

EXHIBIT 1



New Mexico
Department of Public Safety

MICHELLE LUJAN GRISHAM
GOVERNOR

JASON R. BOWIE
CABINET SECRETARY

W. TROY WEISLER
CHIEF / DEPUTY SECRETARY

SYLVIA M. SERNA
DEPUTY SECRETARY

September 03, 2025

Daniel E. Gershon, Esq.
Stelzner, Winter, Warburton, Flores & Dawes, P.A.
1401 Central Ave., NW, Suite A
Albuquerque, New Mexico 87104

Re: Hearing Officer Appointment – Permanent Rule NMAC 10.8.2 Public Safety and Law Enforcement, Weapons and Explosives, Carrying Concealed Handguns

Dear Mr. Gershon:

Pursuant to NMSA 1978 § 9-19-6 E., I hereby appoint you to preside as Hearing Officer for a hearing regarding the proposed rule NMAC 10.8.2 Public Safety and Law Enforcement, Weapons and Explosives, Carrying Concealed Handguns. A copy of the proposed rule amendment and the notice of public hearing on the rule amendment is enclosed. The hearing is scheduled for October 14, 2025, at 1:00 p.m. at the New Law Enforcement Academy Auditorium, and we will provide a Microsoft Teams link.

By way of a copy of this Letter to Herbert Strassberg, Assistant General Counsel for the Department of Public Safety, Mr. Strassberg is directed to communicate with you on all matters relating to this process.

Very truly yours,

Jason R. Bowie
Cabinet Secretary

JRB
enc.

cc: Herbert Strassberg, Assistant General Counsel



NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT RULE AMENDMENT

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.

This is an amendment to 10.8.2 NMAC, Sections 7, 10 through 17, 21 through 24, 26, 27, 30, 31, and 32, effective XX/XX/2025.

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 referenced 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 who responds to a department denial of their application seeking a hearing on a decision;
- 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, 11/30/2016, A, XX/XX/2025]

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.state.nm.org]~~ www.dps.nm.gov; or
- (3) from the concealed carry unit, located in Albuquerque, NM.

[10.8.2.10 NMAC - Rp, 10.8.2.10 NMAC, 11/30/2016, A, XX/XX/2025]

10.8.2.11 APPLICATION REQUIREMENTS FOR A LICENSE:

A. Filing. An applicant must file an application for a license with the department in person ~~[or]~~ by mail or online at dps.nm.gov.

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]~~ notify the applicant and outline deficiencies in the application. The applicant will have 45 days from the date of written notification ~~[the letter is postmarked]~~ to cure the deficiencies. If the applicant fails to ~~[return the]~~ remedy the deficiencies of their application ~~[to]~~ with the department within 45 days from the date ~~[the letter was postmarked]~~ of written notification, 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]~~ notify the applicant in writing 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]~~ submits corrections to the application to the department within 45 days from the date of the initial ~~[letter was postmarked]~~ notification, but the application is still deficient, the department will ~~[return the application and]~~ notify the applicant in writing a second ~~[letter]~~ time 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]~~ written notification to cure the deficiencies. If the applicant fails to ~~[return]~~ correct the deficiencies in the application and submit them to the department within 30 days from the date of the second ~~[letter was postmarked, or returns]~~ written notification, but 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 his or her application. Agents may provide the information to the applicant after the applicant has supplied sufficient identifiers such as address, social security number, date of birth, etc.

[10.8.2.11 NMAC - Rp, 10.8.2.11 NMAC, 11/30/2016, A, XX/XX/2025]

10.8.2.12 OTHER REQUIRED DOCUMENTS FOR A LICENSE: In addition to the application form, each applicant shall submit copies of other documents 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 so stating 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]~~ or 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 a U.S. armed forces dependent ID card and orders of the individual claiming the applicant]~~

as a dependent; or

~~[(d)](b)~~ 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]~~ they are 21 or more years of age by filing:

(1) a copy of a valid government-issued identification card stating the ~~[person's]~~ applicant's age;

(2) a copy of ~~[a]~~ the applicant's passport; or

(3) a certified copy of ~~[his or her]~~ the applicant's 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]~~ two inches by ~~[three]~~ two inches and be a full frontal view of the applicant without 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, ~~[or]~~ 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 for new applications and \$75 for renewal applications. Current and retired ~~[law enforcement officers]~~ peace officers, military, and mounted patrol officers are exempt from this fee.
[10.8.2.12 NMAC - Rp, 10.8.2.12 NMAC, 11/30/2016, A/E, 5/22/2025, A, XX/XX/2025]

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. Civilian licenses are issued for a period of four years. Military and law enforcement licenses are issued for five-year periods. 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]~~ shall 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, 11/30/2016, A, XX/XX/2025]

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. New fingerprints must be submitted with each new application and renewal application.

A. Responsibilities of applicant. The applicant must present a valid government-issued photographic identification card. The applicant must submit their concealed carry license application within 30 days of being fingerprinted.

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, 11/30/2016, A/E, 5/22/2025, A, XX/XX/2025]

10.8.2.15 FIREARMS TRAINING FOR APPLICANTS AND LICENSEES:

A. [AH] New Mexico [residents] resident applicants 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] the applicant is on active military status, a military veteran who is within 20 years of separation from the military, an active peace officer, or a peace officer who is less than 10 years separated from a law enforcement agency.

(1) [An applicant] Civilian applicants, military veterans with honorable discharge who are separated 20 plus years from the military, or retired peace officers separated more than 10 years from a law enforcement agency 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] peace officer;
(c) a retired [law enforcement] peace officer who has been retired 10 years or less at [the] 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] the licensee's approved caliber of handgun [or an online training course of instruction approved by the department], except as listed in Subsection A of 10.8.2.15 NMAC.

(3) [Four years after the issuance of an initial license, a] A licensee seeking renewal of a license shall satisfactorily complete a [refresher] four-hour renewal 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, except as listed in Subsection A of 10.8.2.15 NMAC.

(4) The department may suspend a license if the licensee does not comply with the [refresher] four-hour renewal course requirements. Upon compliance, the licensee shall submit a \$5 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 four 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. Instructors may deny certificates of completion to students who have demonstrated unsafe handgun handling practices or who have demonstrated adverse behavior during the training course or on the firing range.

[10.8.2.15 NMAC - Rp, 10.8.2.15 NMAC, 11/30/2016, A, XX/XX/2025]

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 including cannabis, 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] their valid 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]~~ shall 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 child care 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]~~ peace officer ~~[may]~~ shall 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, both 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 or criminal information for ~~[or charge with]~~ a felony criminal offense or a criminal complaint for a disqualifying misdemeanor offense described in Subsection B of Section 29-19-4 NMSA 1978 has been issued against the licensee;
- (6) is no longer a full-time salaried ~~[law enforcement officer]~~ peace officer; or
- (7) the licensee is other than honorably discharged from the military.

[10.8.2.16 NMAC - Rp, 10.8.2.16 NMAC, 11/30/2016, A, XX/XX/2025]

10.8.2.17 LICENSE RENEWAL AND TRANSFER:

A. To renew a New Mexico license. A licensee may submit an application for a renewed license ~~on~~ in the ~~form~~ manner prescribed by the department.

(1) The licensee may submit the application anytime from 60 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~~ four-hour firearms training course prior to filing the application, unless exempt.

(3) The licensee shall submit to 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~~. New fingerprints must be submitted with each renewal application;

(b) a certified copy of a certificate of completion for a ~~refresher~~ four-hour 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) a 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 license 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~~ four-hour 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~~ 180-days 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 make a determination 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, 11/30/2016, A/E, 5/22/2025, A, XX/XX/2025]

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 currently under indictment, or charged by criminal information [~~ited, 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, other than crimes of violence that are offenses of assault or assault against a household member, battery or battery against a household member discussed in Paragraph (11) of Subsection A of 10.8.2.21 NMAC;
- (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~~] shall 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~~] their 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~~] shall suspend a license [~~when~~] while the outcome of a disqualifying matter is pending. Suspended licenses may be reinstated when suspension was due to a rule violation, from an arrest/charge and the final court disposition shows no conviction. A two-page application, with final disposition and \$25 fee must be submitted; additional training not required. The licensee may file an application to reapply for concealed carry license [~~renew the license~~] upon expiration of the term of suspension with submittal of a new application.

