act or this rule to the department as set forth below. The copies must clearly show the name of the applicant and all signatures and pertinent information. The department will not accept copies that are too dark, too light, blurry, or otherwise unreadable. An applicant may request the return of original documents by stating so and enclosing a self-addressed stamped envelope.

- A. **Proof of residency.**
 - (1) An applicant may prove residency in New Mexico by submitting a copy of a valid New Mexico driver's license or personal identification card issued by the motor vehicle division of the taxation and revenue department and one of the following:
 - (a) proof that the applicant is registered to vote in New Mexico;

- (b) a state or government issued license with name and address;
 - (c) a United States armed forces identification card and orders of permanent duty station in New Mexico; or
 - (d) other proof acceptable to the department.
- (2) Possession by an applicant of a driver's license issued by another state shall create a rebuttable presumption of residency in such other state.
- B. **Proof of age.** An applicant may prove that he or she is 21 or more years of age by filing:
- (1) a copy of a valid government-issued identification card stating the person's age,
 - (2) A copy of a passport; or
 - (3) A certified copy of his or her birth certificate.
- C. **Proof of handgun competency.** An applicant must submit a certified copy of a certificate of completion for a firearms training course which is approved by the department and issued by an approved instructor. It must be submitted not more than 90 days prior to the date the application is submitted, as required by 10.8.2.15 NMAC.
- D. **Proof of disposition of charges.** The burden of proof is on the applicant or licensee to show that the applicant or licensee has a pending or successful completion of any conditional discharge, or that the conviction of any charge has been overturned on appeal. Documentation sufficient to prove the applicant's or licensee's contention related to a conviction or discharge must be provided by the applicant or licensee to the department.
- E. **Photographs.** To streamline the application process, the department may obtain digital color photographs of an applicant from the motor vehicle division of the taxation and revenue department or another government agency. If the department requests an applicant to provide photographs pursuant to Paragraph (5) of Subsection (B) of Section 29-19-5 NMSA 1978, the photographs shall be in color, be a minimum of three inches by three inches, and be a full-frontal view of the applicant without a hat, sunglasses, or any other item that would obstruct or alter the features of the applicant. The department will not accept photographs that are too dark, too bright, fuzzy, out of focus, or unclear.
- F. **Fingerprints.** All new applicants shall submit electronic fingerprints via the department standards that comply with the requirements of Section 29-19-5 NMSA 1978 and 10.8.2.14 NMAC. Applicants who have electronic fingerprints on file shall not be required to resubmit fingerprints.
- G. **Application fee.** An applicant shall submit a non-refundable application fee of \$100.00 and \$75 for renewal applications. Current and retired law enforcement officers, military and mounted patrol officers are exempt from this fee.

[10.8.2.12 NMAC - Rp, 10.8.2.12 NMAC, 11-30-16]

10.8.2.13 LICENSE APPLICATION REVIEW AND ISSUANCE:

- A. **Time period for review.** In accordance with Subsection (A) of Section 29-19-6 NMSA 1978, the department shall review the application, conduct a national criminal background check of each applicant, and make a determination within thirty (30) days of the date the department receives a complete application and background check.
- B. **Determination by department.**
- (1) **Approval.** If the department finds that the applicant meets the requirements in the act and this rule for issuance of a license, the department shall issue a license.
 - (2) **Denial.** If the department finds that the applicant does not meet the requirements for issuance of a license, the department shall issue a notification of denial in accordance with 10.8.2.21 NMAC. The notification of

denial shall cite requirement(s) of the act or this rule that the applicant has failed to meet.

- C. **Information on license.** In addition to the information required by Subsection (C) of Section 29-19-6 NMSA 1978, a license to carry a concealed handgun may include:
- (1) a physical description of the licensee, including the licensee's sex, hair color, eye color, height, and weight;
 - (2) the state seal;
 - (3) instructions to the licensee; and
 - (4) other information as determined by the department.
- D. **Term of license.** Original and renewed licenses are effective for four years from the date of issuance by the department. Replacement licenses and licenses that have been endorsed to add another category or highest caliber of handgun shall expire on the date the replaced license would have expired.
- E. **Dual licenses prohibited.** A licensee may not own or possess more than one New Mexico license to carry a concealed handgun. A license to carry a concealed handgun shall indicate all categories and highest calibers of handguns the licensee is authorized to carry concealed in New Mexico.

[10.8.2.13 NMAC - Rp, 10.8.2.13 NMAC, 11-30-16]

10.8.2.14 FINGERPRINTING OF APPLICANTS: All applicants shall submit electronic fingerprints. The department may refuse to accept fingerprints it determines are not legible and classifiable.

- A. **Responsibilities of applicant.** The applicant must present a valid government-issued photographic identification card.
- B. **Responsibilities of person recording the fingerprints.** The person who records the applicant's fingerprints shall verify that the government-issued photographic identification card is of the person being fingerprinted.

