

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 641

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

AN ACT

RELATING TO CONCEALED HANDGUNS; PROVIDING FOR A FOUR-YEAR  
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; MAKING  
EXCEPTIONS FOR LAW ENFORCEMENT OFFICERS.

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

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

"29-19-1. SHORT TITLE.--~~[This act]~~ Chapter 29, Article 19  
NMSA 1978 may be cited as the "Concealed Handgun Carry Act"."

Section 2. 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

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1 issue concealed handgun licenses to qualified applicants.  
2 Original and renewed concealed handgun licenses shall be valid  
3 for a period of [~~two~~] four years from the date of issuance,  
4 unless the license is suspended or revoked."

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

7 "29-19-4. APPLICANT QUALIFICATIONS.--

8 A. The department shall issue a concealed handgun  
9 license to an applicant who:

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

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1 possessing a firearm;

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

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

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

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

12 (1) received a conditional discharge, a  
13 diversion or a deferment or has been convicted of, pled guilty  
14 to or entered a plea of nolo contendere to a misdemeanor  
15 offense involving a crime of violence within ten years  
16 immediately preceding the application;

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

21 (3) been convicted of a misdemeanor offense  
22 involving the possession or abuse of a controlled substance  
23 within ten years immediately preceding the application; or

24 (4) been convicted of a misdemeanor offense  
25 involving assault, battery or battery against a household

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1 member.

2 C. Firearms training course instructors who are  
3 approved by the department shall not be required to complete a  
4 firearms training course pursuant to Paragraph (10) of  
5 Subsection A of this section."

6 Section 4. Section 29-19-5 NMSA 1978 (being Laws 2003,  
7 Chapter 255, Section 5) is amended to read:

8 "29-19-5. APPLICATION FORM--SCREENING OF APPLICANTS--  
9 FEE--LIMITATIONS ON LIABILITY.--

10 A. Effective July 1, 2003, applications for  
11 concealed handgun licenses shall be made readily available at  
12 locations designated by the department. Applications for  
13 concealed handgun licenses shall be completed, under penalty of  
14 perjury, on a form designed and provided by the department and  
15 shall include:

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

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

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

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

8 B. The applicant shall submit to the department:

- 9 (1) a completed application form;  
10 (2) a nonrefundable application fee in an  
11 amount not to exceed one hundred dollars (\$100);  
12 (3) two full sets of fingerprints;  
13 (4) a certified copy of a certificate of  
14 completion for a firearms training course approved by the  
15 department;  
16 (5) two color photographs of the applicant;  
17 (6) a certified copy of a birth certificate or  
18 proof of United States citizenship, if the applicant was not  
19 born in the United States; and  
20 (7) proof of residency in New Mexico.

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

23 D. Upon receipt of the items listed in Subsection B  
24 of this section, the department shall make a reasonable effort  
25 to determine if an applicant is qualified to receive a

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1 concealed handgun license. The department shall conduct an  
2 appropriate check of available records and shall forward the  
3 applicant's fingerprints to the federal bureau of investigation  
4 for a national criminal background check. The department shall  
5 comply with the license-issuing requirements set forth in  
6 Section ~~[7 of the Concealed Handgun Carry Act]~~ 29-19-7 NMSA  
7 1978. However, the department shall suspend or revoke a  
8 license if the department receives information that would  
9 disqualify an applicant from receiving a concealed handgun  
10 license after the thirty-day time period has elapsed.

11 E. A state or local government agency shall comply  
12 with a request from the department pursuant to the Concealed  
13 Handgun Carry Act within thirty days of the request."

14 Section 5. Section 29-19-6 NMSA 1978 (being Laws 2003,  
15 Chapter 255, Section 6) is amended to read:

16 "29-19-6. APPEAL--LICENSE RENEWAL--REFRESHER FIREARMS  
17 TRAINING COURSE--SUSPENSION OR REVOCATION OF LICENSE.--

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

22 (1) issue a concealed handgun license to an  
23 applicant; or

24 (2) deny the application on the grounds that  
25 the applicant failed to qualify for a concealed handgun license

1 pursuant to the provisions of the Concealed Handgun Carry Act.