(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~~] peace 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~~ shall 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. New fingerprints must be submitted with each application and renewal application;

(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 Section 29-19-7 NMSA 1978;

(7) The instructor applicant must submit to the department a list of all persons the instructor applicant proposes to engage in any training 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, if applicable;

(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]~~ four 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 instructor 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 does 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 or her permit shall file with the department at least 60 days before the date his or her 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 training 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 Section 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 instructor's permit, he or she ~~[may]~~ shall do so by ~~[checking the appropriate boxes on the instructor application form]~~ submitting a concealed carry application, 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 instructor's 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, 10.8.2.23 NMAC, 11/30/2016, A/E, 5/22/2025, A, XX/XX/2025]

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 and national criminal background check, and a court records check for protective orders, for each instructor applicant for an original or renewed instructor's 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]~~ shall conduct such other investigation of an applicant as the department deems necessary to determine an applicant's suitability for a license or instructor's permit.
[10.8.2.23 NMAC - Rp, 10.8.2.23 NMAC, 11/30/2016, A, XX/XX/2025]

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 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]~~ qualified to teach various parts of a firearms 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 education, 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]~~ their 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]~~ their students in danger, the employee shall have the authority to end the class. 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 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 each applicant's 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 person;

(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; and

(5) copies of documents and correspondence filed with the department.

[10.8.2.24 NMAC – Rp, 10.8.2.24 NMAC, 11/30/2016, A, XX/XX/2025]

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 grounds stated 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 instructor 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~~ shall issue a notification of suspension or revocation of the permit to the approved instructor~~;~~ and ~~advising~~ advise the approved instructor of ~~his or her~~ their 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~~ their 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.

D. Term of suspension or revocation and reapplication.

(1) The department ~~may~~ shall 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, 11/30/2016, A, XX/XX/2025]

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. A notice becoming final is not considered a final order for purposes of an appeal in Subsection P of 10.8.2.27 NMAC; by the filing of a petition for a writ of certiorari, pursuant to Rule 1-075 NMRA.

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 from the date 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 timely 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 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;

(6) notice that exhibits from the respondent must be submitted to the department at least 48 hours before the scheduled hearing;

(7) notice that respondents represented by counsel must be submitted to the department at least 24 hours prior the scheduled hearing;

(8) notice that all communications by respondents represented by an attorney with the department shall be made through respondent's attorney or a person appearing pro se during and following the hearing, unless otherwise provided for by the hearing examiner;

(9) notice that for respondents represented by an attorney during and after the hearing, routine procedural questions may be addressed to the department by respondents directly. However, other questions from respondents must be made by their attorney unless the respondent signs a waiver or their attorney sends the department written communication authorizing the respondent to communicate directly with the department; and

(10) instructions on how to request ADA accommodations, which must be requested at least 10 business days in advance of the hearing.

E. Nature of hearing. The hearing shall be conducted in an informal manner. The hearing [may] shall 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. Exhibits. Exhibits from the respondent shall be submitted to the department at least 48 hours before the hearing.

I. Entry of appearance and substitutions of counsel. Counsel who will represent a respondent at the hearing shall submit an entry of appearance to the department 24 hours before the hearing. Withdrawal or substitution of counsel shall be by notice to the department, and all issues relating to withdrawal or substitution of counsel shall be resolved in a form and manner at the discretion of the hearing examiner.

J. Communications with the department. Communications by respondents represented by an attorney with the department shall be made through respondent's attorney or a person appearing pro se during and following the hearing, unless otherwise provided for by the hearing examiner. For respondents represented by an attorney during and after the hearing:

(1) routine procedural questions may be addressed to the department by respondents directly;
and

(2) other questions must be made by respondent's attorney unless the respondent signs a waiver, or their attorney sends the department written communication authorizing the respondent to communicate directly with the department.

[H.] K. 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 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.

[H.] L. 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) a single request to 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.] M. 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 [se] stipulate shall result in termination of the hearing and [continuation] finalization of the notification issued by the department. A finalized notice is not considered a final order for purposes of an appeal in Subsection P of 10.8.2.27 NMAC by the filing of a petition for a writ of certiorari, pursuant to Rule 1-075 NMRA.

[K.] N. 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.] O. 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.] P. 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, 10.8.2.26 NMAC, 11/30/2016, A, XX/XX/2025]

10.8.2.30 CURRENT ~~[LAW ENFORCEMENT OFFICERS]~~ PEACE OFFICERS OR MOUNTED PATROL OFFICERS:

A. Any current ~~[law enforcement officer]~~ peace 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 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 Section 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 has pending criminal charges or serious administrative allegations involving his or her conduct as a ~~[law enforcement officer]~~ peace officer.

C. The agency and applicant will be notified in writing of the department's decision. If denied, the

applicant may follow the 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]~~ shall not be used and must be turned in to the department's concealed carry unit, ~~[when]~~ immediately upon the officer ~~[is]~~ no longer being employed by a law enforcement agency.

[10.8.2.30 NMAC - Rp, 10.8.2.30 NMAC, 11/30/2016, A, XX/XX/2025]

10.8.2.31 RETIRED ~~[LAW ENFORCEMENT OFFICERS]~~ PEACE OFFICERS: Any retired ~~[law enforcement officer]~~ peace officer shall be allowed to obtain a five-year concealed handgun carry license if the retired ~~[law enforcement officer]~~ peace 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, 11/30/2016, A, XX/XX/2025]

10.8.2.32 MILITARY SERVICE PERSONS:

A. Eligibility. ~~[Any]~~ Active military service persons or honorably discharged veterans, shall be allowed to obtain a five-year concealed handgun carry license under the following requirements:

~~[A.]~~ (1) by submitting all forms as required in these rules, including 10.8.2.12 NMAC; and

~~[B.]~~ (2) documentation satisfactory to the department that the applicant is a military service person; or

~~[C.]~~ (3) documentation satisfactory to the department that the applicant was a prior military service person honorably discharged. Military service persons beyond 20 years of military separation are required to complete a two-year four-hour renewal firearms training course, two years (22 to 26 months) after their five-year license issue date.

B. Dependents. For military service persons seeking a concealed carry handgun license:

(1) out of state military dependents are eligible to apply for a New Mexico concealed carry permit, with an out of state driver license, when the dependent's name is listed on the active-duty service members orders which indicate the duty station of the service member in New Mexico; and,

(2) dependents listed on military orders must pay the application fee and complete the required training course and will receive a four-year, civilian license.

[10.8.2.31 NMAC - N, 11/30/2016, A, XX/XX/2025]

EXHIBIT 2

West's New Mexico Statutes Annotated
Chapter 9. Executive Department
Article 19. Public Safety Department (Refs & Annos)

N. M. S. A. 1978, § 9-19-6

§ 9-19-6. Secretary; duties and general powers

Currentness

A. The secretary is responsible to the governor for the operation of the department. It is the secretary's duty to manage all operations of the department and to administer and enforce the laws with which the secretary or the department is charged.