[10.8.2.14 NMAC - Rp, 10.8.2.14 NMAC, 11-30-16]

10.8.2.15 FIREARMS TRAINING FOR APPLICANTS AND LICENSEES:

- A. All New Mexico residents must attend a department approved firearms training course taught by a department approved instructor unless he or she received the license by transfer of an out of state license.
- (1) An applicant seeking a license shall satisfactorily complete an initial firearms training course approved by the department that includes at least 15 hours of classroom and firing range instruction as specified in Subsection (A) of Section 29- 19- 7 NMSA 1978 except:
 - (a) a department approved instructor;
 - (b) a current law enforcement officer;
 - (c) a retired law enforcement officer who has been retired 10 years or less at time of application;
 - (d) active military personnel;
 - (e) military service persons who have been discharged within 20 years prior to the time of application; or
 - (f) mounted patrol members who have successfully completed a law enforcement training program for New Mexico mounted patrol.
 - (2) Two years after the issuance of an initial license, a licensee shall complete a refresher course which consists of either range qualification of his or her approved caliber of handgun or an online training course of instruction approved by the department.
 - (3) Four years after the issuance of an initial license, a licensee seeking renewal of a license shall satisfactorily complete a refresher firearms training course approved by the department that includes at least four (4) hours of classroom

and firing range instruction as specified in Subsection (A) of Section 29-19-7 NMSA 1978.

- (4) The department may suspend a license if the licensee does not comply with the refresher course requirements. Upon compliance, the licensee shall submit a \$10.00 reinstatement fee.

B. Competency demonstration.

- (1) An applicant or licensee shall demonstrate competency in the safe use of each category and highest caliber of handgun for which he or she seeks certification by firing the handgun with live ammunition at a target no larger than 12 inches wide and 18 inches high.
- (2) An applicant or licensee shall fire 15 rounds from three yards and 10 rounds from seven yards.
- (3) An applicant or licensee shall score 4 points for each shot that hits within the scoring line and zero points for each shot that hits outside the scoring line. An applicant must obtain a score of seventy-two percent of the total score to pass the competency demonstration.

C. Determination of competency. An approved instructor shall determine whether or not an applicant is to be issued a certificate of completion based on the applicant's or licensee's score on the competency demonstration and the applicant's or licensee's knowledge and understanding of the subjects specified in the act.

D. Certificates of completion. An approved instructor shall issue a certificate of completion to each applicant who demonstrates competency in the safe use of the categories and calibers of handguns for which he or she seeks licensure as prescribed in Subsections B and C of this section. The certificate of completion shall include the name and date of birth of the applicant, the printed name and signature of the approved instructor who scored the competency demonstration, the date the applicant completed the firearms training course, all categories and calibers of handguns for which the applicant demonstrated competency, and a unique number consisting of the instructor number assigned by the department and a sequential number that corresponds with the order in which the instructor has issued certificates.

[10.8.2.15 NMAC - Rp, 10.8.2.15 NMAC, 11-30-16]

10.8.2.16 TERMS AND CONDITIONS OF LICENSE:

- A. Carrying only handguns listed on license.** No person shall carry a concealed handgun of a different category or higher caliber than is indicated on the license issued to that person by the department. A licensee shall only carry one concealed handgun at any given time.
- B. Consumption of alcohol prohibited.** No person shall consume alcohol while carrying a concealed handgun.
- C. Carrying while impaired.** No person shall carry a concealed handgun while impaired by the use of alcohol, controlled substances, or over the counter or prescribed medications.
- D. Display of license on demand.** A licensee carrying a concealed handgun on or about his person in public shall, upon demand by a peace officer, display his license to carry a concealed handgun.
- E. Prohibited acts.** A licensee shall not deface, alter, mutilate, reproduce, lend, transfer, or sell a license. A licensee shall adhere to Section 30-7-4 NMSA 1978 as it pertains to negligent use of a deadly weapon.
- F. Carrying prohibited on private property.** In addition to other limitations stated in the act, a licensee may not carry a concealed handgun on or about his person on private property that has signs posted prohibiting the carrying of concealed weapons or when verbally told so by a person lawfully in possession of the property.

- G. **Carrying prohibited in preschools.** No licensee shall carry a concealed handgun on the premises of a preschool that provides care to infants, toddlers, and children aged five and younger, which includes childcare facilities, home-based or center-based, and whether or not the facility is licensed, registered, or regulated.
- H. **Schools.** Carrying of a deadly weapon on school premises is prohibited except as allowed by the law.
- I. **University.** Carrying of a firearm on university premises is prohibited except as allowed by the law.
- J. **Liquor establishments.** Carrying of a firearm in an establishment licensed to dispense alcoholic beverages is prohibited except as allowed by the law.
- K. **Indicia of licensure.** Only a law enforcement officer may carry a badge, patch, card, or any other indication of authority to carry a concealed handgun in New Mexico other than the license issued by the department or a license issued by a state that has been accepted by reciprocity by New Mexico pursuant to the act.
- L. **Notice of change in circumstances.** A licensee shall, within 10 days, notify the department in writing and return the license to it within 10 days upon the occurrence of any of the following:
 - (1) adjudication of mental incompetence has been entered or issued against the licensee;
 - (2) the licensee has been committed to a facility for the treatment of mental illness;
 - (3) the licensee has been committed to a facility for treatment of addiction to alcohol, controlled substances, or other drugs;
 - (4) an order of protection has been issued by a court against the licensee;
 - (5) an indictment for or charge with a felony or a disqualifying misdemeanor offense described in Subsection (B) of Section 29-19-4 NMSA has been issued against the licensee;
 - (6) is no longer a full-time salaried law enforcement officer; or
 - (7) the licensee is other than honorably discharged from the military.

