

CORRECTED NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT RULE AMENDMENT

The Department of Public Safety issued a Notice of Public Hearing on proposed permanent rule amendments concerning concealed carry rules. The Department published the Notice of Public Hearing on the Department's website and on the New Mexico Sunshine Portal. The New Mexico Register published notice for this rulemaking in Volume XXXVI, Issue 17 on September 9, 2025, and the Albuquerque Journal published the public notice on September 5, 2025. The Department's website, New Mexico Sunshine Portal, New Mexico Register, and Albuquerque Journal newspaper notices contain two clerical typographical references to "10.2.8 NMAC" that should read "10.8.2 NMAC." The draft proposed rule, as posted on the Department's website and the New Mexico Sunshine Portal, correctly references 10.8.2 NMAC. This corrected notice is issued to document and explain the clerical errors and to provide a brief additional comment period due to these errors.

Corrective Actions:

- The Department has posted a corrected notice on the DPS rulemaking page and on the New Mexico Sunshine Portal.
- The public hearing remains scheduled for October 14, 2025, at 1:00 p.m. (DPS Law Enforcement Academy Auditorium and via Microsoft Teams).
- To ensure interested persons have an adequate opportunity to comment given the clerical error in the published notice, the Department will accept written comments through October 28, 2025 (fourteen days after the hearing).
- Copies of the original Register/newspaper notice (showing the erroneous citations), the corrected notice, and the posted proposed rule (showing correct 10.8.2 citations) are placed in the rulemaking record.

Public Notice. The New Mexico Department of Public Safety ["DPS"] gives notice that it will hold a public hearing at DPS's Law Enforcement Academy, Auditorium, at 4491 Cerrillos Rd, Santa Fe, NM 87507, and via Microsoft Teams, on Tuesday, October 14, 2025, at 1:00 p.m. on the proposed permanent rule amendments to 10.2.8 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT, WEAPONS AND EXPLOSIVES, CARRYING CONCEALED HANDGUNS. The members of the public may attend at DPS or via Microsoft Teams on a computer, mobile device, or telephone. The videoconference's Meeting ID and Password, videoconference link, and telephone number are:

Join Microsoft Teams Meeting on Your Computer or Mobile App:

<https://tinyurl.com/CCU-Amendment>

Meeting ID: 240 019 157 952 8

Passcode: vF3Zn7Hj

Or Call in (Audio Only)

+1 (505) 312-4308

Phone Conference ID: 818 339 157#

Purpose of the Proposed Permanent Rule Amendment. The purpose of this public hearing is to receive public comment and input on a proposal to make permanent the emergency rule amendments made to 10.2.8 NMAC *Public Safety and Law Enforcement, Weapons and Explosives, Carrying Concealed Handguns*. The primary purpose of the amendments is:

1. Amendments to Sections 12, 14, 17, and 22 of 10.8.2 NMAC so that DPS will comply with the federal requirements to obtain new fingerprints from applicants and licensees for new and renewal applications, which without amendment to the rule, would place DPS in violation of federal law, imperil federal funding, and decrease public safety by hampering DPS' ability to identify potential risks before people are issued concealed carry handgun licenses.

2. Other amendments to Sections 7, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 24, 26, 27, 30, 31, and 32 of 10.8.2 NMAC include:

- Grammar, punctuation, and gender-neutral language improvements;
- Updating DPS's website references and the Concealed Carry Unit's location;
- Updating and clarifying firearms training requirements;
- Changing the term "may" to "shall" to remove subjectivity and provide more uniform and objective decisions, preventing grounds for appeals to district courts by avoiding agency decisions that are arbitrary, capricious, an abuse of discretion, not supported by substantial evidence, or otherwise not in accordance with the law;
- Adding additional administrative hearing procedural rules to provide more details and due process protections with similarity to the rules under the New Mexico Administrative Procedures Act, Sections 12-8-1 to 12-8-25 NMSA 1978 ["APA"], which is not applicable to the Concealed Carry Act, since DPS has not "made [it] subject to its coverage by law, or by agency rule or regulation...." Section 12-8-23 NMSA 1978;
- Changing references to law-enforcement officers to peace officers, which is broader and aligns with and is defined in 10.8.2.7 NMAC. It also aligns with other public safety statutes and rules involving DPS concerning law enforcement officers and training; and
- Updating and clarifying terms for retired law enforcement officers, military service personnel, and their dependents.

Legal Authority Authorizing the Proposed Permanent Rule Amendment. The proposed permanent rule amendment is promulgated pursuant to Subsection E of Section 9-19-6, NMSA 1978, and Sections 29-19-1 through 29-19-15, 30-7-2, 30-7-2.1, and 30-7-2.4, NMSA 1978.

Summary of Proposed Amended Rules. Below is a summary of the proposed permanent rule amendments.

10.8.2.7 NMAC DEFINITIONS

- Updates and clarifies various terms and definitions related to concealed carry licensing.

10.8.2.10 NMAC DEPARTMENT-PRESCRIBED FORMS

- Updates department website information.
- Adds Concealed Carry location in Albuquerque.

10.8.2.11 NMAC APPLICATION REQUIREMENTS FOR A LICENSE

- Adds method for application submittal to include online submissions.
- Removes "cash" from fees.
- Updates completeness requirements.