B. To perform the secretary's duties, the secretary has every power expressly enumerated in the laws, whether granted to the secretary or the department or any division of the department, except where authority conferred upon any division is explicitly exempted from the secretary's authority by statute. In accordance with these provisions, the secretary shall:

- (1) except as otherwise provided in the Department of Public Safety Act, exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and regulations;
- (2) delegate authority to subordinates as the secretary deems necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;
- (3) organize the department into those organizational units the secretary deems will enable it to function most efficiently, subject to any provisions of law requiring or establishing specific organizational units;
- (4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge the secretary's duties;
- (5) take administrative action by issuing orders and instructions, not inconsistent with the law, to assure implementation of and compliance with the provisions of law with the administration or execution of which the secretary is responsible and to enforce those orders and instructions by appropriate administrative action in the court;
- (6) conduct research and studies that will improve the operation of the department and examine other entities and functions of state government related to public safety for purposes of possible transfer to the department;
- (7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of administration;
- (8) prepare an annual budget of the department;

(9) provide cooperation, at the request of heads of administratively attached agencies, in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern; and

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, recordkeeping and related clerical assistance to administratively attached agencies, if any;

(10) appoint, with the governor's consent, for each division, a director. These appointed positions are exempt from the provisions of the Personnel Act [Chapter 10, Article 9 NMSA 1978].¹ Persons appointed to these positions shall serve at the pleasure of the secretary;

(11) appoint the director of the New Mexico law enforcement academy, subject to the approval of the New Mexico law enforcement academy board;

(12) give bond in the penal sum of twenty-five thousand dollars (\$25,000) and require directors to each give bond in the penal sum of ten thousand dollars (\$10,000), conditioned upon the faithful performance of duties as provided in the Surety Bond Act [[10-2-13](#) to [10-2-16 NMSA 1978](#)],² with the department paying the cost of such bonds; and

(13) require performance bonds of such employees and officers as the secretary deems necessary as provided in the Surety Bond Act, with the department paying the costs of such bonds.

C. The secretary may apply for and receive, with the governor's approval, in the name of the department, any public or private funds, including but not limited to United States government funds, available to the department to carry out its programs, duties or services.

D. Where functions of departments overlap or a function assigned to one department could better be performed by another department, the secretary may recommend appropriate legislation to the next session of the legislature for its approval.

E. The secretary may make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions. No rule or regulation promulgated by the director of any division in carrying out the functions and duties of the division shall be effective until approved by the secretary unless otherwise provided by statute. Nothing in this section erodes or changes the powers and duties of the law enforcement academy board as set forth in [Sections 29-7-3 and 29-7-4 NMSA 1978](#). Unless otherwise provided by statute, no regulation affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by the secretary. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the regulation, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed regulation, proposed amendment or repeal of an existing regulation may be obtained shall be published once at least thirty days prior to the hearing

date in a newspaper of general circulation in the state and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing.

F. All rules and regulations shall be filed in accordance with the State Rules Act [Chapter 14, Article 4 NMSA 1978].³

Credits

L. 1987, Ch. 254, § 6; L. 1989, Ch. 204, § 5; L. 2015, Ch. 3, § 2, eff. July 1, 2015.

Formerly 1978 Comp., § 9-18-6.

[Notes of Decisions \(2\)](#)

Footnotes

¹ NMSA 1978, § 10-9-1 et seq.

² NMSA 1978, §§ 10-2-13 to 10-2-16.

³ NMSA 1978, § 14-4-1 et seq.

NMSA 1978, § 9-19-6, NM ST § 9-19-6

Current through chapters effective July 1, 2024 of the 2024 Second Regular Session of the 56th Legislature (2023). The Second Regular Session convened January 16, 2024 and adjourned February 15, 2024.

EXHIBIT 3

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 24 RULES
PART 25 DEFAULT PROCEDURAL RULE FOR RULEMAKING

1.24.25.1 ISSUING AGENCY: New Mexico Office of the Attorney General, 408 Galisteo Street, Santa Fe, NM 87501.
[1.24.25.1 NMAC - N, 04/10/2018]

1.24.25.2 SCOPE: State agencies that have not adopted their own procedural rules consistent with the State Rules Act, Sections 14-4-1 to -11 NMSA 1978 (1967, as amended through 2017).
[1.24.25.2 NMAC - N, 04/10/2018]

1.24.25.3 STATUTORY AUTHORITY: Section 14-4-5.8 NMSA 1978.
[1.24.25.3 NMAC - N, 04/10/2018]

1.24.25.4 DURATION: Permanent.
[1.24.25.4 NMAC - N, 04/10/2018]

1.24.25.5 EFFECTIVE DATE: April 10, 2018, unless a later date is cited at the end of a section.
[1.24.25.5 NMAC - N, 04/10/2018]

1.24.25.6 OBJECTIVE: To provide default procedural rules for public rule hearings for use by agencies that have not adopted their own procedural rules consistent with the State Rules Act and to facilitate public engagement with the administrative rulemaking process in a transparent, organized, and fair manner.
[1.24.25.6 NMAC - N, 04/10/2018]

1.24.25.7 DEFINITIONS: This rule adopts the definitions found in Section 14-4-2 NMSA 1978.
[1.24.25.7 NMAC - N, 04/10/2018]

1.24.25.8 AGENCY ADOPTION OF PROCEDURAL RULES:

A. Agencies that have not adopted their own procedural rules consistent with the State Rules Act shall apply these default rules, until such time as they have adopted their own rules.

B. Agencies may adopt these default rules, in whole or in part as their own, or continue to use their existing rules, so long as those rules satisfy the requirements of the State Rules Act and provide as much opportunity for public participation as provided by these rules.

C. Agencies that adopt their own rules must submit a copy to the office of the attorney general within 30 calendar days of adoption, and post a copy of those rules on the agency's website, if one exists.
[1.24.25.8 NMAC - N, 04/10/2018]

1.24.25.9 INITIATION OF THE RULEMAKING PROCESS BY AN AGENCY:

A. The rulemaking process may be initiated by an agency when a notice for a rule hearing is publicly posted pursuant to this rule.

B. The agency shall proceed with the rulemaking process by posting public notice, publishing the proposed rule for comment, and setting a public rule hearing in accordance with the State Rules Act and any other applicable law.

C. If the agency is a public body subject to the Open Meetings Act, the decision to initiate the rulemaking process must be an action taken by vote of the public body in open session.

D. Once the agency initiates the rulemaking process, the agency must maintain a record as prescribed in Section 14-4-5.4 NMSA 1978.
[1.24.25.9 NMAC - N, 04/10/2018]

1.24.25.10 INITIATION OF THE RULEMAKING PROCESS BY THE PUBLIC:

A. Any person may file a petition for rulemaking with an agency.

B. A petition for rulemaking shall be made in writing and include an explanation of the purpose or statement of reasons for the proposed rule. A petition shall include a citation to the legal authority authorizing the agency to adopt the rule and a copy of or citation to technical information, if any, that serves as the basis for the

proposed rule. A petition should be as clear as possible and may include the proposed rule in underline and strikethrough format, consistent with requirements of the state records administrator.

C. The agency to which a petition is made shall, if required by law, consider the petition and make a determination whether to grant or deny the petition. If the agency denies the petition, it shall issue a concise written statement explaining its reason for denial. No affirmative duty to respond to a public petition is created by these rules. If a public right to petition an agency exists in law, the agency must follow all timelines or responses governed by law of the agency.

D. If the agency is a public body subject to the Open Meetings Act, the decision to grant a petition must be an action taken by vote of the public body in open session.

E. Once the agency initiates the rulemaking process, the agency must maintain a record as prescribed in Section 14-4-5.4 NMSA 1978.

[1.24.25.10 NMAC - N, 04/10/2018]

1.24.25.11 RULEMAKING NOTICE: The agency shall provide to the public, as defined in Section 14-4-2 NMSA 1978, notice of the proposed rulemaking a minimum of 30 calendar days prior to the public rule hearing and in accordance with requirements of Section 14-4-5.2 NMSA 1978.