[10.8.2.16 NMAC - Rp, 10.8.2.16 NMAC, 11-30-16]

10.8.2.17 LICENSE RENEWAL AND TRANSFER:

- A. **To renew a New Mexico license.** A licensee may file an application for a renewed license on the form prescribed by the department.
 - (1) The licensee may submit the application anytime from 60 calendar days before, and until 60 days after the license expires. If the license has expired, a licensee shall not carry a concealed handgun until he or she receives a renewed license.
 - (2) The licensee shall complete a refresher firearms training course prior to filing the application.
 - (3) The licensee shall file with the department:
 - (a) electronic fingerprints as required by Section 29-19-5 NMSA 1978 and 10.8.2.14 NMAC, unless electronic fingerprints are already on file with the department;
 - (b) a certified copy of a certificate of completion for a refresher firearms training course approved by the department issued by an approved instructor not more than 90 days prior to the date the application is filed;
 - (c) nonrefundable \$75 renewal fee; and
 - (d) a copy of New Mexico driver's license or other government issued identification which contains a picture.
- B. **To transfer a license from another state.** A person establishing New Mexico residency must transfer his or her license from another state. The license holder has 90 days from establishing New Mexico residency to file an application for a New Mexico renewed license on the form prescribed by the department. An

applicant for transfer shall not carry a concealed handgun in New Mexico until the applicant receives a New Mexico license unless he or she has a license from a state that has been accepted by reciprocity by New Mexico.

- (1) In addition to the items required by Paragraph 3 of Subsection A of this section, the applicant for transfer shall file:
 - (a) proof of residency as provided in Subsection A of 10.8.2.12 NMAC;
 - (b) proof of age as provided in Subsection B of 10.8.2.12 NMAC; and
 - (c) a photocopy of the license being transferred.
 - (2) The applicant for transfer shall complete:
 - (a) a refresher firearms training course if the firearms training required by the other state meets or exceeds New Mexico firearms training requirements and the licensee completed firearms training not more than one year prior to filing the application; or
 - (b) an initial firearms training course if the firearms training required by the other state does not meet New Mexico firearms training requirements or the licensee completed firearms training more than one year prior to filing the application.
 - (3) The applicant for transfer must meet all other requirements for obtaining a license in New Mexico by showing either that:
 - (a) the requirements for licensure in the other state meet or exceed the requirements for issuance of a license in New Mexico; or
 - (b) the applicant has satisfactorily completed the requirements for issuance of a license in New Mexico that were not applicable in the other state.
- C. **Time period for review.** The department shall review the application for a renewed license, conduct a national criminal background check for each applicant for a renewed license or transfer of a license from another state, and decide within 30 days of the date the department receives a complete application and background check.
- D. **Determination by department.**
- (1) **Approval.** If the department finds that the applicant for a renewed license or transfer of a license from another state meets the requirements in the act and this rule for a renewed license, the department shall issue a license.
 - (2) **Denial.** If the department finds that the applicant does not meet the requirements for a renewed license or transfer of a license from another state, the department shall issue a notification of denial in accordance with 10.8.2.21 NMAC. The notification of denial shall cite the particular requirements of the act or this rule that the applicant has failed to meet.

[10.8.2.17 NMAC - Rp, 10.8.2.17 NMAC, 11-30-16]

10.8.2.18 ADDITIONAL HANDGUN ENDORSEMENT:

If a licensee wishes to add another category or additional higher calibers of handguns to his or her license, the licensee shall file with the department an endorsement application. The licensee shall also submit a certified copy of a certificate of completion from an approved instructor stating that the licensee has demonstrated competency on a firing range for each additional category and caliber of handgun, his or her current license, and a \$10 processing fee. The licensee need not retake the classroom portion of the firearms training course. The department shall issue an updated license within 10 days of receipt of the application. The updated license shall expire on the same date as the original license would have expired. In accordance with Section 29-19-9 NMSA 1978, a licensee shall not carry the higher caliber concealed handgun until he or she received the updated license.

[10.8.2.18 NMAC - Rp 10.8.2.18 NMAC, 11-30-16]

10.8.2.19 REPLACEMENT LICENSE:

- A. **Change of name address, or status:** A licensee who changes his or her name, address or law enforcement status shall file within 30 days:
- (1) an application for a replacement license on the form prescribed by the department;
 - (2) if applicable, a certified copy of a legal document proving the change of name;
 - (3) a nonrefundable \$10 processing fee; and
 - (4) if applicable, proof of reemployment with a law enforcement agency.
- B. **Loss, theft, or destruction of license:** A licensee who loses his or her license or whose license is stolen or destroyed shall file a police report within 10 days of the date the licensee discovers the loss, theft, or destruction of the license. The licensee shall not carry a concealed handgun until he or she obtains a replacement license. A licensee who seeks to replace a license that is lost, stolen, or destroyed shall file with the department:
- (1) an application for a replacement license on the form prescribed by the department;
 - (2) the case number of the police report;
 - (3) a notarized statement made under oath that the license was lost, stolen or destroyed; and
 - (4) a nonrefundable \$10 processing fee. The department shall issue a replacement license within 10 days of receipt of the application.

[10.8.2.19 NMAC - Rp, 10.8.2.19 NMAC, 11-30-16]

10.8.2.20 ENFORCEMENT:

- A. **Authority to disarm.** A peace officer acting in the lawful discharge of his or her official duties is authorized to disarm a licensee at any time the peace officer reasonably believes it is necessary for the protection of the licensee, peace officer or another individual. The peace officer shall return the handgun to the licensee before dismissing the licensee from the scene if the peace officer has determined that the licensee is not a threat to himself or herself, the peace officer, or other individuals, provided that the licensee has not violated any provision of the act or this rule, or committed any other violation which could result in arrest of the licensee. If the peace officer has probable cause to believe that the handgun is stolen, has an altered serial number, or has been used in the commission of a crime, the peace officer shall hold the handgun in evidence and shall submit a copy of his or her agency report to the department within 10 days.
- B. **Authority to confiscate license.** A peace officer may confiscate a license if the licensee has violated any provision of the act or this rule or committed any other violation that could result in arrest of the licensee. If the licensee has committed a violation of the act or rule warranting suspension or revocation of the license, the officer shall file an affidavit of violation as provided in Subsection B of 10.8.2.21 NMAC. A police report may be submitted in lieu of an affidavit.

