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SENATE BILL 268

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Craig W. Brandt

AN ACT

RELATING TO LAW ENFORCEMENT; FOR CONCEALED CARRY GUN LICENSES,
CHANGING THE LICENSE PERIOD TO FIVE YEARS; REMOVING CALIBER AND
CATEGORY AND TWO-HOUR REFRESHER COURSE PROVISIONS; ADDING
MILITARY SERVICE PERSONS' EXEMPTIONS FROM FEE AND TRAINING
COURSE REQUIREMENTS; EXEMPTING LAW ENFORCEMENT OFFICERS FROM
TRAINING COURSE REQUIREMENTS; REQUIRING BACKGROUND CHECKS FOR
LAW ENFORCEMENT OFFICERS AND MILITARY SERVICE PERSONS.

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

SECTION 1. Section 29-19-2 NMSA 1978 (being Laws 2003,
Chapter 255, Section 2) is amended to read:

"29-19-2. DEFINITIONS.--As used in the Concealed Handgun
Carry Act:

A. "applicant" means a person seeking a license to
carry a concealed handgun;

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1 ~~[B. "caliber" means the diameter of the bore of a~~
2 ~~handgun;~~

3 ~~C. "category" means whether a handgun is~~
4 ~~semiautomatic or not semiautomatic;~~

5 ~~D.]~~ B. "concealed handgun" means a loaded handgun
6 that is not visible to the ordinary observations of a
7 reasonable person;

8 ~~[E.]~~ C. "department" means the department of public
9 safety;

10 ~~[F.]~~ D. "handgun" means a firearm that will, is
11 designed to or may readily be converted to expel a projectile
12 by the action of an explosion and the barrel length of which,
13 not including a revolving, detachable or magazine breech, does
14 not exceed twelve inches; and

15 ~~[G.]~~ E. "licensee" means a person holding a valid
16 concealed handgun license issued to ~~[him]~~ the person by the
17 department."

18 SECTION 2. Section 29-19-3 NMSA 1978 (being Laws 2003,
19 Chapter 255, Section 3, as amended) is amended to read:

20 "29-19-3. DATE OF LICENSURE--PERIOD OF LICENSURE.--
21 Effective January 1, 2004, the department is authorized to
22 issue concealed handgun licenses to qualified applicants.
23 Original and renewed concealed handgun licenses shall be valid
24 for a period of ~~[four]~~ five years from the date of issuance,
25 unless the license is suspended or revoked."

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1 SECTION 3. Section 29-19-4 NMSA 1978 (being Laws 2003,
2 Chapter 255, Section 4, as amended) is amended to read:

3 "29-19-4. APPLICANT QUALIFICATIONS.--

4 A. The department shall issue a concealed handgun
5 license to an applicant who:

- 6 (1) is a citizen of the United States;
- 7 (2) is a resident of New Mexico or is a member
8 of the armed forces whose permanent duty station is located in
9 New Mexico or is a dependent of such a member;
- 10 (3) is twenty-one years of age or older;
- 11 (4) is not a fugitive from justice;
- 12 (5) has not been convicted of a felony in New
13 Mexico or any other state or pursuant to the laws of the United
14 States or any other jurisdiction;
- 15 (6) is not currently under indictment for a
16 felony criminal offense in New Mexico or any other state or
17 pursuant to the laws of the United States or any other
18 jurisdiction;
- 19 (7) is not otherwise prohibited by federal law
20 or the law of any other jurisdiction from purchasing or
21 possessing a firearm;
- 22 (8) has not been adjudicated mentally
23 incompetent or committed to a mental institution;
- 24 (9) is not addicted to alcohol or controlled
25 substances; and

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1 (10) has satisfactorily completed a firearms
2 training course approved by the department [~~for the category~~
3 ~~and the largest caliber of handgun that the applicant wants to~~
4 ~~be licensed to carry as a concealed handgun~~].

5 B. The department shall deny a concealed handgun
6 license to an applicant who has:

7 (1) received a conditional discharge, a
8 diversion or a deferment or has been convicted of, pled guilty
9 to or entered a plea of nolo contendere to a misdemeanor
10 offense involving a crime of violence within ten years
11 immediately preceding the application;

12 (2) been convicted of a misdemeanor offense
13 involving driving while under the influence of intoxicating
14 liquor or drugs within five years immediately preceding the
15 application for a concealed handgun license;

16 (3) been convicted of a misdemeanor offense
17 involving the possession or abuse of a controlled substance
18 within ten years immediately preceding the application; or

19 (4) been convicted of a misdemeanor offense
20 involving assault, battery or battery against a household
21 member.

