

NEW MEXICO CONCEALED HANDGUN CARRY ACT
OF 2005

CHAPTER 29
Law Enforcement

ARTICLE 19
Concealed Handgun Carry

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29-19-1. Short title.

This act may be cited as the “Concealed Handgun Carry Act”.

History: Laws 2003, ch. 255, § 1.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

29-19-2. Definitions.

As used in the Concealed Handgun Carry Act:

- 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.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

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. Concealed handgun licenses shall be valid for a period of four years from the date of issuance, unless the license is suspended or revoked.

Effective Date: June 17, 2005

History: Laws 2003, ch. 255, § 3.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

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 twentyone 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 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.

Effective Date: June 17, 2005

History: Laws 2003, ch. 255, § 4.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

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;

(3) a statement that the applicant has been furnished a copy of the Concealed Handgun Carry Act 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 7 of the Concealed Handgun Carry Act. 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 within thirty days of the request.

Effective Date: June 17, 2005

History: Laws 2003, ch. 255, § 5.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

29-19-6. Department response to application; right to appeal; license renewal; 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.

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 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 his name or permanent address. A licensee shall notify the department within thirty days if the licensee's concealed handgun license is lost, stolen or destroyed.

E. If a concealed handgun license is reported 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 his concealed handgun license by submitting to the department:

1. a completed renewal form, under penalty of perjury, 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 records 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.

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 his 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 to him; or

(3) subsequent to receiving a concealed handgun license, the licensee violates a provision of the Concealed Handgun Carry Act .

Effective date: June 17, 2005

History: Laws 2003, ch. 255, § 6.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

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.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

29-19-8. Limitation on license.

A. Nothing in the Concealed Handgun Carry Act [29-19-1 to 29-19-13 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 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 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.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

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.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

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.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

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.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

29-19-12. Rules; department to administer.

The department shall promulgate rules necessary to implement the provisions of the Concealed Handgun Carry Act. 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;

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;

C. provision of authority for a private property owner to disallow the carrying of a concealed handgun on his 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 as stringent or substantionally similar to the Concealed Handgun Carry Act;

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 records 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.

Effective date: June 17, 2005
History: Laws 2003, ch. 255, § 12.
Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

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 to 29-19-13 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.

History: Laws 2003, ch. 255, § 13.

Effective Date. – Laws 2003, ch. 255, § 16 makes the Concealed Handgun Carry Act effective July 1, 2003.

Severability. – Laws 2003, ch. 255, § 15 provides for the severability of the act if any part or application thereof is held invalid.

NEW SECTION

Current and Retired Law Enforcement Officers.

A. An application fee, a renewal fee and a firearms training course are not required for an applicant or licensee who is a certified law enforcement officer pursuant to the Law Enforcement Training Act.

B. A retired law enforcement officer is not required to submit an application or 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 he retired.

C. A retired law enforcement officer who has been retired ten years or less is not required to attend a firearms training course.

D. A retired law enforcement officer who has been retired for more than ten years shall be required to attend 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 firearm's training course to a retired law enforcement officer pursuant to this subsection.

E. 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.

Effective Date: June 17, 2005

APPLICATION INSTRUCTIONS

For a complete outline of eligibility requirements, refer to the New Mexico Concealed Handgun Carry Act of 2003 and NMAC 10.8.2 included in this packet. Personal check, cashier's check, certified check or money order should be made payable to: New Mexico Department of Public Safety. No cash will be accepted.

If you are applying for both a NM Concealed Handgun License and Training Instructor approval, you need to only submit one application with an indication it is for both. Check the appropriate box(es) at the top of the application. There is NO FEE to apply for only Training Instructor approval; however, two fingerprint cards are required.

Applications may be mailed to :

NM Department of Public Safety
SID/Concealed Carry Unit
6301 Indian School Rd. NE Suite 310
Albuquerque, NM 87110

Include the following:

- two fingerprint cards (do not bend or fold),
- certified copy of your birth certificate (must be issued by vital statistics or similar agency in the state in which you were born, no photocopies. Refer 29-19-5 B(6)),
- copy of certificate of completion of firearms training,
- copy of New Mexico Driver's License or Identification Card,

- appropriate fee, if required (\$100.00 new license, \$75.00 renewal or transfer),
- release forms and any other supporting documentation.

Incomplete applications will not be processed. Your fee will be deposited and you must meet the guidelines set forth in NMAC 10.8.2.11 C.

Fingerprint cards (2) must be filled out completely, including your name and signature, social security number, address, date of birth, place of birth and physical characteristics. Fingerprint cards should be taken/rolled by trained fingerprint technicians. The official taking your fingerprints must sign/date the card and provide his employer's name and address under his signature. These services may be available through your local law enforcement agency. If the cards are not acceptable by the FBI for comparison purposes, processing of your application may be significantly delayed and you may be required to submit another set.