[10.8.2.20 NMAC - Rp, 10.8.2.20 NMAC, 11-30-16]

10.8.2.21 DENIAL, SUSPENSION AND REVOCATION OF A LICENSE:

- A. **Grounds.** The department may deny, suspend or revoke a license if the licensee:
- (1) is found to have violated any provision of the act or this rule;
 - (2) is a fugitive from justice, in accordance with Paragraph (4) of Subsection (A) of Section 29-19-4 NMSA 1978;
 - (3) is convicted of a felony, in accordance with Paragraph (5) of Subsection (A) of Section 29-19-4 NMSA 1978, including a conditional discharge until discharged, a diversion until its terms are completed, a deferment, a guilty plea, a plea of nolo contendere, or Alford plea;

- (4) is under indictment, cited, or summoned to Court to answer for a felony criminal offense, in accordance with Paragraph (6) of Subsection (A) of Section 29-19-4 NMSA 1978;
 - (5) is prohibited by law from purchasing or possessing a firearm, in accordance with Paragraph (7) of Subsection (A) of Section 29-19-4 NMSA 1978 or any federal database or law;
 - (6) is adjudicated mentally incompetent or committed to a mental institution, in accordance with Paragraph (8) of Subsection (A) of Section 29-19-4 NMSA 1978;
 - (7) is addicted to alcohol or controlled substances, in accordance with Paragraph (9) of Subsection (A) of Section 29-19-4 NMSA 1978;
 - (8) receives a conditional discharge, a diversion or a deferment or is convicted of, pleads guilty to or enters a plea of nolo contendere to a misdemeanor offense involving a crime of violence within 10 years immediately preceding the application, in accordance with Paragraph (1) of Subsection (B) of Section 29-19-4 NMSA 1978;
 - (9) is convicted of a misdemeanor offense of driving while under the influence of intoxicating liquor or drugs within five years immediately preceding the application, in accordance with Paragraph (2) of Subsection (B) of Section 29-19-4 NMSA 1978;
 - (10) is convicted of a misdemeanor offense of the possession or abuse of a controlled substance within 10 years immediately preceding the application, in accordance with Paragraph (3) of Subsection (B) of Section 29-19-4 NMSA 1978;
 - (11) is convicted of a misdemeanor offense of assault or assault against a household member, battery or battery against a household member, in accordance with Paragraph (4) of Subsection (B) of Section 29-19-4 NMSA 1978; or
 - (12) is subject to a valid protective order issued by a court.
- B. **Affidavit of violation by a licensee.** If a peace officer believes there is probable cause to suspend or revoke a license, the peace officer shall prepare an affidavit on a form prescribed by the department. The affidavit shall cite the provision of law that was violated. The peace officer shall file the affidavit and any other reports or information relating to the licensee available to the officer with the department within 10 days of the date the peace officer learns of the violation. A police report may be submitted in lieu of the affidavit.
- C. **Notice of suspension or revocation and surrender of license.** The department shall review the affidavit and attachments, and, if the department finds probable cause to suspend or revoke the license, may issue a notification of the suspension or revocation to the licensee advising the licensee of his or her right to a hearing in accordance with 10.8.2.27 NMAC. If the licensee elects not to request a hearing, the licensee shall surrender his or her license to the department within 15 days of the expiration of the period allowed to request a hearing.
- D. **Term of suspension or revocation and reapplication.**
- (1) The department may suspend a license when the outcome of a disqualifying matter is pending. The licensee may file an application to renew the license upon expiration of the term of suspension.
 - (2) The department may revoke a license for a period required by the law up to and including a lifetime revocation. The person will not be eligible for a new license until the revocation period required by law has passed, if ever.
 - (3) The license of a current law enforcement officer shall expire on the date the officer leaves employment unless the officer provides the department with written proof of hiring by another law enforcement agency in New Mexico.

