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HOUSE BILL 136

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Zachary J. Cook

AN ACT

RELATING TO CONCEALED HANDGUNS; ALLOWING CONCEALED HANDGUNS TO BE CARRIED IN SCHOOLS, UNIVERSITIES, BUSES, ALL LICENSED LIQUOR ESTABLISHMENTS AND STATE PARKS AND RECREATION AREAS; ELIMINATING THE REQUIREMENT THAT ONLY ONE CONCEALED HANDGUN MAY BE CARRIED AT ANY GIVEN TIME.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 29-19-6 NMSA 1978 (being Laws 2003, Chapter 255, Section 6, as amended) is amended to read:

"29-19-6. ~~[APPEAL]~~ LICENSE ISSUANCE--LICENSE RENEWAL--REFRESHER FIREARMS TRAINING COURSE--LOST OR STOLEN LICENSE--SUSPENSION OR REVOCATION OF LICENSE.--

A. Pursuant to rules adopted by the department, the department, within thirty days after receiving a completed application for a concealed handgun license and the results of

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1 a national criminal background check on the applicant, shall:

2 (1) issue a concealed handgun license to an
3 applicant; or

4 (2) deny the application on the grounds that
5 the applicant failed to qualify for a concealed handgun license
6 pursuant to the provisions of the Concealed Handgun Carry Act.

7 B. Information relating to an applicant or to a
8 licensee received by the department or any other law
9 enforcement agency is confidential and exempt from public
10 disclosure unless an order to disclose information is issued by
11 a court of competent jurisdiction. The information shall be
12 made available by the department to a state or local law
13 enforcement agency upon request by the agency.

14 C. A concealed handgun license issued by the
15 department shall include:

16 (1) a color photograph of the licensee;

17 (2) the licensee's name, address and date
18 of birth;

19 (3) the expiration date of the concealed
20 handgun license; and

21 (4) the category and the largest caliber of
22 [~~handgun~~] handguns that the licensee is licensed to carry, with
23 a statement that the licensee is licensed to carry smaller
24 caliber handguns [~~but shall carry only one concealed handgun at~~
25 ~~any given time~~].

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1 D. A licensee shall notify the department within
2 thirty days regarding a change of the licensee's name or
3 permanent address. A licensee shall notify the department
4 within ten days if the licensee's concealed handgun license is
5 lost, stolen or destroyed.

6 E. If a concealed handgun license is lost, stolen
7 or destroyed, the license is invalid and the licensee may
8 obtain a duplicate license by furnishing the department a
9 notarized statement that the original license was lost, stolen
10 or destroyed and paying a reasonable fee. If the license is
11 lost or stolen, the licensee shall file a police report with a
12 local law enforcement agency and include the police case number
13 in the notarized statement.

14 F. A licensee may renew a concealed handgun license
15 by submitting to the department:

16 (1) a completed renewal form, under penalty of
17 perjury, designed and provided by the department;

18 (2) a payment of a seventy-five-dollar
19 (\$75.00) renewal fee; and

20 (3) a certificate of completion of a four-hour
21 refresher firearms training course approved by the department.

22 G. The department shall conduct a national criminal
23 records check of a licensee seeking to renew a license. A
24 concealed handgun license shall not be renewed more than sixty
25 days after it has expired. A licensee who fails to renew a

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1 concealed handgun license within sixty days after it has
2 expired may apply for a new concealed handgun license pursuant
3 to the provisions of the Concealed Handgun Carry Act.

4 H. A licensee shall complete a two-hour refresher
5 firearms training course two years after the issuance of an
6 original or renewed license. The refresher course shall be
7 approved by the department and shall be taken twenty-two to
8 twenty-six months after the issuance of an original or renewed
9 license. A certificate of completion shall be submitted to the
10 department no later than thirty days after completion of the
11 course.

12 I. The department shall suspend or revoke a
13 concealed handgun license if:

14 (1) the licensee provided the department with
15 false information on the application form or renewal form for a
16 concealed handgun license;

17 (2) the licensee did not satisfy the criteria
18 for issuance of a concealed handgun license at the time the
19 license was issued; or

20 (3) subsequent to receiving a concealed
21 handgun license, the licensee violated a provision of the
22 Concealed Handgun Carry Act."

23 SECTION 2. Section 29-19-8 NMSA 1978 (being Laws 2003,
24 Chapter 255, Section 8) is amended to read:

25 "29-19-8. LIMITATION ON LICENSE.--[A.] Nothing in the

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1 Concealed Handgun Carry Act shall be construed as allowing a
2 licensee in possession of a valid concealed handgun license to
3 carry a concealed handgun into or on premises where to do so
4 would be in violation of state or federal law.

