

Institute for Legislative Action

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

October 28, 2025 Submission on the New Mexico Carry Regulations

The NRA is submitting these comments in response to the request for public input on the [proposed permanent rule amendments](#) to 10.8.2 NMAC, the regulations on *Public Safety and Law Enforcement, Weapons and Explosives, Carrying Concealed Handguns*.

The existing statute law on the NM concealed carry licensing is N.M. Stat. § 29–19–1 to § 29–19–15 (“Concealed Handgun Carry Act,” or CHCA). Pursuant to § 29-19-12, the department of public safety is given the authority to make rules “necessary to implement” the Act, which lists some of the matters that fall within the department’s rule-making authority.

Our comments and questions:

10.8.2.21 (page 7) License denial, revocation or suspension: The amendment to subs. (D) would require (“shall”) rather than allow (“may”) suspension of a license while a disqualifying matter is pending, and the proposal adds a new process for suspended licenses: “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.” Once the “term of suspension ends,” the licensee cannot renew the license; he or she must reapply as a new applicant.

Comment: The language on suspension, reinstatement and what happens afterwards is unclear. A license becomes suspended while there is a disqualifying matter being determined or decided (this is the “term of suspension”). Unlike a revoked license, a suspended license may be reinstated, which suggests the licensee has been cleared of any suspected violation. The proposed amendment, though, requires an “application” with a \$25 fee but “no additional training.” (In fact, the CHCA doesn’t provide for training for anything other than an initial license, renewal or a two-year refresher, so that is consistent with the statute).

What follows is even more confusing: “The licensee may file an application to reapply for [a] concealed carry license ~~renew the license~~ upon expiration of the term of suspension on reinstatement of a license with submittal of a new application.” If the term of suspension expires/ends and the license is reinstated, the suspended license becomes active, so why would the licensee have to “file an application to reapply for concealed carry license” as a new applicant? A new application requires the 15-hour training course, but this amendment states clearly: “no additional training.” In the case of a license reinstatement, either the licensee’s suspension ends and the license is reinstated because the licensee hasn’t been found to be in violation, or the suspended license is not actually “reinstated” because the licensee has to submit an application for a “new” license, possibly without training, which is more accurately a case of a revoked license. Further, under this process, what is the term of the new license as reinstated? The proposed amendments to the hearing procedures at 10.8.2.27 NMAC apply to suspended licenses, and indicate the hearing may result in the panel “authorizing ... reinstatement of a

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license or permit.” This doesn’t mention a requirement to reapply for a (new) license/permit in order for the reinstatement to be effective.

Fingerprinting and Added Costs. The proposed amendments would require fingerprinting for all license renewal applications, by changes to 10.8.2.12 (eliminates the reference to “new” applicants and deletes the statement at subs. (F) that “Applicants who have electronic fingerprints on file shall not be required to resubmit fingerprints.”) The same reference to fingerprinting of all applicants appears in 10.8.2.14 (page 4) (“New fingerprints must be submitted with each new application and renewal application”), 10.8.2.17 and 10.8.2.22 on renewals.

Comment: This change is likely to add a new fingerprinting cost to renewals. The CHCA at N.M. Stat. § 29-19-5 specifically requires two sets of fingerprints from new applicants for a license. Another section, § 29-19-6, lists what is required when a licensee applies for a renewal, and this does not mention fingerprints. It states, at subs. (F), that a licensee may renew by submitting to the department, the following three things: a completed renewal form, under penalty of perjury, designed and provided by the department; a payment of a \$75.00 renewal fee; and a certificate of completion of a four-hour refresher firearms training course approved by the department. The only possible justification for tacking on new fingerprints is that the section also requires the department “to conduct a national criminal records check of a licensee seeking to renew a license,” which may require fingerprints, but, because an applicant’s fingerprints have to have been submitted initially and should be on file due to that initial application, a fresh set should not be needed.

An emergency amendment, 36 N.M. Reg. 435 (eff. May 22, 2025), to the fingerprinting requirement for renewals in NMAC 10.8.2.12, 10.8.2.14 and 10.8.2.17 has already incorporated the references to new fingerprints being required with each application, so these amendments are already in effect. If the earlier amendments are already in force, it is unclear whether the same changes are needed, unless the emergency regulation has a durational limit.