10.8.2.22 DEPARTMENT APPROVAL OF INSTRUCTORS AND FIREARMS TRAINING COURSES:

- A. **Application required.** Any person seeking to instruct firearms training courses pursuant to this rule shall file an application with the department to become an approved instructor. Application shall be made on the form prescribed by the department and shall be typewritten or legibly handwritten in ink. A person who is not an approved instructor may not instruct a firearms training course pursuant to this rule.
- B. **Requirements for approval.** In order to be approved as an instructor, an instructor applicant must:
- (1) agree to be subject to New Mexico jurisdiction for the purpose of enforcing the act and this rule;
 - (2) submit a resume of experience instructing firearms training courses, handgun experience, or both;
 - (3) submit electronic fingerprints that comply with the requirements in Section 29-19-5 NMSA 1978 and 10.8.2.14 NMAC for positive identification purposes;
 - (4) submit an authorization for release of information form provided by the department;
 - (5) submit an affidavit or cover page of an acceptable firearms instruction insurance policy;
 - (6) submit to the department the curriculum and course materials, meeting the department's core requirements, for a firearms training course that has been certified or sponsored by a federal or state law enforcement agency, an accredited college or university, a firearms training school, or a nationally recognized organization, approved by the department, that customarily offers firearms training and a copy of the letter or other document approving the course from the certifying or sponsoring entity. An instructor applicant may develop his own curriculum and materials but must have them certified or sponsored by one of the entities identified in Subsection A of NMSA 1978 Section 29-19-7;
 - (7) the instructor applicant must submit to the department a list of all persons the instructor applicant proposes to engage in any aspect of the concealed carry weapons class at least 10 days prior to the first class, including the individual's name, date of birth, social security number, and concealed carry license number;
 - (8) provide a description of the instructor applicant's experience in offering firearms training; if any. An instructor-applicant who wishes to conduct firing range instruction must possess a certificate of completion of a firearms instructor-training program approved by the department that was issued or renewed not more than three years prior to the date the application is filed;
 - (9) be a currently certified law enforcement instructor employed by a law enforcement agency; or
 - (10) be 21 years of age and agree to be responsible for the actions and omissions of all persons engaged by the approved instructor for the purpose of conducting firearms training courses pursuant to this rule.
- C. **Time period for review.** As prescribed in Subsection (A) of Section 29-19-6 NMSA 1978, the department shall review the application of each instructor applicant and make a determination within 30 days of the date the department receives a complete application and background check.
- D. **Determination by the department.**
- (1) **Approval.**
 - (a) **Instructor.** If the department finds that the instructor applicant meets the requirements specified in Subsection B of this section, the department shall issue a concealed carry weapon instructor permit that shall be valid

for four years. The concealed carry weapon permit shall include the approved instructor's name, business address, and date of birth, the expiration date of the permit, and the instructor number assigned by the department.

- (b) **Curriculum.** If the department finds that the proposed curriculum and course materials for the firearms training course meet the requirements of Section 29-19-7 NMSA 1978 and this rule, the department shall approve the proposed firearms training course in writing. The department's approval shall remain in effect for the shortest of:

- (i) one year;
- (ii) until the approved instructor substantially changes the curriculum or course materials; or
- (iii) the requirements in the act or this rule are changed.

- (2) **Denial.** If the department finds either that the instructor applicant or the proposed firearms training course do not meet the requirements of Section 29-19-7 NMSA 1978 or this rule, the department shall issue a notification of denial. The notification of denial shall cite the particular requirements of the act or this rule that the instructor applicant or proposed firearm training course has failed to meet.

- E. **Renewal.** An approved instructor seeking to renew his permit shall file with the department at least 60 days before the date his permit expires:

- (1) an application for renewal on the form prescribed by the department;
- (2) the curriculum and course materials for a firearms training course that is certified or sponsored by a federal or state law enforcement agency, an accredited college or university, a firearms training school, or a nationally recognized organization approved by the department that customarily offers firearms training and a copy of the letter or other document approving the course from the certifying or sponsoring entity; and
- (3) a list of all persons the instructor applicant intends to engage in any aspect of conducting a concealed carry weapons class.

- F. **No authority to carry.** An approved instructor is not authorized to carry a concealed handgun unless the approved instructor obtains a license from the department pursuant to 29-19-4 NMSA 1978 of the act and this rule. If an instructor applicant wishes to apply for a concealed carry license at the same time he or she applies for an instructors permit, he or she may do so by checking the appropriate boxes on the instructor application form, complying with all requirements for a license in the act and this rule, and enclosing the license application fee and all documents required by this rule with the application for an instructors certificate.

- G. **List of approved instructors.** The department shall maintain and make available to the public a list of approved instructors. An approved instructor may request to be removed from the list, but shall remain subject to a request for inspection of public records pursuant to Chapter 14, Article, 2 NMSA 1978.

[10.8.2.22 NMAC - Rp, 10.8.2.22 NMAC, 11-30-16]

10.8.2.23 BACKGROUND INVESTIGATIONS OF APPLICANTS AND INSTRUCTOR APPLICANTS:

The department shall conduct a state and national criminal background check, and a court records check for protective orders, of each applicant for an original, transferred or renewed license. The department shall conduct a state criminal background check, and a court records check for protective orders, for each instructor applicant for an original or renewed permit. The department may require certain applicants to provide information or execute documents to enable the department to obtain criminal history records of disposition of charges. The department may conduct such other investigation of an applicant as the department deems necessary to determine an applicant's suitability for a

license or permit.

[10.8.2.23 NMAC - Rp, 10.8.2.23 NMAC, 11-30-16]

