This is an amendment to 10.8.2 NMAC, Sections 7, 9, 12, 15, 16, 19, 21, 22, 26, 27, 29, 30, 31 and 32, effective XX/XX/2026.

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

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. **handgun** means a handgun as defined in Subsection F of Section 29-19-2 NMSA 1978;

[~~**H.**~~] **I.** **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. **law enforcement certification** means documentation that a government has certified, commissioned, or otherwise qualified the applicant to serve as a peace officer, and that identifies the issuing government or entity, the provision of law under which the certification or commission was issued, and the basic training or other qualification requirement the applicant satisfied. This information may appear on the certification document itself or in accompanying documentation from the issuing entity or from the applicant's employing or former employing agency.

(1) Law enforcement certification includes:

(a) a certification issued pursuant to the Law Enforcement Training Act, Chapter 29, Article 7 NMSA 1978;

(b) documentation of successful completion of a law enforcement academy basic law enforcement training program for New Mexico mounted patrol members pursuant to Section 29-6-4.1 NMSA 1978;

(c) a commission issued pursuant to Section 29-1-11 NMSA 1978, together with documentation of the basic police training required by that section;

(d) a certification or commission issued by another state, by an Indian nation, tribe or pueblo, or by the United States;

(e) a certification issued by a New Mexico governmental entity pursuant to a statute other than the Law Enforcement Training Act; and

(f) for a New Mexico mounted patrol member who began active service prior to July 1, 1983, documentation of that active service, consistent with Subsection B of Section 29-6-4.1 NMSA 1978.

(2) Law enforcement certification does not include a credential issued to a person whose authority to maintain public order or to make arrests for crimes arises by contract rather than by operation of law;

[~~**J.**~~] **K.** **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; or

(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.~~]

L. **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;

[~~K.~~] **M.** **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.~~] **N.** **permit** means the authorization granted by the department to teach firearms qualification courses as an approved instructor;

[~~M.~~] **O.** **range qualification** means the performance requirements that must be met by an applicant or licensee for his or her approved caliber of handgun;

[~~N.~~] **P.** **reciprocity** means permission granted for an out of state [~~licenses~~] license 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.~~] **Q.** **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.~~] **R.** **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.~~] **S.** **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~~] law enforcement officer or by work related disability;

[~~R.~~] **T.** **revocation** means the involuntary termination of a license or permit by the department for cause for an indefinite period of time;

[~~S.~~] **U.** **secretary** means the secretary of the department of public safety or [~~his~~] their designee;

[~~T.~~] **V.** **suspension** means the involuntary termination of a license or permit by the department for cause for a specified period of time;

[~~U.~~] **W.** **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, 12/9/2025, A, XX/XX/2026]

10.8.2.9 **INCOMPLETE FILINGS:** The department may deny or reject an incomplete filing. Provided that, before denying or rejecting a filing solely because it is incomplete under Subsections A through E of this section, the department shall notify the applicant, licensee, instructor applicant, or approved instructor in writing of the specific deficiency and shall allow no fewer than 30 days to cure it. This section governs administrative and documentary deficiencies only and does not limit or defer the department's mandatory action under Subsection A of 10.8.2.21 NMAC or Subsection A of 10.8.2.26 NMAC on any disqualification under Section 29-19-4 NMSA 1978. 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, A, XX/XX/2026]

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 or the following:

(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

(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 they are 21 or more years of age by filing:

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

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

(3) a certified copy of 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 and the firearms training course must have been completed not more than 90 days prior to the date the application is submitted. An applicant who is exempt from a firearms training course under the act and Subsection A of 10.8.2.15 NMAC is not required to submit a certificate of completion and shall instead establish each category and the highest caliber of handgun as provided in Subsection E of 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 two inches by 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, out of focus, or unclear.

F. Fingerprints. All 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.

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 peace officers, military, and mounted patrol officers are exempt from this fee.~~] Current peace officers certified pursuant to the Law Enforcement Training Act, retired peace officers, military service persons, and mounted patrol members who have successfully completed a law enforcement training program for New Mexico mounted patrol members pursuant to Section 29-6-4.1 NMSA 1978 are exempt from this fee.

H. Authorization to obtain health information. If the application, the criminal background check, or the court records check indicates that an applicant or licensee may be disqualified under Paragraph (8) or (9) of Subsection A of Section 29-19-4 NMSA 1978, the department shall request in writing a department-prescribed authorization to obtain health information, unless the record establishes the disqualification. The authorization is limited to whether the applicant or licensee has been adjudicated mentally incompetent or committed to a mental institution, or is addicted to alcohol or controlled substances, and shall not extend to general medical history. The applicant or licensee may instead submit other documentation that resolves the indication and bears the burden of doing so. For an applicant, a request under this subsection is a deficiency subject to 10.8.2.11 NMAC.

