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AN ACT

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RELATING TO FIREARMS; ENACTING THE CONCEALED HANDGUN CARRY ACT;  
PROVIDING STATEWIDE STANDARDS FOR THE ISSUANCE OF CONCEALED  
HANDGUN LICENSES; REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. SHORT TITLE.--This act may be cited as the "Concealed Handgun Carry Act".

Section 2. DEFINITIONS.--As used in the Concealed Handgun Carry Act:

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

B. "caliber" means the diameter of the bore of a handgun;

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

D. "concealed handgun" means a loaded handgun that is not visible to the ordinary observations of a reasonable person;

E. "department" means the department of public safety;

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

G. "licensee" means a person holding a valid concealed handgun license issued to him by the department.

Section 3. DATE OF LICENSURE--PERIOD OF LICENSURE.--Effective January 1, 2004, the department is authorized to issue concealed handgun licenses to qualified applicants. Concealed handgun licenses shall be valid for a period of two years from the date of issuance, unless the license is suspended or revoked.

Section 4. APPLICANT QUALIFICATIONS.--

A. The department shall issue a concealed handgun license to an

1 applicant who:

2 (1) is a citizen of the United States;

3 (2) is a resident of New Mexico or is a member of the armed  
4 forces whose permanent duty station is located in New Mexico or is a dependent of  
5 such a member;

6 (3) is twenty-five years of age or older;

7 (4) is not a fugitive from justice;

8 (5) has not been convicted of a felony in New Mexico or any  
9 other state or pursuant to the laws of the United States or any other jurisdiction;

10 (6) is not currently under indictment for a felony criminal  
11 offense in New Mexico or any other state or pursuant to the laws of the United States  
12 or any other jurisdiction;

13 (7) is not otherwise prohibited by federal law or the law of any  
14 other jurisdiction from purchasing or possessing a firearm;

15 (8) has not been adjudicated mentally incompetent or  
16 committed to a mental institution;

17 (9) is not addicted to alcohol or controlled substances; and

18 (10) has satisfactorily completed a firearms training course  
19 approved by the department for the category and caliber of handgun that the  
20 applicant wants to be licensed to carry as a concealed handgun.

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

23 (1) received a conditional discharge, a diversion or a  
24 deferment or has been convicted of, pled guilty to or entered a plea of nolo  
25 contendere to a misdemeanor offense involving a crime of violence;

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

(3) been convicted of a misdemeanor offense involving the

1 possession or abuse of a controlled substance; or

2 (4) been convicted of a misdemeanor offense involving  
3 assault, battery or battery against a household member.

4 Section 5. APPLICATION FORM--SCREENING OF APPLICANTS--FEE--  
5 LIMITATIONS ON LIABILITY.--

6 A. Effective July 1, 2003, applications for concealed handgun licenses  
7 shall be made readily available at locations designated by the department.

8 Applications for concealed handgun licenses shall be completed, under penalty of  
9 perjury, on a form designed and provided by the department and shall include:

10 (1) the applicant's name, current address, date of birth, place  
11 of birth, social security number, height, weight, gender, hair color, eye color and  
12 driver's license number or other state-issued identification number;

13 (2) a statement that the applicant is aware of, understands and  
14 is in compliance with the requirements for licensure set forth in the Concealed  
15 Handgun Carry Act;

16 (3) a statement that the applicant has been furnished a copy of  
17 the Concealed Handgun Carry Act and is knowledgeable of its provisions; and

18 (4) a conspicuous warning that the application form is executed  
19 under penalty of perjury and that a materially false answer or the submission of a  
20 materially false document to the department may result in denial or revocation of a  
21 concealed handgun license and may subject the applicant to criminal prosecution for  
22 perjury as provided in Section 30-25-1 NMSA 1978.