10.8.2.24 RESPONSIBILITIES OF APPROVED INSTRUCTORS:

- A. **Minimum standards for instruction.** An approved instructor shall:
- (1) engage as instructors only those persons who have been issued a permit by the department, except as provided in Subsection C of this section;
 - (2) have no more students in the classroom or on an indoor firing range than the maximum occupancy allowed by the state or local fire code;
 - (3) use classroom facilities that comply with all federal, state, and local laws relating to persons with disabilities, public health, safety, and sanitation, including restroom facilities;
 - (4) use only the curriculum, course materials, handouts, and videos approved by the department;
 - (5) display the permit issued by the department in an appropriate and visible location;
 - (6) not permit a student to begin a firearms training course until the student has received written information stating all fees, including incidental costs, charged for the course, policies for passing and failing, refund and reschedule policies, and attendance requirements.
- B. **Minimum standards for firing range instruction.** An approved instructor shall:
- (1) not allow a student to participate in firing range instruction until the student has completed the classroom portion of the firearms training course that covers safe handgun shooting fundamentals;
 - (2) conduct firing range instruction under various light conditions when possible;
 - (3) have no more students firing a handgun on the firing range than the instructor can effectively and safely instruct and monitor, including no more than five students per instructor during daylight training, no more than three students per instructor for lowlight training, and no more than one student per instructor for dynamic training such as shooting on the move.
- C. **Guest instructors.**
- (1) An approved instructor may use guest instructors who are on the department approved instructor list to teach various parts of a firearm training course, but only with written approval of the department. An approved instructor must file a request for approval to use a guest instructor at least 10 days prior to the date the guest instructor will teach for the first time. The department will conduct background investigations of guest instructors.
 - (2) no guest instructor shall teach the approved instructor's entire firearms training course.
 - (3) an approved instructor shall maintain a file on each guest instructor who teaches any portion of the firearms training course. The file shall include a list of the dates and portions of the course each guest instructor has taught, and appropriate documents showing the educations, experience, licenses or certifications that qualify the guest instructor to teach the portions of the course he or she has taught.
- D. **Monitoring by the department.** The department may monitor all aspects of firearms training courses. Approved instructors shall cooperate with department employees in its efforts to monitor the training of applicants.
- (1) Should a department employee determine that an instructor is not compliant with these rules or is placing his or her students in danger, the employee shall obtain the approved instructor's permit, make a written report and submit both to the secretary. The approved instructor may then file an appeal pursuant to the act and these rules.

- (2) Failure to adhere to any provisions of Subsection D, these rules, or the act shall be grounds for temporary or permanent loss of an instructor's permit.
- E. **After action reports (AAR).** An approved instructor shall file the following information with the department within 10 working days after the end of each firearms training course on the form prescribed by the department:
- (1) the name, address, and date of birth of each applicant who attended the course;
 - (2) the score each applicant achieved in the handgun competency demonstration;
 - (3) the category and highest caliber of each handgun for which the applicant demonstrated competency; and
 - (4) whether or not the approved instructor issued a certificate of completion and each category and caliber for which the certificate was issued.
- F. **Records.** An approved instructor shall maintain the records required by this subsection for a period of five years from the date of completion of each firearms training course. The records shall be stored in a safe and secure place and shall be available for inspection by the department promptly upon request. An approved instructor shall maintain:
- (1) a record of each handgun competency certificate issued;
 - (2) a record of the following information for each course:
 - (a) name, address, and date of birth of each applicant who attended the course
 - (b) the score the applicant achieved in the handgun competency demonstration;
 - (c) the category and caliber, of each handgun for which the applicant demonstrated competency; and
 - (d) an indication of whether or not the approved instructor issued a certificate of completion to that applicant;
 - (3) a record of the dates and number of hours of each firearms training course;
 - (4) a record of the curriculum and course materials used in each course;
 - (5) copies of documents and correspondence filed with the department.

[10.8.2.24 NMAC – Rp, 10.8.2.24 NMAC, 11-30-16]

10.8.2.25 IN-SERVICE TRAINING CYCLE FOR CONCEALED CARRY INSTRUCTORS:

- A. All New Mexico Approved instructors shall receive a minimum of eight hours of training biennially.
- B. Required training may be conducted by the department's concealed carry program at regional locations and, where scheduling will allow, the concealed carry program will assign staff to instruct the course.

[10.8.2.25 NMAC – Rp, 10.8.2.25 NMAC, 11-30-16]

10.8.2.26 SUSPENSION AND REVOCATION OF AN INSTRUCTOR PERMIT

- A. **Grounds.** The department may suspend or revoke a permit if the approved instructor:
 - (1) is the subject of valid complaints from applicants, licensees, or other approved instructors;
 - (2) violates any of the ground's states in Subsection A of 10.8.2.21 NMAC with respect to a license;
 - (3) violates any provision of the act or these rules; or
 - (4) fails to improve after having been sanctioned.
- B. **Notice of suspension or revocation and surrender of permit.** The department shall investigate all allegations concerning grounds for suspension or revocations

of permits. If the department finds there is a preponderance of evidence supporting the complaint, and there exists cause to suspend or revoke the permit, the department may issue a notification of suspension or revocation of the permit to the approved instructor and advising the approved instructor of his or her right to a hearing in accordance with 10.8.2.26 NMAC. If the approved instructor elects not to request a hearing the approved instructor shall surrender his or her permit to the department within 15 days of the expiration of the period for requesting a hearing and shall cease offering firearms training courses pursuant to this rule.

C. Immediate suspension of firearms training course and refund of tuition.

- (1) The department may immediately suspend, without notice or a prior hearing, a firearms training course whenever the department finds that the person teaching the course:
 - (a) is not an approved instructor;
 - (b) is impaired by the use of alcohol, controlled substances, or over the counter or prescribed medications;
 - (c) has committed a misdemeanor or felony under the New Mexico criminal code or law of another jurisdiction; or
 - (d) is teaching something that is contrary to law or accepted safety practices.
- (2) The approved instructor shall be given the opportunity to request a hearing before the department pursuant to 10.8.2.26 NMAC.
- (3) If the department finds, after notice and a hearing, that the person teaching the course was not an approved instructor, was impaired, has committed a misdemeanor or felony under the criminal code, or was teaching something contrary to law or accepted safety practices, the department may order the person to refund to every student in the class the person was teaching any fees paid by the student to take the class. If the department finds that all or any portion of the firearms training course was deficient because the instructor was not an approved instructor, was impaired, has committed a misdemeanor or felony under the criminal code, or was teaching something contrary to law or safety, the department may require the students in that class to retake the portions that were deficient. The department may also initiate proceedings to suspend or revoke the approved instructor's permit.