[1.24.25.11 NMAC - N, 04/10/2018]

1.24.25.12 WRITTEN COMMENT PERIOD:

A. The public comment period must be at least 30 calendar days, beginning after publication of the notice in the New Mexico register and issuance of the rulemaking notice. The agency shall not adopt a proposed rule before the end of the public comment period.

B. A person may submit, by mail or electronic form, written comments on a proposed rule, and those comments shall be made part of the record. Written comments may be submitted through the end of the public comment period.

C. The agency may decide to amend the comment period if it provides to the public, as defined in Section 14-4-2 NMSA 1978, notice of the changes.

D. The agency shall post all written comments on its website, if one exists, as soon as practicable, and no more than 3 business days following receipt to allow for public review. All written comments received by the agency shall also be available for public inspection at the main office of the agency.

[1.24.25.12 NMAC - N, 04/10/2018]

1.24.25.13 PUBLIC HEARING:

A. Prior to adopting a proposed rule, the agency must hold a public rule hearing. The purpose of the hearing is to provide all interested persons a reasonable opportunity to submit data, views or arguments orally or in writing on the proposed rule. The agency, at its sole discretion, may determine whether to hold more than one hearing.

B. The agency may act as the hearing officer or designate an individual hearing officer to preside over the hearing. The hearing officer may ask questions and provide comments for clarification purposes only, but should refrain from providing opinions or engaging in discussion regarding the merits of the proposed rule or any public comment presented.. The hearing officer shall identify and mark all written comments submitted during the public comment period, as well as any written comments submitted during the hearing. The public comment should be labeled as exhibits for reference, but do not require formal admission into the hearing record.

D. Individuals wishing to provide public comment or submit information at the hearing must state their name and any relevant affiliation for the record and be recognized before presenting. Public comment shall not be taken under oath unless required by law or separate rule of the agency. Any individual who provides public comment at the hearing may be questioned by the agency or hearing officer or, at the discretion of the agency or hearing officer, or as otherwise provided by law, by other persons at the hearing.

E. The hearing shall be conducted in a fair and equitable manner. The agency or hearing officer may determine the format in which the hearing is conducted (e.g. introduction of each part or section one at a time for comment), but the hearing should be conducted in a simple and organized manner that facilitates public comment and a clear rulemaking record.

F. The rules of evidence do not apply to public rule hearings and the agency or hearing officer may, in the interest of efficiency, exclude or limit comment or questions deemed irrelevant, redundant, or unduly repetitious.

G. The agency must hold the hearing in a venue that reasonably accommodates all persons who wish to participate or observe, and appropriate audio equipment should be secured to ensure all in attendance can hear the proceeding and be heard when presenting comment. Reasonable efforts shall be made to accommodate the use of audio and video recording devices. Hearings shall be open to the public, but are not subject to the New Mexico Open Meetings Act, unless conducted by a quorum of a public body.

H. The hearing shall be recorded by any stenographic method in use in the district court or by audio recording.

[1.24.25.13 NMAC - N, 04/10/2018]

1.24.25.14 RULEMAKING RECORD AND ADOPTION OF RULE:

A. The agency shall maintain a record of the rulemaking proceeding as required in Section 14-4-5.4 NMSA 1978, and any written comment, document, or other exhibit entered into the record during the rule hearing shall be labeled clearly. Pre-filed written comments are part of the rulemaking record without the need for formal admission. Pre-filed comments include, but are not limited to: the petition; public notices of the rulemaking, including any lists of individuals to whom notice was mailed or sent electronically; the proposed rule in underline and strikethrough format; and any written comment submitted during the comment period prior to the rule hearing. Written comments or other documents introduced during the hearing should be admitted into the record after being marked as an exhibit.

B. If the rule hearing is conducted by a designated hearing officer, the complete rulemaking record, including any memoranda summarizing the contents of the hearing, if written, shall be compiled and forwarded to the agency head or members of the board or commission with sufficient time to review. The agency head or members of the board or commission shall familiarize themselves with the rulemaking record before rendering a decision on the proposed rule.

C. The agency may adopt, amend or reject the proposed rule. Any amendments to the proposed rule must fall within the scope of the current rulemaking proceeding. Amendments that exceed the scope of the noticed rulemaking may require a new rulemaking proceeding. Amendments to a proposed rule may fall outside of the scope of the rulemaking based on the following factors:

- (1) any person affected by the adoption of the rule, if amended, could not have reasonably expected that the change from the published proposed rule would affect the person's interest;
- (2) subject matter of the amended rule or the issues determined by that rule are different from those in the published proposed rule; or
- (3) effect of the adopted rule differs from the effect of the published proposed rule.

D. In instances where the agency is a board or commission, consideration and approval of adoption of the proposed rule shall occur during a public meeting.

E. The date of adoption of the proposed rule shall be the date the concise explanatory statement is signed by the agency, unless otherwise specified in the concise explanatory statement.

F. The concise explanatory statement shall include, but not limited to, the following:

- (1) citation to specific statutory or other authority authorizing the rule;
- (2) effective date of the rule;
- (3) date of adoption of the rule, if different than the date of the concise explanatory statement;
- (4) if the agency is a board or commission, the date of the meeting at which the agency voted to approve the adoption of the rule;
- (5) reasons for adopting the rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- (6) reasons for any change between the published proposed rule and the final rule; and
- (7) reasons for not accepting substantive arguments made through public comment.

[1.24.25.14 NMAC - N, 04/10/2018]

1.24.25.15 FILING AND PUBLICATION; EFFECTIVE DATE:

A. Within 15 calendar days after the date of adoption of a rule, the agency shall file the adopted rule with the state records administrator and shall provide to the public the adopted rule and concise explanatory statement in accordance with the State Rules Act.

B. Unless another date is stated in the agency's concise explanatory statement, or otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico register.

[1.24.25.15 NMAC - N, 04/10/2018]

1.24.25.16 **EMERGENCY RULES:** The agency shall comply with the rulemaking procedures in Section 14-4-5.6 NMSA 1978, regarding the promulgation of emergency rules.
[1.24.25.16 NMAC - N, 04/10/2018]

HISTORY OF 1.24.25 NMAC: [RESERVED]

EXHIBIT 4

This is an amendment to 10.8.2 NMAC, Sections 7, 10 through 17, 21 through 24, 26, 27, 30, 31, and 32, effective XX/XX/2025.

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 referenced 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 who responds to a department denial of their application seeking a hearing on a decision;
- 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, 11/30/2016, A, XX/XX/2025]

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.state.nm.org]~~ www.dps.nm.gov; or
- (3) from the concealed carry unit, located in Albuquerque, NM.

[10.8.2.10 NMAC - Rp, 10.8.2.10 NMAC, 11/30/2016, A, XX/XX/2025]

10.8.2.11 APPLICATION REQUIREMENTS FOR A LICENSE:

A. Filing. An applicant must file an application for a license with the department in person ~~[or]~~ by mail or online at dps.nm.gov.

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]~~ notify the applicant and outline deficiencies in the application. The applicant will have 45 days from the date of written notification ~~[the letter is postmarked]~~ to cure the deficiencies. If the applicant fails to ~~[return the]~~ remedy the deficiencies of their application ~~[to]~~ with the department within 45 days from the date ~~[the letter was postmarked]~~ of written notification, 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]~~ notify the applicant in writing 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]~~ submits corrections to the application to the department within 45 days from the date of the initial ~~[letter was postmarked]~~ notification, but the application is still deficient, the department will ~~[return the application and]~~ notify the applicant in writing a second ~~[letter]~~ time 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]~~ written notification to cure the deficiencies. If the applicant fails to ~~[return]~~ correct the deficiencies in the application and submit them to the department within 30 days from the date of the second ~~[letter was postmarked, or returns]~~ written notification, but 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 his or her application. Agents may provide the information to the applicant after the applicant has supplied sufficient identifiers such as address, social security number, date of birth, etc.