10.8.2.13 (page 3). This states that the license duration for military and peace officer licenses is five years (“Civilian licenses are issued for a period of four years. Military and law enforcement licenses are issued for five-year periods.”).

Comment: The previous section, 10.8.2.12 NMAC, and other sections replace “law enforcement officers” with “peace officers.” However, the CHCA uses the term “law enforcement officer” – see § 29-19-14, for example (“current or retired certified law enforcement officer pursuant to the Law Enforcement Training Act”). Given this discrepancy in terminology, the regulation should either use the same language as the statute or include a definition of “law enforcement officer” as being a “peace officer.” (The regulation already defines a “peace officer,” “mounted patrol” and “military service person”).

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Further, N.M. Stat. § 29-19-3 fixes the license period of all licenses at four years, although two other sections, § 29-19-14(F) and § 29-19-15(C), state, respectively, that the duration of a license for a retired law enforcement officer is five years and a military service person's license is likewise valid for five years. It doesn't appear, though that there's anything in § 29-19-14 that specifically makes a "peace officer's" or "mounted patrol" member's license a five-year, rather than the default four-year, license. The proposed revision would extend this, but the change may be in conflict with the statute and it's not clear that the department can specify the duration of a license other than what is set in the CHCA.

10.8.2.15 (page 4) on the training requirements increase the training required for the license's midpoint and for renewal: at the two-year mark of the license, the refresher course would be limited exclusively to "range qualification" of the licensee's approved caliber of handgun, rather than the existing options of range qualification **or** an online course. For a renewal, the mandatory training would change to a minimum four-hour refresher course that includes a live-fire exercise. The same change appears at Section 10.8.2.17 on renewals. These apply unless 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."

Other changes at **10.8.2.15** (page 4) and **10.8.2.17** (page 6) on the requirements for transferring a license from another state likewise add to the training required.

Comment: The increase in training requirements will add to the costs of a license/renewal for applicants who are not exempt.

The CHCA at § 29-19-14(A) and (D) exempts from the "firearms training course" requirement any "retired law enforcement officer who has been retired ten years or less." At § 29-19-15(A) with respect to "a military service person" who has been discharged from military service within twenty years of the application for a license or renewal of a license, the exemption is specifically for *both* the initial training and any refresher course: "a firearms training course or refresher firearms training course is not required." Otherwise, the statute requires, as a default, that all licensees "complete a two-hour refresher firearms training course two years after the issuance of an original or renewed license" (§ 29-19-6 (H)) and provide a "certificate of completion of a four-hour refresher firearms training course approved by the department" to obtain a renewal (§ 29-19-6 (F)).

The proposed regulation has a blanket exemption from all training (initial training, refresher training and renewal training) for all applicants who are "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," due to the inclusion of the new reference "except as listed in Subsection A of 10.8.2.15 NMAC." It is not clear that

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the existing language of the CHCA allow the exemption of qualified retired law enforcement (“peace officers”) from all training, or just the initial license course requirements.

The CHCA at § 29-19-12(E) appears to set out what is required for a transfer of a license from other states, being generally that the issuing authority for the other state required an applicant to: submit to a NICS check, not be prohibited from possessing firearms pursuant to federal or state law, and “satisfactorily complete a firearms safety program that covers deadly force issues, weapons care and maintenance, safe handling and storage of firearms and marksmanship.” This doesn’t unequivocally require that a training course be taken again to transfer a license if the other state’s training requirement for a license “covers deadly force issues, weapons care and maintenance, safe handling and storage of firearms and marksmanship.”

10.8.2.27 (page 11). The section dealing with hearing procedures once a permit or license is denied, revoked or suspended are being changed.

Comment: To be fair, the same rules should apply back to the department as well – that the applicant/licensee/appellant likewise must be provided, at least 48 hours in advance of the hearing date, with copies of any exhibits or documentary evidence that the department intends to use in the proceedings.

Sincerely,

Nicholas Tuccio

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