Cl. Term of suspension or revocation and reapplication.

- (1) The department may suspend a permit for up to one year while the outcome of a disqualifying matter is pending. The approved instructor may file an application to renew the permit upon expiration of the term of suspension.
- (2) The department may revoke a permit for a period required by law up to and including a lifetime revocation. The instructor whose permit is revoked will not be eligible for a new permit until the revocation period required by law has passed, if ever.

[10.8.2.26 NMAC - Rp, 10.8.2.25 NMAC, 11-30-16]

10.8.2.27 HEARING PROCEDURES:

- A. **Written notice required.** The department shall mail a notification of the decision to deny, suspend, or revoke a permit and instructions for requesting a hearing to the respondent in accordance with Subsection B of 10.8.2.8 NMAC. The notice shall become final on the 30th day after the date the notice was postmarked unless the department receives a request for a hearing, or the notice is returned to the department as undeliverable, before that date, in which case it is immediately final.
- B. **Request for hearing.** A respondent who seeks reconsideration of a notification of denial, suspension, or revocation shall file a request for hearing. The request for hearing shall:
 - (1) be in writing;

- (2) be received by the department within 30 days on the notification;
 - (3) state with specificity the basis for challenging the notification; and
 - (4) provide any additional documentation to support the challenge.
- C. **Hearing date.** Within 30 days of receipt of a request for hearing, the department shall mail a notice of hearing to the respondent. The hearing shall be held within a reasonable period of time, but within 180 days from the date the department receives a request for the hearing. The department may extend the time for a hearing one time for up to an additional 60 days upon its own discretion. The department shall not unreasonably deny a request for postponement of the hearing made by a respondent when good cause exists for the request.
- D. **Contents of notice.** The notice shall include:
 - (1) the date, time, place, and nature of the hearing;
 - (2) a statement of the legal authority and jurisdiction pursuant to which the hearing is being held;
 - (3) reference to the section(s) of the act or this rule that were cited as the basis for the denial, suspension, or revocation;
 - (4) a general statement of the matters or issues involved; and
 - (5) a statement of the rights specified in Subsection I of this section.
- E. **Nature of hearing.** The hearing shall be conducted in an informal manner. The hearing may be conducted in person or by telephone conference call, video conferencing, or other appropriate technology.
- F. **Hearing examiner.** The department shall designate a hearing examiner who shall conduct the proceedings and perform all acts and take all measures necessary or proper for the efficient conduct of the hearing. The hearing examiner may:
 - (1) administer oaths;
 - (2) issue subpoenas for the attendance of witnesses and the production of relevant books, documents, and records;
 - (3) exclude any irrelevant, immaterial, or unduly repetitious evidence;
 - (4) take notice of facts and of recognized technical or scientific facts within the department's specialized knowledge;
 - (5) hear evidence and admit documentary evidence from the parties. The department may introduce into evidence copies of government records needed to establish the existence of certain facts which could result in denial, suspension, or revocation of a license or permit, including but not limited to records regarding convictions, judgments regarding mental competency or chemical dependency, or other matters that may be established by government records;
 - (6) call and examine the respondent or other witnesses; and
 - (7) utilize the department's experience, technical competence, and specialized knowledge in evaluating the evidence.
- G. **Testimony.** Testimony at the hearing shall be taken under oath.
- H. **Record of hearing.** The hearing shall be recorded at the department's expense. No recording devices other than the official hearing recording device shall be allowed in. In addition, the department shall make a written record of:
 - (1) the nature of the proceedings including copies of the affidavit or other documents of grounds for the notification of denial, suspension, or revocation, and the notice of hearing;
 - (2) the place, date, and time of the hearing and all continuances or recesses of the hearing;
 - (3) the appearance or nonappearance of the respondent;
 - (4) if the respondent appears with an attorney, the name and address of the attorney;
 - (5) all evidence and testimony and a copy of all exhibits introduced into evidence;

- (6) the findings of fact, conclusions of law, and recommended decision of the hearing examiner; and
- (7) the decision of the secretary.
- I. **Rights of applicant, instructor applicant, approved instructor, or licensee.**
The respondent has the right to:
 - (1) attend the hearing;
 - (2) enter evidence into the record, but only in open hearing;
 - (3) recuse a hearing examiner for cause;
 - (4) be assisted or represented by an attorney at his or her own expense; and
 - (5) call, examine and cross-examine witnesses.
- J. **Stipulation.** The respondent, or respondent's attorney in respondent's absence, shall stipulate in writing on a form prescribed by the department that the hearing examiner shall be released from civil liability for all communications, findings, opinions, and conclusions made in the course and scope of the hearing. Failure to so stipulate shall result in termination of the hearing and continuation of the notification issued by the department.
- K. **Deliberation.** At the close of the hearing, the hearing examiner shall review and consider the entire record, prepare findings of fact, conclusions of law, and a recommended decision, and submit them to the secretary within 20 days after the close of the hearing. The hearing examiner shall make a finding on each ground for denial, suspension, or revocation alleged. The recommended decision shall be based upon substantial, competent, and relevant evidence and testimony appearing in the record of hearing.
- L. **Final order.** Within 20 days of receipt of the recommended decision, the secretary shall review the record of the hearing and issue a final order affirming the denial of an application for, or suspension or revocation of, a license or permit or reversing the denial, suspension, or revocation and authorizing issuance or reinstatement of a license or permit. The department shall mail a copy of the final order to the respondent. The final order shall be based upon substantial, competent, and relevant evidence and testimony appearing in the record of hearing.
- M. **Appeals.** A respondent adversely affected by a final order of the department may file a petition for a writ of certiorari, pursuant to Rule 1-075 NMRA, in the district court in the county where the respondent resides within 30 days of the date the final order was postmarked. The appellant shall bear the costs of the appeal.

