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HOUSE BILL 641

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO CONCEALED HANDGUNS; PROVIDING A FOUR-YEAR RENEWED LICENSE; LOWERING THE AGE FOR OBTAINING A LICENSE; ALLOWING A LICENSEE TO CARRY SMALLER CALIBER HANDGUNS UNDER ONE LICENSE; PROVIDING FOR RECIPROCAL AGREEMENTS WITH OTHER STATES.

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

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

"29-19-3. DATE OF LICENSURE--PERIOD OF LICENSURE.--  
Effective January 1, 2004, the department is authorized to issue concealed handgun licenses to qualified applicants. Original concealed handgun licenses shall be valid for a period of two years from the date of issuance, unless the license is suspended or revoked. Renewed concealed handgun licenses shall be valid for a period of four years from the date of issuance,

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1 unless the license is suspended or revoked."

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

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

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

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

8 (2) is a resident of New Mexico or is a member  
9 of the armed forces whose permanent duty station is located in  
10 New Mexico or is a dependent of such a member;

11 (3) is [~~twenty-five~~] twenty-one years of age  
12 or older;

13 (4) is not a fugitive from justice;

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

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

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

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

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

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

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

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

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

17 (3) been convicted of a misdemeanor offense  
18 involving the possession or abuse of a controlled substance; or

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

22 Section 3. Section 29-19-5 NMSA 1978 (being Laws 2003,  
23 Chapter 255, Section 5) is amended to read:

24 "29-19-5. APPLICATION FORM--SCREENING OF APPLICANTS--  
25 FEE--LIMITATIONS ON LIABILITY.--

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1           A. Effective July 1, 2003, applications for  
2 concealed handgun licenses shall be made readily available at  
3 locations designated by the department. Applications for  
4 concealed handgun licenses shall be completed, under penalty of  
5 perjury, on a form designed and provided by the department and  
6 shall include:

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

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

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

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

24           B. The applicant shall submit to the department:

25                   (1) a completed application form;

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

3 (3) two full sets of fingerprints;

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

7 (5) two color photographs of the applicant;

8 (6) a [~~certified~~] copy of a birth certificate  
9 or proof of United States citizenship, if the applicant was not  
10 born in the United States; and

11 (7) proof of residency in New Mexico.

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

14 D. Upon receipt of the items listed in Subsection B  
15 of this section, the department shall make a reasonable effort  
16 to determine if an applicant is qualified to receive a  
17 concealed handgun license. The department shall conduct an  
18 appropriate check of available records and shall forward the  
19 applicant's fingerprints to the federal bureau of investigation  
20 for a national criminal background check. The department shall  
21 comply with the license-issuing requirements set forth in  
22 Section [~~7 of the Concealed Handgun Carry Act~~] 29-19-7 NMSA  
23 1978. However, the department shall suspend or revoke a  
24 license if the department receives information that would  
25 disqualify an applicant from receiving a concealed handgun

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1 license after the thirty-day time period has elapsed."

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

4 "29-19-6. APPEAL--LICENSE RENEWAL--SUSPENSION OR  
5 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 of the licensee;

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

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1 of birth;

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

4 (4) the category and the largest caliber of  
5 handgun that the licensee is licensed to carry, with a  
6 statement that the licensee is licensed to carry smaller  
7 caliber handguns.

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

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

18 F. A licensee may renew [~~his~~] a concealed handgun  
19 license by submitting to the department a completed renewal  
20 form, under penalty of perjury, designed and provided by the  
21 department, accompanied by a payment of a fifty-dollar (\$50.00)  
22 renewal fee. A licensee who renews [~~his~~] a concealed handgun  
23 license may renew [~~his~~] the license by taking a four-hour  
24 refresher firearms training course and paying the fifty-dollar  
25 (\$50.00) renewal fee to the department. The department shall

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1 conduct a national criminal records check of the licensee  
2 seeking to renew [~~his~~] a license. A concealed handgun license  
3 shall not be renewed more than sixty days after it has expired.  
4 A licensee who fails to renew [~~his~~] a concealed handgun license  
5 within sixty days after it has expired may apply for a new  
6 concealed handgun license pursuant to the provisions of the  
7 Concealed Handgun Carry Act.

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

10 (1) the licensee provided the department with  
11 false information on [~~his~~] the application form or renewal form  
12 for a concealed handgun license;

13 (2) the licensee did not satisfy the criteria  
14 for issuance of a concealed handgun license at the time the  
15 license was issued [~~to him~~]; or

16 (3) subsequent to receiving a concealed  
17 handgun license, the licensee violates a provision of the  
18 Concealed Handgun Carry Act."

19 Section 5. Section 29-19-12 NMSA 1978 (being Laws 2003,  
20 Chapter 255, Section 12) is amended to read:

21 "29-19-12. RULES--DEPARTMENT TO ADMINISTER--RECIPROCAL  
22 AGREEMENTS WITH OTHER STATES.--

23 A. The department shall promulgate rules necessary  
24 to implement the provisions of the Concealed Handgun Carry Act.  
25 The rules shall include:

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1                   [A-] (1) grounds for the suspension and  
2 revocation of concealed handgun licenses issued pursuant to the  
3 provisions of the Concealed Handgun Carry Act;

4                   [B-] (2) provision of authority for a law  
5 enforcement officer to confiscate a concealed handgun license  
6 when a licensee violates the provisions of the Concealed  
7 Handgun Carry Act;

8                   [C-] (3) provision of authority for a private  
9 property owner to disallow the carrying of a concealed handgun  
10 on [~~his~~] the owner's property;

11                   [D-] (4) creation of a sequential numbering  
12 system for all concealed handgun licenses issued by the  
13 department and display of numbers on issued concealed handgun  
14 licenses; and

15                   [E-] (5) provision of authority for the  
16 transfer or recognition of a concealed handgun license issued  
17 by another state.

18                   B. The department of public safety shall enter into  
19 reciprocal agreements with states that have concealed weapons  
20 laws substantially similar to the Concealed Handgun Carry Act  
21 for the purpose of establishing a basis under which a concealed  
22 handgun license or permit that is issued by either state may be  
23 used by the licensee or permittee within the jurisdiction of  
24 either state. If another state requires this state to enter  
25 into a reciprocal agreement before accepting a concealed

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1 handgun license issued in this state, the department of public  
2 safety shall enter into the agreement if the issuing authority  
3 for the other state:

4 (1) issues a license or permit with an  
5 expiration date printed on the license or permit;

6 (2) is available to verify the license or  
7 permit status for law enforcement purposes within three  
8 business days of a request for verification;

9 (3) has disqualification, suspension and  
10 revocation requirements for a concealed handgun license or  
11 permit; and

12 (4) requires that an applicant for a concealed  
13 handgun license or permit:

14 (a) submit to a criminal history record  
15 check;

16 (b) not be prohibited from possessing  
17 firearms pursuant to federal or state law; and

18 (c) satisfactorily complete a firearms  
19 safety program that covers deadly force issues, weapons care  
20 and maintenance, safe handling and storage of firearms and  
21 marksmanship."