[10.8.2.11 NMAC - Rp, 10.8.2.11 NMAC, 11/30/2016, A, XX/XX/2025]

10.8.2.12 OTHER REQUIRED DOCUMENTS FOR A LICENSE: In addition to the application form, each applicant shall submit copies of other documents 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 so stating 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]~~ or the following:

~~[(a)]~~ (a) proof that the applicant is registered to vote in New Mexico;

~~[(b)]~~ (b) a state or government issued license with name and address;

~~[(c)]~~ (a) a United States armed forces identification card and orders of permanent duty station in New Mexico or a U.S. armed forces dependent ID card and orders of the individual claiming the applicant

as a dependent; or

~~(d)~~(b) 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~~ they are 21 or more years of age by filing:

(1) a copy of a valid government-issued identification card stating the ~~person's~~ applicant's age;

(2) a copy of ~~a~~ the applicant's passport; or

(3) a certified copy of ~~his or her~~ the applicant's 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~~ two inches by ~~three~~ two inches and be a full frontal view of the applicant without 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, ~~or~~ 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 for new applications and \$75 for renewal applications. Current and retired ~~[law enforcement officers]~~ peace officers, military, and mounted patrol officers are exempt from this fee.
[10.8.2.12 NMAC - Rp, 10.8.2.12 NMAC, 11/30/2016, A/E, 5/22/2025, A, XX/XX/2025]

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. Civilian licenses are issued for a period of four years. Military and law enforcement licenses are issued for five-year periods. 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~~ shall 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, 11/30/2016, A, XX/XX/2025]

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. New fingerprints must be submitted with each new application and renewal application.

A. Responsibilities of applicant. The applicant must present a valid government-issued photographic identification card. The applicant must submit their concealed carry license application within 30 days of being fingerprinted.

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, 11/30/2016, A/E, 5/22/2025, A, XX/XX/2025]

10.8.2.15 FIREARMS TRAINING FOR APPLICANTS AND LICENSEES:

A. ~~[A-H]~~ New Mexico ~~[residents]~~ resident applicants 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]~~ the applicant is on active military status, a military veteran who is within 20 years of separation from the military, an active peace officer, or a peace officer who is less than 10 years separated from a law enforcement agency.

(1) ~~[An applicant]~~ Civilian applicants, military veterans with honorable discharge who are separated 20 plus years from the military, or retired peace officers separated more than 10 years from a law enforcement agency 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]~~ peace officer;
- (c)** a retired ~~[law enforcement]~~ peace officer who has been retired 10 years or less at ~~[the]~~ 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]~~ the licensee's approved caliber of handgun ~~[or an online training course of instruction approved by the department]~~, except as listed in Subsection A of 10.8.2.15 NMAC.

(3) ~~[Four years after the issuance of an initial license, a]~~ A licensee seeking renewal of a license shall satisfactorily complete a ~~[refresher]~~ four-hour renewal 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, except as listed in Subsection A of 10.8.2.15 NMAC.

(4) The department may suspend a license if the licensee does not comply with the ~~[refresher]~~ four-hour renewal course requirements. Upon compliance, the licensee shall submit a \$5 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 four 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. Instructors may deny certificates of completion to students who have demonstrated unsafe handgun handling practices or who have demonstrated adverse behavior during the training course or on the firing range.

[10.8.2.15 NMAC - Rp, 10.8.2.15 NMAC, 11/30/2016, A, XX/XX/2025]

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 including cannabis, 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~~ their valid 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~~ shall 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 child care 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~~ peace officer ~~may~~ shall 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, both 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 or criminal information for ~~or charge with~~ a felony criminal offense or a criminal complaint for a disqualifying misdemeanor offense described in Subsection B of Section 29-19-4 NMSA 1978 has been issued against the licensee;
- (6) is no longer a full-time salaried ~~law enforcement officer~~ peace officer; or
- (7) the licensee is other than honorably discharged from the military.

[10.8.2.16 NMAC - Rp, 10.8.2.16 NMAC, 11/30/2016, A, XX/XX/2025]

10.8.2.17 LICENSE RENEWAL AND TRANSFER:

A. To renew a New Mexico license. A licensee may submit an application for a renewed license ~~on~~ in the ~~form~~ manner prescribed by the department.

(1) The licensee may submit the application anytime from 60 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]~~ four-hour firearms training course prior to filing the application, unless exempt.

(3) The licensee shall submit to 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]~~. New fingerprints must be submitted with each renewal application;

(b) a certified copy of a certificate of completion for a ~~[refresher]~~ four-hour 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) a 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 license 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]~~ four-hour 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]~~ 180-days 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 make a determination 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, 11/30/2016, A/E, 5/22/2025, A, XX/XX/2025]

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 currently under indictment, or charged by criminal information [~~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, other than crimes of violence that are offenses of assault or assault against a household member, battery or battery against a household member discussed in Paragraph (11) of Subsection A of 10.8.2.21 NMAC;
 - (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~~] shall 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] their 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~~] shall suspend a license [~~when~~] while the outcome of a disqualifying matter is pending. Suspended licenses may be reinstated when suspension was due to a rule violation, from an arrest/charge and the final court disposition shows no conviction. A two-page application, with final disposition and \$25 fee must be submitted; additional training not required. The licensee may file an application to reapply for concealed carry license [~~renew the license~~] upon expiration of the term of suspension with submittal of a new application.
 - (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~~] peace 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~~ shall 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. New fingerprints must be submitted with each application and renewal application;
- (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 Section 29-19-7 NMSA 1978;
- (7) The instructor applicant must submit to the department a list of all persons the instructor applicant proposes to engage in any training 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, if applicable;
- (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~~ four 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 instructor 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 does 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 or her permit shall file with the department at least 60 days before the date his or her 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 training 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 Section 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 instructor's permit, he or she ~~[may]~~ shall do so by ~~[checking the appropriate boxes on the instructor application form]~~ submitting a concealed carry application, 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 instructor's 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, 10.8.2.23 NMAC, 11/30/2016, A/E, 5/22/2025, A, XX/XX/2025]

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 and national criminal background check, and a court records check for protective orders, for each instructor applicant for an original or renewed instructor's 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]~~ shall conduct such other investigation of an applicant as the department deems necessary to determine an applicant's suitability for a license or instructor's permit.

[10.8.2.23 NMAC - Rp, 10.8.2.23 NMAC, 11/30/2016, A, XX/XX/2025]

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 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]~~ qualified to teach various parts of a firearms 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 education, 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]~~ their 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]~~ their students in danger, the employee shall have the authority to end the class. 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 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 each applicant's 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 person;
- (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; and
- (5) copies of documents and correspondence filed with the department.

[10.8.2.24 NMAC – Rp, 10.8.2.24 NMAC, 11/30/2016, A, XX/XX/2025]

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 grounds stated 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 instructor 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~~ shall issue a notification of suspension or revocation of the permit to the approved instructor~~;~~ and ~~advising~~ advise the approved instructor of ~~[his or her]~~ their 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]~~ their 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.

D. Term of suspension or revocation and reapplication.

(1) The department ~~may~~ shall 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, 11/30/2016, A, XX/XX/2025]

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. A notice becoming final is not considered a final order for purposes of an appeal in Subsection P of 10.8.2.27 NMAC; by the filing of a petition for a writ of certiorari, pursuant to Rule 1-075 NMRA.

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 from the date 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 timely 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 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;

(6) notice that exhibits from the respondent must be submitted to the department at least 48 hours before the scheduled hearing;

(7) notice that respondents represented by counsel must be submitted to the department at least 24 hours prior the scheduled hearing;

(8) notice that all communications by respondents represented by an attorney with the department shall be made through respondent's attorney or a person appearing pro se during and following the hearing, unless otherwise provided for by the hearing examiner;

(9) notice that for respondents represented by an attorney during and after the hearing, routine procedural questions may be addressed to the department by respondents directly. However, other questions from respondents must be made by their attorney unless the respondent signs a waiver or their attorney sends the department written communication authorizing the respondent to communicate directly with the department; and

(10) instructions on how to request ADA accommodations, which must be requested at least 10 business days in advance of the hearing.