[10.8.2.27 NMAC - Rp, 10.8.2.27 NMAC, 11-30-16]

10.8.2.28 DEPARTMENTAL IMMUNITY:

The department, or any employee of the department, shall not be criminally or civilly liable for acts:

- A. performed by the department or employee in good faith based on information available to the department or employee at the time the act was performed;
- B. committed by a licensee; or
- C. committed by a person approved by the department or employee to offer a firearms training course.
- D. Occurring during and through the course of any proceeding pertaining to a concealed carry license.

[10.8.2.28 NMAC - Rp, 10.8.2.28 NMAC, 11-30-16]

10.8.2.29 RECIPROCITY:

The secretary or his designee shall have discretionary authority to afford transfer or reciprocity to a concealed handgun license issued by another state. Transfer or reciprocity may be granted if the other state:

- A. issues a license or permit with an expiration date printed on the license or permit; is available to verify the license or permit status for law enforcement purposes

- within three days of request;
- B. has disqualification, suspension and revocation requirements for a concealed handgun license or permit;
 - C. requires that an applicant for a concealed handgun license or permit submit to a national criminal history records check;
 - D. requires that an applicant not be prohibited from possessing firearms pursuant to federal or state law; and
 - E. requires that an applicant satisfactorily complete a firearms safety program that covers deadly force issues, weapons care and maintenance, safe handling and storage of firearms and marksmanship.
 - F. Each state which the department has afforded transfer or reciprocity shall be listed on the department's web page.
 - G. No reciprocity shall be afforded to a license issued by another state to a New Mexico resident.

[10.8.2.29 NMAC - Rp, 10.8.2.29 NMAC, 11-30-16]

10.8.2.30 CURRENT LAW ENFORCEMENT OFFICERS OR MOUNTED PATROL OFFICERS:

- A. Any current law enforcement officer residing in New Mexico shall be allowed to obtain a five-year concealed handgun carry license by submitting:
 - (1) all forms as required in section 10.8.2.11 NMAC;
 - (2) a letter from his or her agency head verifying that the applicant is employed in good standing and is qualified under 29-19-4 NMSA 1978;
 - (3) a copy of his or her law enforcement certification and number; and
 - (4) a copy of his or her latest firearms qualification score with category and caliber designated, signed and dated by the authorized firearms instructor conducting the course.
- B. An application may be denied if:
 - (1) the head of the law enforcement agency employing the officer requests in writing that a license not be issued and supplies sufficient information to enable the department to determine if the denial should be granted; or
 - (2) if the applicant is pending criminal charges or serious administrative allegations involving their conduct as a law enforcement officer.
- C. The agency and applicant will be notified in writing of the departments' decision. If denied, the applicant may follow the appeal process contained in 10.8.2.27 NMAC.
- D. The applicant's agency will be notified of any disqualifying information that may become known during the background check.
- E. A license issued under this section may not be used and must be turned in when the officer is no longer employed by a law enforcement agency.

[10.8.2.30 NMAC - Rp, 10.8.2.30 NMAC, 11-30-16]

10.8.2.31 RETIRED LAW ENFORCEMENT OFFICERS:

Any retired law enforcement officer shall be allowed to obtain a five-year concealed handgun carry license if the retired law enforcement officer:

- A. Has submitted all forms as required in these rules, including 10.6.2.12 NMAC;
- B. is a resident of the state of New Mexico;
- C. has retired from a law enforcement agency after a minimum of 15 years employment, unless the retirement was due to a job-related disability;
- D. has submitted a letter from the agency verifying employment if the 15 years is with more than one agency;
- E. has submitted a letter from the agency verifying employment he or she retired from which indicates he or she retired in good standing with the effective date of retirement;
- F. has submitted a copy of his or her last firearms qualification scores indicating

- category and caliber designation, dated and signed by the department's firearms instructor;
- G. has taken a firearms course in accordance with the act if the officer has been retired longer than ten years at the time of application;
 - H. has submitted a copy of his or her law enforcement certification and number; and
 - I. has qualified and adheres to the provisions of the act and these rules.

[10.8.2.31 NMAC - Rp, 10.8.2.31 NMAC, 11-30-16]

10.8.2.32 MILITARY SERVICE PERSONS:

Any military service persons shall be allowed to obtain a five-year concealed handgun carry license under the following requirements:

- A. by submitting all forms as required in these rules, including 10.8.2.12 NMAC; and
- B. documentation satisfactory to the department that the applicant is a military service person; or
- C. documentation satisfactory to the department that the applicant was a prior military service person honorably discharged.

[10.8.2.31 NMAC - N, 11-30-16]

HISTORY OF 10.8.2 NMAC:

10.8.2 NMAC, Carrying Concealed Handguns, filed on 9-4-01, was removed pursuant to Supreme Court Opinion 2002 NMSC-017.

10.8.2 NMAC, Carrying Concealed Handguns, was refiled on 11-14-03, effective 11-26-03.

History of repealed material:

10.8.2 NMAC, Carrying Concealed Handguns, effective 11-26-03, repealed and replaced effective 11-30-16.