[10.8.2.12 NMAC - Rp, 10.8.2.12 NMAC, 11/30/2016, A/E, 5/22/2025, A, 12/9/2025, A, XX/XX/2026]

10.8.2.15 FIREARMS TRAINING FOR APPLICANTS AND LICENSEES:

A. New Mexico resident applicants must attend a department approved firearms training course taught by a department approved instructor 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 certified pursuant to the Law Enforcement Training Act, or a retired peace officer who is [~~less than~~] 10 years or less separated from a law enforcement agency.

(1) 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 peace officer certified pursuant to the Law Enforcement Training Act;

(c) a retired 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 academy basic law enforcement training program for New Mexico mounted patrol members pursuant to Section 29-6-4.1 NMSA 1978.

(2) Two years after the issuance of an [~~initial~~] original or renewed license, a licensee shall complete a refresher course which consists of range qualification of the licensee's approved caliber of handgun, except as listed in Subsection A of 10.8.2.15 NMAC. The refresher course shall be approved by the department and be taken 22 to 26 months after the issuance of the original or renewed license, and a certificate of completion shall be submitted to the department no later than 30 days after completion of the course.

(3) A licensee seeking renewal of a license shall satisfactorily complete a 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 two-hour 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.

(4) The competency demonstration shall be conducted with a handgun that is designed to be held and fired by the use of a single hand. A firearm that is designed or redesigned, made or remade, and intended to be fired from the shoulder, including a rifle or a short-barreled rifle as defined in 18 U.S.C. Section 921(a)(7) and (8), shall not be used to demonstrate handgun competency, and no category or caliber shall be endorsed on a certificate of completion or a license on the basis of such a firearm.

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.

E. Category and caliber for exempt applicants. An applicant or licensee who is exempt from a firearms training course under the act and Subsection A of this section shall establish each category and the highest caliber of handgun for licensure by one of the following:

(1) a firearms qualification record with category and caliber designated, including a qualification score submitted pursuant to 10.8.2.30 or 10.8.2.31 NMAC or a military firearms qualification record;

(2) the applicant's election of each category and the highest caliber of handgun that the applicant attests the ability to use safely, made on a firearms certification and caliber designation supplement

prescribed by the department, submitted as part of the application, and executed under penalty of perjury pursuant to Subsection A of Section 29-19-5 NMSA 1978; or

(3) the competency demonstration in Subsection B of this section, scored by an approved instructor; for an approved instructor's own license, the demonstration shall be scored by an approved instructor other than the applicant.

The license shall indicate each category and the highest caliber established under this subsection.

[10.8.2.15 NMAC - Rp, 10.8.2.15 NMAC, 11/30/2016, A, 12/9/2025, A, XX/XX/2026]

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~~] their person in public shall, upon demand by a peace officer, display 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 shall not carry a concealed handgun on or about [~~his~~] their 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 peace officer 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 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 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, 12/9/2025, A, XX/XX/2026]

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, A, XX/XX/2026]

10.8.2.21 DENIAL, SUSPENSION AND REVOCATION OF A LICENSE:

A. Grounds. For a violation described in Paragraph (1) of this subsection that is a curable administrative or documentary deficiency and does not independently constitute a disqualification under Section 29-19-4 NMSA 1978, the department shall first proceed under 10.8.2.9 NMAC (written notice and opportunity to cure) before denying, suspending, or revoking the license. Each of Paragraphs (2) through (12) of this subsection states a disqualification under Section 29-19-4 NMSA 1978, on which the department has no discretion to issue, continue, or reinstate a license. The department [~~may~~] shall deny, suspend or revoke a license if the licensee:

(1) is found to have violated any provision of the act or this rule, including providing false information on an application or renewal;

(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 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, 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 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 shall suspend a license while the outcome of a disqualifying matter is pending. Suspended licenses [~~may~~] shall be reinstated when suspension was due to a rule violation, from an arrest/charge, and the final court disposition shows no conviction and the licensee is not otherwise disqualified under Section 29-19-4 NMSA 1978. A two-page application, with final disposition and $5 reinstatement fee must be submitted; additional training is not required. Upon expiration of the original four or five year license term, a licensee may reapply for a concealed carry license by submitting an application for a renewed license in the manner prescribed by the department, as specified in Subsection A of 10.8.2.17 NMAC.

(2) The department [~~may~~] shall 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 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.