E. Nature of hearing. The hearing shall be conducted in an informal manner. The hearing ~~may~~ shall 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. Exhibits. Exhibits from the respondent shall be submitted to the department at least 48 hours before the hearing.

I. Entry of appearance and substitutions of counsel. Counsel who will represent a respondent at the hearing shall submit an entry of appearance to the department 24 hours before the hearing. Withdrawal or substitution of counsel shall be by notice to the department, and all issues relating to withdrawal or substitution of counsel shall be resolved in a form and manner at the discretion of the hearing examiner.

J. Communications with the department. Communications by respondents represented by an attorney with the department shall be made through respondent's attorney or a person appearing pro se during and following the hearing, unless otherwise provided for by the hearing examiner. For respondents represented by an attorney during and after the hearing:

(1) routine procedural questions may be addressed to the department by respondents directly;
and

(2) other questions must be made by respondent's attorney unless the respondent signs a waiver, or their attorney sends the department written communication authorizing the respondent to communicate directly with the department.

~~[H.]~~ **K. 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 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.

[F.] L. 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) a single request to 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.] M. 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 ~~[se]~~ stipulate shall result in termination of the hearing and ~~[continuation]~~ finalization of the notification issued by the department. A finalized notice is not considered a final order for purposes of an appeal in Subsection P of 10.8.2.27 NMAC by the filing of a petition for a writ of certiorari, pursuant to Rule 1-075 NMRA.

[K.] N. 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.] O. 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.] P. 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, 10.8.2.26 NMAC, 11/30/2016, A, XX/XX/2025]

10.8.2.30 CURRENT ~~[LAW ENFORCEMENT OFFICERS]~~ PEACE OFFICERS OR MOUNTED PATROL OFFICERS:

A. Any current ~~[law enforcement officer]~~ peace 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 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 Section 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 has pending criminal charges or serious administrative allegations involving his or her conduct as a ~~[law enforcement officer]~~ peace officer.

C. The agency and applicant will be notified in writing of the department's decision. If denied, the

applicant may follow the 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]~~ shall not be used and must be turned in to the department's concealed carry unit, ~~[when]~~ immediately upon the officer ~~[is]~~ no longer being employed by a law enforcement agency.

[10.8.2.30 NMAC - Rp, 10.8.2.30 NMAC, 11/30/2016, A, XX/XX/2025]

10.8.2.31 RETIRED ~~[LAW ENFORCEMENT OFFICERS]~~ PEACE OFFICERS: Any retired ~~[law enforcement officer]~~ peace officer shall be allowed to obtain a five-year concealed handgun carry license if the retired ~~[law enforcement officer]~~ peace 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]~~;
- 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, 11/30/2016, A, XX/XX/2025]

10.8.2.32 MILITARY SERVICE PERSONS:

A. Eligibility. ~~[Any]~~ Active military service persons or honorably discharged veterans, shall be allowed to obtain a five-year concealed handgun carry license under the following requirements:

- ~~[A.]~~ **(1)** by submitting all forms as required in these rules, including 10.8.2.12 NMAC; and
- ~~[B.]~~ **(2)** documentation satisfactory to the department that the applicant is a military service person; or
- ~~[C.]~~ **(3)** documentation satisfactory to the department that the applicant was a prior military service person honorably discharged. Military service persons beyond 20 years of military separation are required to complete a two-year four-hour renewal firearms training course, two years (22 to 26 months) after their five-year license issue date.

B. Dependents. For military service persons seeking a concealed carry handgun license:

- (1)** out of state military dependents are eligible to apply for a New Mexico concealed carry permit, with an out of state driver license, when the dependent's name is listed on the active-duty service members orders which indicate the duty station of the service member in New Mexico; and,
- (2)** dependents listed on military orders must pay the application fee and complete the required training course and will receive a four-year, civilian license.

[10.8.2.31 NMAC - N, 11/30/2016, A, XX/XX/2025]

This is an emergency amendment to 10.8.2 NMAC, Sections 12, 14, 17, and 22, effective 05/22/2025.

10.8.2.12 OTHER REQUIRED DOCUMENTS FOR A LICENSE: In addition to the application form, each applicant shall submit copies of other documents 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 so stating 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 a U.S. armed forces dependent ID card and orders of the individual claiming the applicant as a dependent; 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 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, or 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 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, 11/30/2016; A/E, 5/22/2025]

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. New fingerprints must be submitted with each new and renewal application.

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, 11/30/2016; A/E, 5/22/2025]

10.8.2.17 LICENSE RENEWAL AND TRANSFER:

A. To renew a New Mexico license. A licensee may submit an application for a renewed license on the form prescribed by the department.

(1) The licensee may submit the application anytime from 60 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 submit to 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]~~. New fingerprints must be submitted with each renewal application.

(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) a 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 license 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 make a determination 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.

10.8.2.22 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. New fingerprints must be submitted with each application and renewal application;
- (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 Section 29-19-7 NMSA 1978;
- (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 instructor 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 does 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 or her permit shall file with the department at least 60 days before the date his or her 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 Section 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 instructor's 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 instructor's 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, 10.8.2.23 NMAC, 11/30/2016; A/E, 5/22/2025]

EXHIBIT 5

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 8 WEAPONS AND EXPLOSIVES
PART 2 CARRYING CONCEALED HANDGUNS

10.8.2.1 ISSUING AGENCY: Department of Public Safety.
[10.8.2.1 NMAC - Rp, 10.8.2.1 NMAC, 11/30/2016]

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, 11/30/2016]

10.8.2.3 STATUTORY AUTHORITY: Section 29-19-1 through Section 29-19-15 NMSA 1978; Section 30-7-2 NMSA 1978; Section 30-7-2.1 NMSA 1978; and Section 30-7-2.4 NMSA 1978.
[10.8.2.3 NMAC - RP, 10.8.2.3 NMAC, 11/30/2016]

10.8.2.4 DURATION: Permanent.
[10.8.2.4 NMAC – Rp, 10.8.2.4 NMAC, 11/30/2016]

10.8.2.5 EFFECTIVE DATE: November 30, 2016, unless a later date is cited at the end of a section.
[10.8.2.5 NMAC - Rp, 10.8.2.5 NMAC, 11/30/2016]

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 of instructors and firearms training courses.
[10.8.2.6 NMAC - Rp, 10.8.2.6 NMAC, 11/30/2016]

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 referenced 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, 11/30/2016]

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, meetings, 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, 11/30/2016]

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 paid with the application.

[10.8.2.9 NMAC - Rp, 10.8.2.9 NMAC, 11/30/2016]

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.state.nm.org

[10.8.2.10 NMAC - Rp, 10.8.2.10 NMAC, 11/30/2016]

10.8.2.11 APPLICATION REQUIREMENTS FOR A LICENSE:

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 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 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 his or her application. Agents may provide the information to the applicant after the applicant has supplied sufficient identifiers such as address, social security number, date of birth, etc.

[10.8.2.11 NMAC - Rp, 10.8.2.11 NMAC, 11/30/2016]

10.8.2.12 OTHER REQUIRED DOCUMENTS FOR A LICENSE: In addition to the application form, each applicant shall submit copies of other documents 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 so stating 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 a U.S. armed forces dependent ID card and orders of the individual claiming the applicant as a dependent; 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 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, or 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 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, 11/30/2016]

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, 11/30/2016]

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, 11/30/2016]

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 \$5 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 four 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, 11/30/2016]

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 child care 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, both 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 1978 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, 11/30/2016]

10.8.2.17 LICENSE RENEWAL AND TRANSFER:

A. To renew a New Mexico license. A licensee may submit an application for a renewed license on the form prescribed by the department.