23 B. The applicant shall submit to the department:

24 (1) a completed application form;

25 (2) a nonrefundable application fee in an amount not to exceed  
one hundred dollars (\$100);

(3) two full sets of fingerprints;

(4) a certified copy of a certificate of completion for a firearms  
training course approved by the department;

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- (5) two color photographs of the applicant;
- (6) a certified copy of a birth certificate or proof of United States citizenship, if the applicant was not born in the United States; and
- (7) proof of residency in New Mexico.

C. A law enforcement agency may fingerprint an applicant and may charge a reasonable fee.

D. Upon receipt of the items listed in Subsection B of this section, the department shall make a reasonable effort to determine if an applicant is qualified to receive a concealed handgun license. The department shall conduct an appropriate check of available records and shall forward the applicant's fingerprints to the federal bureau of investigation for a national criminal background check. The department shall comply with the license-issuing requirements set forth in Section 7 of the Concealed Handgun Carry Act. However, the department shall suspend or revoke a license if the department receives information that would disqualify an applicant from receiving a concealed handgun license after the thirty-day time period has elapsed.

Section 6. DEPARTMENT RESPONSE TO APPLICATION--RIGHT TO APPEAL--LICENSE RENEWAL--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 a national criminal background check on the applicant, shall:

- (1) issue a concealed handgun license to an applicant; or
- (2) deny the application on the grounds that the applicant failed to qualify for a concealed handgun license pursuant to the provisions of the Concealed Handgun Carry Act.

B. Information relating to an applicant or to a licensee received by the department or any other law enforcement agency is confidential and exempt from public disclosure unless an order to disclose information is issued by a court of competent jurisdiction. The information shall be made available by the department to

1 a state or local law enforcement agency upon request by the agency.

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

3 (1) a color photograph of the licensee;

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4 (2) the licensee's name, address and date

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

7 (4) the category and caliber of handgun that the licensee is

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8 licensed to carry.

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

13 E. If a concealed handgun license is reported lost, stolen or destroyed,  
14 the license is invalid and the licensee may obtain a duplicate license by furnishing the  
15 department a notarized statement that the original license was lost, stolen or  
16 destroyed and paying a reasonable fee.

17 F. A licensee may renew his concealed handgun license by submitting to  
18 the department a completed renewal form, under penalty of perjury, designed and  
19 provided by the department, accompanied by a payment of a fifty-dollar (\$50.00)  
20 renewal fee. A licensee who renews his concealed handgun license may renew his  
21 license by taking a four-hour refresher firearms training course and paying the  
22 fifty-dollar (\$50.00) renewal fee to the department. The department shall conduct a  
23 national criminal records check of the licensee seeking to renew his license. A  
24 concealed handgun license shall not be renewed more than sixty days after it has  
25 expired. A licensee who fails to renew his concealed handgun license within sixty days  
after it has expired may apply for a new concealed handgun license pursuant to the  
provisions of the Concealed Handgun Carry Act.

G. The department shall suspend or revoke a concealed handgun license  
if:

1 (1) the licensee provided the department with false information on his S  
2 application form or renewal form for a concealed handgun license; B

3 (2) the licensee did not satisfy the criteria for issuance of a 2  
4 concealed handgun license at the time the license was issued to him; or 3  
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6 (3) subsequent to receiving a concealed handgun license, the a  
7 licensee violates a provision of the Concealed Handgun Carry Act. g  
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9 Section 7. DEMONSTRATION OF ABILITY AND KNOWLEDGE--COURSE 6  
10 REQUIREMENT --PROPRIETARY INTEREST--EXEMPTIONS.--

11 A. The department shall prepare and publish minimum standards for  
12 approved firearms training courses that teach competency with handguns. A firearms  
13 training course shall include classroom instruction and range instruction and an actual  
14 demonstration by the applicant of his ability to safely use a handgun. An applicant  
15 shall not be licensed unless he demonstrates, at a minimum, his ability to use a  
16 handgun of .32 caliber. An approved firearms training course shall be a course that is  
17 certified or sponsored by a federal or state law enforcement agency, a college, a  
18 firearms training school or a nationally recognized organization, approved by the  
19 department, that customarily offers firearms training. The firearms training course  
20 shall be not less than fifteen hours in length and shall provide instruction regarding:

21 (1) knowledge of and safe handling of single- and  
22 double-action revolvers and semiautomatic handguns;

23 (2) safe storage of handguns and child safety;

24 (3) safe handgun shooting fundamentals;

25 (4) live shooting of a handgun on a firing range;

(5) identification of ways to develop and maintain handgun  
shooting skills;

(6) federal, state and local criminal and civil laws pertaining to  
the purchase, ownership, transportation, use and possession of handguns;

(7) techniques for avoiding a criminal attack and how to control

1 a violent confrontation; and

2 (8) techniques for nonviolent dispute resolution.

3 B. Every instructor of an approved firearms training course shall  
4 annually file a copy of the course description and proof of certification with the  
5 department.

6 Section 8. LIMITATION ON LICENSE.--

7 A. Nothing in the Concealed Handgun Carry Act shall be construed as  
8 allowing a licensee in possession of a valid concealed handgun license to carry a  
9 concealed handgun into or on premises where to do so would be in violation of state  
10 or federal law.

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

14 C. Nothing in the Concealed Handgun Carry Act shall be construed  
15 as allowing a licensee in possession of a valid concealed handgun license to carry a  
16 concealed handgun on the premises of a preschool.

17 Section 9. POSSESSION OF LICENSE.--A licensee shall have his concealed  
18 handgun license in his possession at all times while carrying a concealed handgun.

19 Section 10. VALIDITY OF LICENSE ON TRIBAL LAND.--A concealed  
20 handgun license shall not be valid on tribal land, unless authorized by the governing  
21 body of an Indian nation, tribe or pueblo.

22 Section 11. VALIDITY OF LICENSE IN A COURTHOUSE OR COURT  
23 FACILITY.--A concealed handgun license shall not be valid in a courthouse or court  
24 facility, unless authorized by the presiding judicial officer for that courthouse or court  
25 facility.

Section 12. RULES--DEPARTMENT TO ADMINISTER.--The department shall  
promulgate rules necessary to implement the provisions of the Concealed Handgun  
Carry Act. The rules shall include:

A. grounds for the suspension and revocation of concealed handgun

- 1 licenses issued pursuant to the provisions of the Concealed Handgun Carry Act;
- 2 B. provision of authority for a law enforcement officer to confiscate a  
3 concealed handgun license when a licensee violates the provisions of the Concealed  
4 Handgun Carry Act;
- 5 C. provision of authority for a private property owner to disallow the  
6 carrying of a concealed handgun on his property;
- 7 D. creation of a sequential numbering system for all concealed  
8 handgun licenses issued by the department and display of numbers on issued  
9 concealed handgun licenses; and
- 10 E. provision of authority for the transfer of a concealed handgun  
11 license issued by another state.

12 Section 13. FUND CREATED.--

- 13 A. The "concealed handgun carry fund" is created in the state  
14 treasury.
- 15 B. All money received by the department pursuant to the provisions of  
16 the Concealed Handgun Carry Act shall be deposited by the state treasurer for credit  
17 to the concealed handgun carry fund. The state treasurer shall invest the fund as all  
18 other state funds are invested, and income from the investment of the fund shall be  
19 credited to the fund. Balances remaining at the end of any fiscal year shall not revert  
20 to the general fund and may be used to maintain the state's criminal history  
21 database.
- 22 C. Money in the concealed handgun carry fund is appropriated to the  
23 department to carry out the provisions of the Concealed Handgun Carry Act.

24 Section 14. REPEAL.--Sections 29-18-1 through 29-18-12 NMSA 1978  
25 (being Laws 2001, Chapter 219, Sections 1 through 12) are repealed.

Section 15. SEVERABILITY.--If any part or application of the Concealed  
Handgun Carry Act is held invalid, the remainder or its application to other situations  
or persons shall not be affected.

Section 16. EFFECTIVE DATE.--The effective date of



**1** the provisions of this act is July 1, 2003.

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