10.8.2.12 NMAC OTHER REQUIRED DOCUMENTS FOR A LICENSE

- Updates proof of residency requirements.
- Updates proof of age to gender neutral terms.
- Clarifies the language of what can be filed.
- Updates requirements for fingerprints.

10.8.2.13 NMAC LICENSE APPLICATION REVIEW AND ISSUANCE

- Clarifies the terms of a license.
- Updates language from discretionary action to a mandatory one, removing flexibility and requiring compliance.

10.8.2.14 NMAC FINGERPRINTING OF APPLICANTS

- Updates the requirements for fingerprints.
- Adds time limit for fingerprint submission.

10.8.2.15 NMAC FIREARMS TRAINING FOR APPLICANTS AND LICENSEES

- Updates and clarifies terms for firearms training.
- Updates and clarifies various subsections related to firearms training requirements.
- Updates certificates of completion language of firearms training.

10.8.2.16 NMAC TERMS AND CONDITIONS OF LICENSE

- Updates carrying while impaired provisions.
- Updates the display of a license on demand to gender neutral terms.
- Updates language from discretionary action to a mandatory one, removing flexibility and requiring compliance.
- Updates a notice of change in circumstances for criminal offenses.

10.8.2.17 NMAC LICENSE RENEWAL AND TRANSFER

- Updates and clarifies terms for renewing a New Mexico concealed carry license.
- Updates requirements for fingerprints.
- Updates and clarifies the terms for transferring a license from another state to New Mexico.

10.8.2.21 NMAC DENIAL, SUSPENSION AND REVOCATION OF A LICENSE

- Updates grounds for denial, suspension, and revocation language for criminal offenses.
- Updates language from discretionary action to a mandatory one, removing flexibility and requiring compliance.
- Updates language for the term of suspension or revocation and reapplication.

10.8.2.22 NMAC DEPARTMENT APPROVAL OF INSTRUCTORS AND FIREARMS TRAINING COURSES

- Updates language from discretionary action to a mandatory one, removing flexibility and requiring compliance.
- Updates requirements for fingerprints.
- Updates and clarifies the terms of requirements for approvals.
- Updates and clarifies the terms of determination by the department for approvals.
- Updates and clarifies the terms of authority to carry and the requirements of the concealed carry application.

10.8.2.23 NMAC BACKGROUND INVESTIGATIONS OF APPLICANTS AND INSTRUCTOR APPLICANTS

- Updates and clarifies the terms of background investigations.

10.8.2.24 NMAC RESPONSIBILITIES OF APPROVED INSTRUCTORS

- Updates and clarifies the terms of guest instructors.
- Updates to gender neutral terms.

10.8.2.26 NMAC SUSPENSION AND REVOCATION OF AN INSTRUCTOR PERMIT

- Updates and clarifies terms for notice of suspension or revocation and surrender of instructor permit.
- Updates language from discretionary action to a mandatory one, removing flexibility and requiring compliance.

10.8.2.27 NMAC HEARING PROCEDURES

- Updates and clarifies the terms of the written notice required for hearing procedures.
- Updates and clarifies the terms of the contents of the notice required for hearing procedures.
- Updates and clarifies the terms of notice of hearing.
- Updates and clarifies the terms of exhibits.
- Updates and clarifies the terms of entry of appearance and substitutions of counsel.
- Updates and clarifies the terms of communications with the department.
- Updates and clarifies the terms of the stipulation.

10.8.2.30 NMAC CURRENT LAW ENFORCEMENT OFFICERS OR MOUNTED PATROL OFFICERS

- Updates and clarifies the terms of the required documents for current law enforcement or mounted patrol officers.
- Updates language from discretionary action to a mandatory one, removing flexibility and requiring compliance.

10.8.2.31 NMAC RETIRED LAW ENFORCEMENT OFFICERS

- Updates and clarifies the terms of the required documents for retired law enforcement officers.

10.8.2.32 NMAC MILITARY SERVICE PERSONS

- Updates and clarifies terms for military service personnel's eligibility.
- Updates and clarifies terms for military service personnel's dependents.

Copies of the Rule. Copies of the rule may be obtained at all DPS districts, field offices, ports of entry, and regional offices, at the DPS website at <https://www.dps.nm.gov/public-information/rule-making/>, the sunshine portal at https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic, or by contacting Herbert Strassberg, Assistant General Counsel, at 505.637.1506 or herbert.strassberg@dps.nm.gov.

Comment on the Rule Amendment. Interested persons may comment on the proposed permanent rule amendment either at the hearing, by submitting written statements to Monique Barreras, DPS Office of Legal Affairs Law Clerk at 4491 Cerrillos Rd., P.O. Box 1628, 87504-1628, or by email at moniquet.barreras@dps.nm.gov. All mailed statements must be received by October 14, 2025. Early submission of written statements is encouraged. Interested persons may also comment in writing at the public hearing.

Permanent Rule. The proposed amendment will be a permanent rule amendment.

Reasonable Accommodation. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing, including a reader, amplifier, qualified sign language interpreter or any form of auxiliary aid or service are asked to contact Monique Barreras by telephone at 505.660.9270 or by email at moniquet.barreras@dps.nm.gov as soon as possible and no later than October 3, 2025. DPS requires at least ten calendar days' advance notice to provide special accommodations.