[10.8.2.21 NMAC - Rp, 10.8.2.21 NMAC, 11/30/2016, A, 12/9/2025, A, XX/XX/2026]

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 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~~] their 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 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, 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 shall do so by 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. An approved instructor or instructor applicant who applies for a concealed handgun license shall establish each category and the highest caliber of handgun as provided in Subsection E of 10.8.2.15 NMAC.

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, 12/9/2025, A, XX/XX/2026]

10.8.2.26 SUSPENSION AND REVOCATION OF AN INSTRUCTOR PERMIT:

A. Grounds. The department shall suspend or revoke a permit if the approved instructor is subject to any ground stated in Subsection A of 10.8.2.21 NMAC except that, where a violation described in Paragraph (1) of that subsection is a curable administrative or documentary deficiency and does not independently constitute a disqualification under Section 29-19-4 NMSA 1978, the department shall first proceed under 10.8.2.9 NMAC (written notice and opportunity to cure) before denying, suspending, or revoking the permit. 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; or

[~~**(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)**~~] **(2)** 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 shall issue a notification of suspension or revocation of the permit to the approved instructor and advise the approved instructor of their right to a hearing in accordance with [~~10.8.2.26~~] 10.8.2.27 NMAC. If the approved instructor elects not to request a hearing, the approved instructor shall surrender 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~~] 10.8.2.27 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 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~~] shall 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, 12/9/2025, A, XX/XX/2026]

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~~] O 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;

(5) a statement of the rights specified in Subsection L of this section;

(6) notice that exhibits from the department must be forwarded to the applicant at least 72 hours before the hearing, and exhibits from the respondent must be submitted to the department at least 48 hours before the scheduled hearing;

(7) notice that respondents are 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 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 department shall be forwarded to the applicant at least 72 hours before the hearing. 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.

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.

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.

[~~**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 stipulate shall result in termination of the hearing and 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.~~]

[~~**N.**~~] **M. 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.

[~~**O.**~~] **N. 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.

[~~**P.**~~] **O. 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, 12/9/2025, A, XX/XX/2026]

10.8.2.29 RECIPROCITY: The secretary or [~~his~~] their 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, A, XX/XX/2026]

10.8.2.30 CURRENT PEACE OFFICERS OR MOUNTED PATROL OFFICERS:

A. Any current peace officer or mounted patrol member residing in New Mexico shall be allowed to obtain a five-year concealed handgun carry license by submitting:

(1) all forms and documents as required in these rules, including 10.8.2.11 NMAC and 10.8.2.12 NMAC;

(2) a letter from his or her agency head verifying that the applicant is employed or serving in good standing and is qualified under Section 29-19-4 NMSA 1978;

(3) a copy of his or her law enforcement certification; 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~~] shall 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~~] for the department to determine that a denial should be issued; or

(2) [~~if~~] the applicant has pending criminal charges [~~or serious administrative allegations~~] involving his or her conduct as a peace officer.

C. An application may be denied if the applicant has pending serious administrative allegations involving his or her conduct as a peace officer.

[~~C.~~] **D.** 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.~~] **E.** The applicant's agency will be notified of any disqualifying information that may become known during the background check.

[~~E.~~] **F.** A license issued under this section shall not be used, and must be turned in to the department's concealed carry unit, immediately upon the officer no longer being employed by a law enforcement agency or upon the member no longer serving in the New Mexico mounted patrol.

[10.8.2.30 NMAC - Rp, 10.8.2.30 NMAC, 11/30/2016, A, 12/9/2025, A, XX/XX/2026]

10.8.2.31 RETIRED PEACE OFFICERS: Any retired peace officer shall be allowed to obtain a five-year concealed handgun carry license if the retired peace officer:

A. has submitted all forms and documents as required [~~in these rules, including 10.6.2.12~~] by these rules, including 10.8.2.11 NMAC and 10.8.2.12 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

I. has qualified and adheres to the provisions of the act and these rules.

[10.8.2.31 NMAC - Rp, 10.8.2.32 NMAC, 11/30/2016, A, 12/9/2025, A, XX/XX/2026]

10.8.2.32 MILITARY SERVICE PERSONS:

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

(1) by submitting all forms and documents as required [~~in~~] by these rules, including 10.8.2.11 NMAC and 10.8.2.12 NMAC; and

(2) documentation satisfactory to the department that the applicant is a military service

person; or

(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 the refresher course as required by Paragraph (2) of Subsection A of 10.8.2.15 NMAC and for licensee renewals as required in Paragraph (3) of Subsection A of 10.8.2.15 NMAC.

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.

[10.8.2.32 NMAC - N, 11/30/2016, A, 12/9/2025, A, XX/XX/2026]