22 C. Firearms training course instructors who are
23 approved by the department shall not be required to complete a
24 firearms training course pursuant to Paragraph (10) of
25 Subsection A of this section."

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1 SECTION 4. Section 29-19-6 NMSA 1978 (being Laws 2003,
2 Chapter 255, Section 6, as amended) is amended to read:

3 "29-19-6. [~~APPEAL~~] LICENSE ISSUANCE--CONFIDENTIALITY--
4 LICENSE RENEWAL--REFRESHER FIREARMS TRAINING COURSE--SUSPENSION
5 OR REVOCATION OF LICENSE.--

6 A. Pursuant to rules adopted by the department, the
7 department, within thirty days after receiving a completed
8 application for a concealed handgun license and the results of
9 a national criminal background check on the applicant, shall:

10 (1) issue a concealed handgun license to an
11 applicant; or

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

15 B. Information relating to an applicant or to a
16 licensee received by the department or any other law
17 enforcement agency is confidential and exempt from public
18 disclosure unless an order to disclose information is issued by
19 a court of competent jurisdiction. The information shall be
20 made available by the department to a state or local law
21 enforcement agency upon request by the agency.

22 C. A concealed handgun license issued by the
23 department shall include:

24 (1) [~~a color photograph~~] two current
25 photographs, in color, of the licensee;

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

3 (3) the expiration date of the concealed
4 handgun license [~~and~~

5 ~~(4) the category and the largest caliber of~~
6 ~~handgun that the licensee is licensed to carry, with a~~
7 ~~statement that the licensee is licensed to carry smaller~~
8 ~~caliber handguns but shall carry only one concealed handgun at~~
9 ~~any given time].~~

10 D. A licensee shall notify the department within
11 thirty days regarding a change of the licensee's name or
12 permanent address. A licensee shall notify the department
13 within ten days if the licensee's concealed handgun license is
14 lost, stolen or destroyed.

15 E. If a concealed handgun license is lost, stolen
16 or destroyed, the license is invalid and the licensee may
17 obtain a duplicate license by furnishing the department a
18 notarized statement that the original license was lost, stolen
19 or destroyed and by paying a reasonable fee. If the license is
20 lost or stolen, the licensee shall file a police report with a
21 local law enforcement agency and include the police case number
22 in the notarized statement required pursuant to this
23 subsection.

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

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

3 (2) a payment of a seventy-five-dollar
4 (\$75.00) renewal fee; and

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

7 G. The department shall conduct a national criminal
8 records check of a licensee seeking to renew a license. A
9 concealed handgun license shall not be renewed more than sixty
10 days after it has expired. A licensee who fails to renew a
11 concealed handgun license within sixty days after it has
12 expired may apply for a new concealed handgun license pursuant
13 to the provisions of [~~the Concealed Handgun Carry Act~~] Section
14 29-19-4 NMSA 1978.

15 [~~H. A licensee shall complete a two-hour refresher~~
16 ~~firearms training course two years after the issuance of an~~
17 ~~original or renewed license. The refresher course shall be~~
18 ~~approved by the department and shall be taken twenty-two to~~
19 ~~twenty-six months after the issuance of an original or renewed~~
20 ~~license. A certificate of completion shall be submitted to the~~
21 ~~department no later than thirty days after completion of the~~
22 ~~course.~~

23 ~~F.]~~ H. The department shall suspend or revoke a
24 concealed handgun license if:

25 (1) the licensee provided the department with

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1 false information on the application form or renewal form for a
2 concealed handgun license;

3 (2) the licensee did not satisfy the criteria
4 for issuance of a concealed handgun license at the time the
5 license was issued; or

6 (3) subsequent to receiving a concealed
7 handgun license, the licensee violated a provision of the
8 Concealed Handgun Carry Act."