(1) The licensee may submit the application anytime from 60 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 submit to 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) a 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 license 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 make a determination 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, 11/30/2016]

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 receives the updated license

[10.8.2.18 NMAC - Rp, 10.8.2.18 NMAC, 11/30/2016]

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, 11/30/2016]

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, 11/30/2016]

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.

[10.8.2.21 NMAC - Rp, 10.8.2.21 NMAC, 11/30/2016]

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 Section 29-19-7 NMSA 1978;
- (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 instructor 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 does 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 or her permit shall file with the department at least 60 days before the date his or her 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 Section 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 instructor's 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 instructor's 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, 10.8.2.23 NMAC, 11/30/2016]

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 instructor's 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 instructor's permit.

[10.8.2.23 NMAC - Rp, 10.8.2.23 NMAC, 11/30/2016]

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 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 firearms 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 education, 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 have the authority to end the class. 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 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 each applicant's 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 person;

(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; and

(5) copies of documents and correspondence filed with the department.

[10.8.2.24 NMAC – Rp, 10.8.2.24 NMAC, 11/30/2016]

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 - N, 11/30/2016]

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 grounds stated 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.

D. 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, 11/30/2016]

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 from the date 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 timely 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 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 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, 10.8.2.26 NMAC, 11/30/2016]

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, 11/30/2016]

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;

B. is available to verify the license or permit status for law enforcement purposes within three days of request;

C. has disqualification, suspension and revocation requirements for a concealed handgun license or permit;

D. requires that an applicant for a concealed handgun license or permit submit to a national criminal history background check;

E. requires that an applicant not be prohibited from possessing firearms pursuant to federal or state law; and

F. 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.

G. Each state which the department has afforded transfer or reciprocity shall be listed on the department's web page.

H. 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, 11/30/2016]

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 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 Section 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 has pending criminal charges or serious administrative allegations involving his or her conduct as a law enforcement officer.

C. The agency and applicant will be notified in writing of the department's decision. If denied, the applicant may follow the 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 to the department's concealed carry unit, when the officer is no longer employed by a law enforcement agency.
[10.8.2.30 NMAC - Rp, 10.8.2.30 NMAC, 11/30/2016]

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, 11/30/2016]

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, 11/30/2016]

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 11/30/2016.

EXHIBIT 6



NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT RULE AMENDMENT

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.

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.

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- Updating DPS's website references and the Concealed Carry Unit's location;
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- 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.

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- 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.

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- Updates carrying while impaired provisions.
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- Updates and clarifies terms for renewing a New Mexico concealed carry license.
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- Updates grounds for denial, suspension, and revocation language for criminal offenses.
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- Updates and clarifies the terms of background investigations.

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

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- 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.

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- 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.

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;
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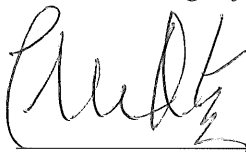
EXHIBIT 7

NEW MEXICO
State Records Center and Archives
COMMISSION OF PUBLIC RECORDS
Your Access to Public Information

Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 8365 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXVI, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 8365, and that Invoice # 8365 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

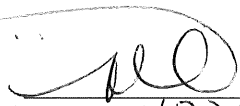
Affiant:

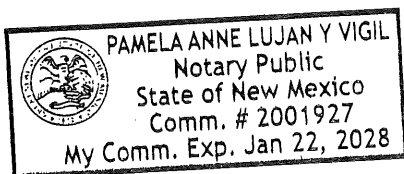

Matthew Ortiz

Subscribed, sworn and acknowledged before me this 11th day of September 2025.

Notary Public:

My Commission Expires:


1/22/2028



1205 Camino Carlos Rey | Santa Fe, NM 87507 | www.srca.nm.gov

Hon. Raúl Torrez
Attorney General

Hon. Joseph Maestas
State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Debra Garcia y Griego
Secretary, Department of Cultural Affairs

Robert E. Doucette Jr.
Secretary, General Services Department

Stephanie Wilson
State Law Librarian, Supreme Court Law Library

Affidavit of Publication

STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO }

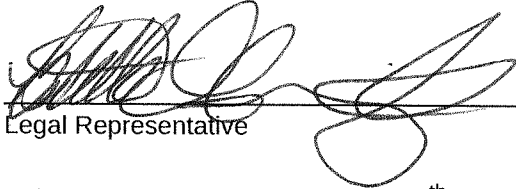
Ad Cost: \$452.75
Ad Number: 283700
Account Number: 1010596
Classification: GOVERNMENT LEGALS

I, Bernadette Gonzales, the undersigned, Legal Representative of the Albuquerque Journal, on oath, state that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, chapter 167, Session Laws of 1937, and payment of fees has been made of assessed and a copy of which is hereto attached, was published in said publication in the daily edition, 1 time on the following date:

September 5, 2025

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Legal Representative

Subscribed to and sworn to me this 9th day of October 2025.



Notary Public
County Bernalillo
ID#: 2003018
My commission expires: 4-24-2028



STATE OF NEW MEXICO
NOTARY PUBLIC
Karen Marie Schoepke
Commission No.2003018
Expires: April 24, 2028

NM DEPT OF PUBLIC SAFETY
OFFICE OF LEGAL AFFAIRS
4491 CERRILLOS RD
PO BOX 1628
SANTA FE, NM 87504



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Passcode: vF3Zn7Hj

Or Call in (Audio Only)

+1 (505) 312-4308

Phone Conference ID: 818 339 157#

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Journal: September 5, 2025

NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT RULE

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Details for NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT RULE

Sep 5, 2025

NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT RULE

AMENDMENT 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. Journal: September 5, 2025

EXHIBIT 8

From: [Chris Mechels](#)
To: [Strassberg, Herbert, DPS](#)
Subject: [EXTERNAL] DPS rulemaking
Date: Wednesday, October 1, 2025 11:31:16 AM

You don't often get email from cmechels@q.com. [Learn why this is important](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Sir;

This is a follow up to this morning's telcon, concerning the 10.8.2 rulemaking.

It seems you have other serious problems, past getting the number wrong.

The Emergency Rulemaking on 10.8.2 was filed with the SRCA, but not supplied on the Sunshine Portal.

The Sunshine Portal requirement comes under the "provide to the public" clause in the Rules Act.

Thus, you are "replacing" an Emergency Rule which was not legally filed.

The SRCA doe NOT trouble themself with your filing, past the 30 day requirement, they simply put it in the Register. This cause a great many problems, but Matt Ortiz, at SRCA, does not care. Nor does the Records Commission, which has authority over Matt.

New Mexico is full of such people it seems

Best,

Chris Mechels
505-982-7144

From: [Ortiz, Matt, SRCA](#)
To: [Strassberg, Herbert, DPS](#)
Cc: [Barreras, Monique T, DPS](#); [Montoya, Ricardo, DPS](#); [Otero, Antonio, DPS](#); [Cormier, Angie, DPS](#)
Subject: RE: [EXTERNAL] DPS rulemaking comment received
Date: Wednesday, October 1, 2025 4:39:27 PM
Attachments: [image001.png](#)

Herbert / DPS folks,

You are correct, there were two incorrect rule citations in the D.P.S. notice published in issue 17 on September 9, 2025:

<https://prod-rf-lambda.rtssaas.com/PublicFiles/d89c47bd0d70402dba89b03a22bda6d1/3f7d472c-803c-4014-ba42-3dfbba32f640/xxxvi17.pdf> .

(See, p. 758)

In that same notice, there are 21 instances of the correct rule citation to 10.8.2 NMAC.