5 ~~[B. Nothing in the Concealed Handgun Carry Act~~
6 ~~shall be construed as allowing a licensee in possession of a~~
7 ~~valid concealed handgun license to carry a concealed handgun on~~
8 ~~school premises, as provided in Section 30-7-2.1 NMSA 1978.~~

9 ~~C. Nothing in the Concealed Handgun Carry Act shall~~
10 ~~be construed as allowing a licensee in possession of a valid~~
11 ~~concealed handgun license to carry a concealed handgun on the~~
12 ~~premises of a preschool.]"~~

13 SECTION 3. Section 30-7-2.1 NMSA 1978 (being Laws 1987,
14 Chapter 232, Section 1, as amended) is amended to read:

15 "30-7-2.1. UNLAWFUL CARRYING OF A DEADLY WEAPON ON SCHOOL
16 PREMISES.--

17 A. Unlawful carrying of a deadly weapon on school
18 premises consists of carrying a deadly weapon on school
19 premises except by:

20 (1) a peace officer;

21 (2) school security personnel;

22 (3) a student, instructor or other

23 school-authorized personnel engaged in army, navy, marine corps
24 or air force reserve officer training corps programs or
25 state-authorized hunter safety training instruction;

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1 (4) a person conducting or participating in a
2 school-approved program, class or other activity involving the
3 carrying of a deadly weapon; ~~[or]~~

4 (5) a person older than nineteen years of age
5 on school premises in a private automobile or other private
6 means of conveyance, for lawful protection of the person's or
7 another's person or property; or

8 (6) a person carrying a concealed handgun who
9 is in possession of a valid concealed handgun license for that
10 gun pursuant to the provisions of the Concealed Handgun Carry
11 Act.

12 B. As used in this section, "school premises"
13 means:

14 (1) the buildings and grounds, including
15 playgrounds, playing fields and parking areas and any school
16 bus of any public elementary, secondary, junior high or high
17 school in or on which school or school-related activities are
18 being operated under the supervision of a local school board;
19 or

20 (2) any other public buildings or grounds,
21 including playing fields and parking areas that are not public
22 school property, in or on which public school-related and
23 sanctioned activities are being performed.

24 C. Whoever commits unlawful carrying of a deadly
25 weapon on school premises is guilty of a fourth degree felony."

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1 SECTION 4. Section 30-7-2.4 NMSA 1978 (being Laws 2003,
2 Chapter 253, Section 1) is amended to read:

3 "30-7-2.4. UNLAWFUL CARRYING OF A FIREARM ON UNIVERSITY
4 PREMISES--NOTICE--PENALTY.--

5 A. Unlawful carrying of a firearm on university
6 premises consists of carrying a firearm on university premises
7 except by:

8 (1) a peace officer;

9 (2) university security personnel;

10 (3) a student, instructor or other
11 university-authorized personnel who are engaged in army, navy,
12 marine corps or air force reserve officer training corps
13 programs or a state-authorized hunter safety training program;

14 (4) a person conducting or participating in a
15 university-approved program, class or other activity involving
16 the carrying of a firearm; ~~[or]~~

17 (5) a person older than nineteen years of age
18 on university premises in a private automobile or other private
19 means of conveyance, for lawful protection of the person's or
20 another's person or property; or

21 (6) a person carrying a concealed handgun who
22 is in possession of a valid concealed handgun license for that
23 gun pursuant to the provisions of the Concealed Handgun Carry
24 Act.

25 B. A university shall conspicuously post notices on

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1 university premises that state that it is unlawful to carry a
2 firearm on university premises except as provided in this
3 section.

4 C. As used in this section:

5 (1) "university" means a baccalaureate degree-
6 granting post-secondary educational institution, a community
7 college, a branch community college, a technical-vocational
8 institute and an area vocational school; and

9 (2) "university premises" means:

10 (a) the buildings and grounds of a
11 university, including playing fields and parking areas of a
12 university, in or on which university or university-related
13 activities are conducted; or

14 (b) any other public buildings or
15 grounds, including playing fields and parking areas that are
16 not university property, in or on which university-related and
17 sanctioned activities are performed.