9 SECTION 5. Section 29-19-14 NMSA 1978 (being Laws 2005,
10 Chapter 242, Section 7) is amended to read:

11 "29-19-14. CURRENT AND RETIRED LAW ENFORCEMENT
12 OFFICERS.--

13 A. An application fee, a renewal fee and a firearms
14 training course are not required for an applicant or licensee
15 who is a [~~certified~~] law enforcement officer; [~~pursuant to the~~
16 ~~Law Enforcement Training Act.~~

17 ~~B. A retired law enforcement officer is not~~
18 ~~required to submit an application fee or a renewal fee if:~~

19 ~~(1) the officer was a certified law~~
20 ~~enforcement officer pursuant to the Law Enforcement Training~~
21 ~~Act; for at least fifteen years prior to retirement; and~~

22 ~~(2) the retirement is in good standing, as~~
23 ~~shown by a letter from the agency from which the officer~~
24 ~~retired.~~

25 ~~G. A retired law enforcement officer who has been~~

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1 ~~retired ten years or less is not required to complete a~~
2 ~~firearms training course.~~

3 ~~D. A retired law enforcement officer who has been~~
4 ~~retired for more than ten years shall be required to complete a~~
5 ~~firearms training course. The officer shall be allowed to~~
6 ~~attend any local law enforcement agency's firearms~~
7 ~~qualification course; provided that the officer supplies the~~
8 ~~officer's own ammunition, handgun, targets and range equipment.~~
9 ~~A local law enforcement agency shall not be liable under the~~
10 ~~Tort Claims Act for providing a firearms training course to a~~
11 ~~retired law enforcement officer pursuant to this subsection]~~
12 provided that the law enforcement officer submits with the
13 concealed handgun license application documentation of:

14 (1) current employment as a law enforcement
15 officer certified pursuant to the Law Enforcement Training Act;
16 or

17 (2) voluntary termination while the law
18 enforcement officer was in good standing from the most recent
19 law enforcement agency at which the law enforcement officer
20 worked.

21 B. A law enforcement officer shall submit to the
22 department two full sets of fingerprints and two current
23 photographs, in color. The department shall conduct an
24 appropriate check of available records and shall forward a law
25 enforcement officer's fingerprints to the federal bureau of

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1 investigation for a national criminal background check.

2 C. The department shall suspend or revoke a law
3 enforcement officer's concealed handgun license if:

4 (1) the law enforcement officer provided the
5 department with false information on the application form or
6 renewal form;

7 (2) the law enforcement officer did not
8 satisfy the criteria for issuance of a concealed handgun
9 license at the time the license was issued; or

10 (3) subsequent to receiving a concealed
11 handgun license, the law enforcement officer violated a
12 provision of the Concealed Handgun Carry Act.

13 ~~[E.]~~ D. A ~~[retired]~~ law enforcement officer's
14 concealed handgun license shall have printed on the license
15 "~~[retired police]~~ law enforcement officer" and shall be valid
16 for a period of five years.

17 E. As used in this section, "law enforcement
18 officer" means a person who:

19 (1) is currently employed as a law enforcement
20 officer certified pursuant to the Law Enforcement Training Act;
21 or

22 (2) has retired from at least fifteen years'
23 employment as a law enforcement officer certified pursuant to
24 the Law Enforcement Training Act and was in good standing at
25 the time of termination of employment as a law enforcement

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1 officer."

2 SECTION 6. A new section of the Concealed Handgun Carry
3 Act is enacted to read:

4 "[NEW MATERIAL] MILITARY SERVICE PERSONS--REQUIREMENTS.--

5 A. An application fee, a renewal fee and a firearms
6 training course are not required for an applicant or licensee
7 who is a military service person; provided that the military
8 service person submits with the concealed handgun license
9 application documentation of:

10 (1) current military service with the United
11 States armed forces; or

12 (2) honorable discharge from the United States
13 armed forces as indicated on a United States department of
14 defense form 214.

15 B. A military service person shall submit to the
16 department two full sets of fingerprints and two current
17 photographs, in color. The department shall conduct an
18 appropriate check of available records and shall forward the
19 military service person's fingerprints to the federal bureau of
20 investigation for a national criminal background check.

21 C. The department shall suspend or revoke a
22 military service person's concealed handgun license if:

23 (1) the military service person provided the
24 department with false information on the application form or
25 renewal form;

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1 (2) the military service person did not
2 satisfy the criteria for issuance of a concealed handgun
3 license at the time the license was issued; or

4 (3) subsequent to receiving a concealed
5 handgun license, the military service person violated a
6 provision of the Concealed Handgun Carry Act.

7 D. A military service person's concealed handgun
8 carry license shall have printed on the license "military
9 service person" and shall be valid for a period of five years.

10 E. As used in this section, "military service
11 person" means a person who was accepted into the United States
12 armed forces and:

13 (1) is on active duty;

14 (2) is on reserve or guard duty; or

15 (3) is a veteran or a retiree who received an
16 honorable discharge."

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