You will be notified by the Concealed Carry Unit if you need to submit photos.

You may request to have original documents returned to you. Submit this request along with a self-addressed, stamped envelope. However, the CCU is not responsible for items returned in the mail.

In addition to above documents, instructor applicants must submit the curriculum he/she intends to teach and have documentation showing completion of one of the following:

- New Mexico Department of Public Safety Firearms Instructor Certification
- NRA Police Firearms Instructor Development School
 - NRA Personal Protection Instructor rating (IVA) and NRA Pistol Instructor rating (IPA)
 - Other firearms instructor training deemed acceptable by the Department

Under certain circumstances, some applicants may be requested to assist the Department of Public Safety in obtaining criminal history background information for disposition of charges. If assistance is necessary, the Concealed Carry Unit will notify the applicant.

Additional information/updates pertaining to NM Concealed Carry will also be available on the NMDPS web site: www.dps.nm.org. Check this web site periodically for new and updated forms.

New Mexico Department of Public Safety

CONCEALED HANDGUN LICENSE/ FIREARMS SAFETY TRAINING INSTRUCTOR APPROVAL 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 and all required documents have been submitted. Be sure to include: two (2) full sets of fingerprints, release forms, an original certified copy (**NOT A PHOTOCOPY**) of your birth certificate, your training certificate, a photo copy of your New Mexico Driver's License or Identification Card and payment in the form of a personal check, cashier's check, certified check, or money order for the appropriate amount.

CASH WILL NOT BE ACCEPTED. FEES ARE NON-REFUNDABLE.

<input type="checkbox"/> New License Application		<input type="checkbox"/> Training Instructor Application		<input type="checkbox"/> Renewal Application	
<input type="checkbox"/> Current Law Enforcement		<input type="checkbox"/> Retired Law Enforcement			
<input type="checkbox"/> Other _____					
Social Security Number:		Date of Birth (mm-dd-yyyy)		Sex: M <input type="checkbox"/> F <input type="checkbox"/>	
Last Name:		First Name:		Middle Name:	
County of Residence:	NM Driver's License or ID Number:	License Issue Date:	Height:	Weight:	Eye Color:
Place of Birth:	City:	State:	Country:		
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 (yrs./months)?		Home Phone:		Business Phone:	
FOR OFFICE USE ONLY:					
Form of Payment: <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIER'S CHECK <input type="checkbox"/> CERTIFIED CHECK <input type="checkbox"/> PERSONAL CHECK					
The Department of Public Safety acknowledges that on _____, the sum of \$ _____ was received by:					
_____ Signature of employee accepting application			_____ Printed/Typed name of employee accepting application		

Instructions to Department Employee or approved person receiving the application: Use the check list below to mark off the required documents included in this packet prior to forwarding packet to the Concealed Carry Unit.

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Application | <input type="checkbox"/> \$100.00 Application Fee | <input type="checkbox"/> Photocopy of NM DL or ID | <input type="checkbox"/> Birth Certificate |
| <input type="checkbox"/> Training Certificate | <input type="checkbox"/> Release Forms | <input type="checkbox"/> Fingerprint Cards (2) complete/signed | |
| <input type="checkbox"/> \$75.00 Renewal Fee | <input type="checkbox"/> Letter from Agency | <input type="checkbox"/> Law Enforcement Certification Number | |

ALL APPLICANTS CHECK "YES" or "NO" TO THE QUESTIONS BELOW

YES NO

1. Are you a citizen of the United States?		
2. Are you a resident of New Mexico or a member of the armed forces whose permanent duty station is located in New Mexico or a dependent of such a member?		
3. Are you 21 years of age or older?		
4. Have you satisfactorily completed a DPS –Approved Firearms Safety Training Program or Renewal Training Program?		
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 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?		
7. Are you otherwise prohibited by federal law or the law of any other jurisdiction from purchasing or possessing a 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?		
11. Have you, within five years immediately preceding this application, been convicted of a misdemeanor offense involving driving while under the influence of intoxication liquor or drugs?		
12. Have you been convicted of a misdemeanor offense involving the possession or abuse of a controlled substance or assault within the last ten years, or domestic violence at any time?		
13. Are you a fugitive from justice?		
14. Are you an alien who is residing in the United States illegally or a former citizen of the United States who has renounced citizenship?		
15. ***INSTRUCTOR APPLICANTS ONLY*** Do you meet ALL training instructor criteria required under NMAC 10.8.2.22? (if yes, include all proper documentation).		

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:

1. I have read the New Mexico Concealed Handgun Carry Act of 2003 and qualify to apply for a concealed handgun license;
2. I have been furnished with a copy of the state laws relating to concealed handguns and have read and understand them;
3. I want a permit to carry a concealed handgun for lawful purposes, which may include self-defense;
4. 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
5. 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.

_____ Date

_____ Signature of Applicant

_____ Applicant Full Name (Print Clearly or Type)