Consistent with your agency's action to address the two instances of that clerical error, we have those same two corrections to the electronic versions of your notice on our REGISTER website:

https://prod-rf-lambda.rtssaas.com/PublicFiles/d89c47bd0d70402dba89b03a22bda6d1/53c44917-31da-4b44-9149-2238cd2e7f75/DPSnotice2_xxxvi17.html ;
https://prod-rf-lambda.rtssaas.com/PublicFiles/d89c47bd0d70402dba89b03a22bda6d1/5e2b65fe-5aa9-4f17-b169-fb0419241ef8/DPSnotice2_xxxvi17.pdf .

Please provide this email to your agency's hearing officer as a part of written comments received. Should you seek my attendance at your upcoming rule hearing, please reach out to me and I will make every effort to make myself available to answer any questions of your hearing officer.

Regards,

matt

Matthew Ortiz

Administrative Law Division Director

matt.ortiz@srca.nm.gov

505-476-7941



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>>> CONFIDENTIALITY NOTICE <<<

This electronic mail message, including any and/or all attachments, is for the sole use of the intended recipient(s), and may contain confidential and/or privileged information, pertaining to business conducted under the direction and supervision of the sending organization. All electronic mail messages, which may have been established as expressed views and/or opinions (stated either within the electronic mail message or any of its attachments), are left to the sole responsibility of that of the sender, and are not necessarily attributed to the sending organization. Unauthorized interception, review, use, disclosure or distribution of any such information contained within this electronic mail message and/or its attachment(s) is(are) strictly prohibited. If you are not the intended recipient, please contact the sender by replying to this electronic mail message, along with the destruction all copies of the original electronic mail message (along with any attachments).

From: Strassberg, Herbert, DPS <herbert.strassberg@dps.nm.gov>

Sent: Wednesday, October 1, 2025 4:03 PM

To: Ortiz, Matt, SRCA <Matt.Ortiz@srca.nm.gov>

Cc: Barreras, Monique T, DPS <MoniqueT.Barreras@dps.nm.gov>; Montoya, Ricardo, DPS <ricardo.montoya@dps.nm.gov>; Otero, Antonio, DPS <antonio.otero@dps.nm.gov>; Cormier, Angie, DPS <Angie.Cormier2@dps.nm.gov>

Subject: FW: [EXTERNAL] DPS rulemaking comment received

Matt,

We received a comment from Chris Mechels (below) and our in the process of taking the corrective action listed below. We will publish his comment on the DPS website as required.

The Notice of Proposed Rulemaking published on the Department of Public Safety website and the New Mexico Sunshine Portal, in the *New Mexico Register* (Volume XXXVI, Issue 17) on **September 9, 2025**, and in the Albuquerque Journal on **September 5, 2025** contains

two clerical references to “10.2.8 NMAC” that should read “10.8.2 NMAC.” The proposed rule as posted on the Department of Public Safety website and the New Mexico Sunshine Portal correctly identifies the affected rule as **10.8.2 NMAC**. A corrected notice and the original published notice are placed in the rulemaking record.

To ensure interested persons have an adequate opportunity to comment given this clerical error, the Department has posted a corrected notice on the DPS website and the New Mexico Sunshine Portal and will accept written comments through **October 28, 2025**. The Department will forward to the hearing examiner any written comments received through the extended deadline and will include them in the rulemaking record.

Please note: the Emergency Rule was filed with the State Records Center & Archives, and the Emergency Rule adoption notice on the New Mexico Sunshine Portal directed interested persons to obtain copies on the Department’s website. DPS has posted the Emergency Rule to the Sunshine Portal today, **October 1, 2025**, and a copy is included in the rulemaking record.

Regards,
Herbert Strassberg

From: Chris Mechels <cmechels@q.com>
Sent: Wednesday, October 1, 2025 11:31 AM
To: Strassberg, Herbert, DPS <herbert.strassberg@dps.nm.gov>
Subject: [EXTERNAL] DPS rulemaking

You don't often get email from cmechels@q.com. [Learn why this is important](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Sir;

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It seems you have other serious problems, past getting the number wrong.

The Emergency Rulemaking on 10.8.2 was filed with the SRCA, but not supplied on the Sunshine Portal.

The Sunshine Portal requirement comes under the "provide to the public" clause in the Rules Act.

Thus, you are "replacing" an Emergency Rule which was not legally filed.

The SRCA doe NOT trouble themself with your filing, past the 30 day requirement, they simply put it in the Register. This cause a great many problems, but Matt Ortiz, at SRCA, does not care. Nor does the Records Commission, which has authority over Matt.

New Mexico is full of such people it seems

Best,

Chris Mechesl
505-982-7144

EXHIBIT 10



New Mexico
Department of Public Safety
MICHELLE LUJAN GRISHAM
GOVERNOR

JASON R. BOWIE
CABINET SECRETARY

W. TROY WEISLER
CHIEF / DEPUTY SECRETARY

SYLVIA M. SERNA
DEPUTY SECRETARY

October 14, 2025

Agency Statement in Support of Proposed Permanent Rule 10.8.2 NMAC

Corrected Notice Published: 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 Taken:

- The Department posted a corrected notice on the DPS rulemaking page and on the New Mexico Sunshine Portal.
- To ensure interested persons have an adequate opportunity to comment given the clerical error in the published notice, the Department extended the public comment period that ended on October 14, 2025, and will accept written comments through October 28, 2025 (fourteen days after the hearing).
- Copies of the original New Mexico Register/newspaper notice (showing the erroneous citations), the corrected notice, and the posted proposed rule (showing correct 10.8.2 citations) were placed in the rulemaking record.

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 10.8.2 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.

The authority for the proposed permanent rule amendment is found in Subsection E of Section 9-19-6 NMSA 1978, which provides that the DPS cabinet "secretary may make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions[.]" as well as Sections 29-19-1 through 29-19-15 NMSA 1978, the "Concealed Handgun Carry Act"; Section 30-7-2 NMSA 1978, "Unlawful carrying of a deadly weapon consists of carrying a concealed loaded firearm or any other type of deadly weapon anywhere, except...[by five exceptions including] by a person in possession of a valid concealed handgun license issued to him by the department of public safety pursuant to the provisions of the Concealed Handgun Carry Act;" 30-7-2.1 NMSA 1978, unlawful carrying of a deadly weapon on school premises, where no concealed carrying license exception is listed; and 30-7-2.4 NMSA 1978, unlawful carrying of a firearm on university premises, where no concealed carrying license exception is listed.

The following 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.

Angie Cormier
Supervisor
Conceal Carry Unit
Law Enforcement Records Bureau
New Mexico Department of Public Safety

ADJUSTMENT STATEMENT FOR 10.8.2.32(A)(3) NMAC TO BE READ BY ANGIE AT THE
OCTOBER 14, 2025, PUBLIC COMMENT HEAIRNG

“An adjustment to the language of 10.8.2.32(A)(3) NMAC was made after the circulated proposed Draft Amendment to 10.8.2 NMAC which was made to ensure consistency with the requirements in 10.8.2.15 (A)(2 and 3) NMAC.”

The **new language** of language of 10.8.2.32(A)(3) NMAC is:

“A. Eligibility. [Any] Active military service persons or honorably discharged veterans, shall be allowed to obtain a five-year concealed handgun carry license under the following requirements: ... (3) documentation satisfactory to the department that the applicant was a prior military service person honorably discharged. Military service persons beyond 20 years of military separation are required to complete a refresher course as required by 10.8.2.15(A)(2) NMAC and for licensee renewals as required in 10.8.2.15 (A)(3) NMAC.”

The Draft Amendment language circulated of 10.8.2.32(A)(3) NMAC is:

“A. Eligibility. [Any] Active military service persons or honorably discharged veterans, shall be allowed to obtain a five-year concealed handgun carry license under the following requirements: ... (3) documentation satisfactory to the department that the applicant was a prior military service person honorably discharged. Military service persons beyond 20 years of military separation are required to complete a two-year four-hour renewal firearms training course, two years (22 to 26 months) after their five-year license issue date.”