18 D. Whoever commits unlawful carrying of a firearm
19 on university premises is guilty of a petty misdemeanor."

20 SECTION 5. Section 30-7-3 NMSA 1978 (being Laws 1975,
21 Chapter 149, Section 1, as amended) is amended to read:

22 "30-7-3. UNLAWFUL CARRYING OF A FIREARM IN LICENSED
23 LIQUOR ESTABLISHMENTS.--

24 A. Unlawful carrying of a firearm in an
25 establishment licensed to dispense alcoholic beverages consists

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1 of carrying a loaded or unloaded firearm on any premises
2 licensed by the regulation and licensing department for the
3 dispensing of alcoholic beverages except:

4 (1) by a law enforcement officer in the lawful
5 discharge of the officer's duties;

6 (2) by a law enforcement officer who is
7 certified pursuant to the Law Enforcement Training Act acting
8 in accordance with the policies of the officer's law
9 enforcement agency;

10 (3) by the owner, lessee, tenant or operator
11 of the licensed premises or the owner's, lessee's, tenant's or
12 operator's agents, including privately employed security
13 personnel during the performance of their duties;

14 (4) by a person carrying a concealed handgun
15 who is in possession of a valid concealed handgun license for
16 that gun pursuant to the Concealed Handgun Carry Act ~~[on the~~
17 ~~premises of:~~

18 ~~(a) a licensed establishment that does~~
19 ~~not sell alcoholic beverages for consumption on the premises;~~
20 ~~or~~

21 ~~(b) a restaurant licensed to sell only~~
22 ~~beer and wine that derives no less than sixty percent of its~~
23 ~~annual gross receipts from the sale of food for consumption on~~
24 ~~the premises, unless the restaurant has a sign posted, in a~~
25 ~~conspicuous location at each public entrance, prohibiting the~~

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1 ~~carrying of firearms, or the person is verbally instructed by~~
2 ~~the owner or manager that the carrying of a firearm is not~~
3 ~~permitted in the restaurant];~~

4 (5) by a person in that area of the licensed
5 premises usually and primarily rented on a daily or short-term
6 basis for sleeping or residential occupancy, including hotel or
7 motel rooms;

8 (6) by a person on that area of a licensed
9 premises primarily used for vehicular traffic or parking; or

10 (7) for the purpose of temporary display,
11 provided that the firearm is:

12 (a) made completely inoperative before
13 it is carried onto the licensed premises and remains
14 inoperative while it is on the licensed premises; and

15 (b) under the control of the licensee or
16 an agent of the licensee while the firearm is on the licensed
17 premises.

18 B. Whoever commits unlawful carrying of a firearm
19 in an establishment licensed to dispense alcoholic beverages is
20 guilty of a fourth degree felony."

21 SECTION 6. Section 30-7-13 NMSA 1978 (being Laws 1979,
22 Chapter 376, Section 4) is amended to read:

23 "30-7-13. CARRYING WEAPONS PROHIBITED.--

24 A. It is unlawful for any person without prior
25 approval from the company to board or attempt to board a bus

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1 while in possession of a firearm or other deadly weapon upon
2 [~~his~~] the person's own person or effects and readily accessible
3 to [~~him~~] the person while on the bus. Any person who violates
4 the provisions of this subsection is guilty of a misdemeanor.

5 B. Subsection A of this section does not apply to:

6 (1) duly elected or appointed law enforcement
7 officers; [~~or~~]

8 (2) commercial security personnel in the
9 lawful discharge of their duties; or

10 (3) a person carrying a concealed handgun who
11 is in possession of a valid concealed handgun license for that
12 gun pursuant to the provisions of the Concealed Handgun Carry
13 Act."

14 SECTION 7. Section 30-7-14 NMSA 1978 (being Laws 1979,
15 Chapter 376, Section 5) is amended to read:

16 "30-7-14. WEAPON DETECTION.--A bus transportation company
17 may employ any reasonable means, including mechanical,
18 electronic or x-ray devices to detect concealed weapons,
19 explosives or other hazardous material in baggage or upon the
20 person of a passenger. The company may take possession of any
21 concealed weapon, explosive or other hazardous material
22 discovered and shall turn such items over to law enforcement
23 officers; provided that the company shall not take possession
24 of, or turn over to law enforcement, a concealed handgun
25 lawfully carried in accordance with the provisions of the

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Concealed Handgun Carry Act."

SECTION 8. [NEW MATERIAL] CONCEALED HANDGUNS IN STATE
PARKS.--A person in possession of a valid concealed handgun
license may lawfully carry a concealed handgun in a state park
or recreation area operated by the state parks division of the
energy, minerals and natural resources department.

SECTION 9. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2011.