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

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

- 11 (1) a color photograph of the licensee;  
12 (2) the licensee's name, address and date  
13 of birth;  
14 (3) the expiration date of the concealed  
15 handgun license; and  
16 (4) the category and the largest caliber of  
17 handgun that the licensee is licensed to carry, with a  
18 statement that the licensee is licensed to carry smaller  
19 caliber handguns but shall carry only one concealed handgun at  
20 any given time.

21 D. A licensee shall notify the department within  
22 thirty days regarding a change of [~~his~~] the licensee's name or  
23 permanent address. A licensee shall notify the department  
24 within [~~thirty~~] ten days if the licensee's concealed handgun  
25 license is lost, stolen or destroyed.

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1           E. If a concealed handgun license is [~~reported~~]  
2 lost, stolen or destroyed, the license is invalid and the  
3 licensee may obtain a duplicate license by furnishing the  
4 department a notarized statement that the original license was  
5 lost, stolen or destroyed and paying a reasonable fee. If the  
6 license is lost or stolen, the licensee shall file a police  
7 report with a local law enforcement agency and include the  
8 police case number in the notarized statement.

9           F. A licensee may renew [~~his~~] a concealed handgun  
10 license by submitting to the department:

11                 (1) a completed renewal form, under penalty of  
12 perjury, designed and provided by the department; [~~accompanied~~  
13 ~~by~~]

14                 (2) a payment of a [~~fifty-dollar (\$50.00)~~]  
15 seventy-five-dollar (\$75.00) renewal fee; [A licensee who  
16 renews his concealed handgun license may renew his license by  
17 taking] and

18                 (3) a certificate of completion of a four-hour  
19 refresher firearms training course [and paying the fifty-dollar  
20 (\$50.00) renewal fee to the department] approved by the  
21 department.

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

1 renew [~~his~~] a concealed handgun license within sixty days after  
 2 it has expired may apply for a new concealed handgun license  
 3 pursuant 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 [~~G.~~] 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 [~~his~~] the application form or renewal form  
 16 for a 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 [~~to him~~]; or

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

23 Section 6. Section 29-19-12 NMSA 1978 (being Laws 2003,  
 24 Chapter 255, Section 12) is amended to read:

25 "29-19-12. RULES--DEPARTMENT TO ADMINISTER--RECIPROCAL

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1 AGREEMENTS WITH OTHER STATES.--The department shall promulgate  
2 rules necessary to implement the provisions of the Concealed  
3 Handgun Carry Act. The rules shall include:

4 A. grounds for the suspension and revocation of  
5 concealed handgun licenses issued pursuant to the provisions of  
6 the Concealed Handgun Carry Act;

7 B. provision of authority for a law enforcement  
8 officer to confiscate a concealed handgun license when a  
9 licensee violates the provisions of the Concealed Handgun Carry  
10 Act;

11 C. provision of authority for a private property  
12 owner to disallow the carrying of a concealed handgun on [~~his~~]  
13 the owner's property;

14 D. creation of a sequential numbering system for  
15 all concealed handgun licenses issued by the department and  
16 display of numbers on issued concealed handgun licenses; and

17 E. provision of authority for the transfer,  
18 recognition or reciprocity of a concealed handgun license  
19 issued by another state if the issuing authority for the other  
20 state:

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

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

1                   (3) has disqualification, suspension and  
2 revocation requirements for a concealed handgun license or  
3 permit; and

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

6                               (a) submit to a national criminal  
7 history record check;

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

10                              (c) satisfactorily complete a firearms  
11 safety program that covers deadly force issues, weapons care  
12 and maintenance, safe handling and storage of firearms and  
13 marksmanship."

14           Section 7. A new section of the Concealed Handgun Carry  
15 Act is enacted to read:

16                   "[NEW MATERIAL] CURRENT AND RETIRED LAW ENFORCEMENT  
17 OFFICERS.--

18                           A. An application fee, a renewal fee and a firearms  
19 training course are not required for an applicant or licensee  
20 who is a certified law enforcement officer pursuant to the Law  
21 Enforcement Training Act.

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

24                                       (1) the officer was a certified law  
25 enforcement officer pursuant to the Law Enforcement Training

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1 Act for at least fifteen years prior to retirement; and

2 (2) the retirement is in good standing as  
3 shown by a letter from the agency from which the officer  
4 retired.

5 C. A retired law enforcement officer who has been  
6 retired ten years or less is not required to complete a  
7 firearms training course.

8 D. A retired law enforcement officer who has been  
9 retired for more than ten years shall be required to complete a  
10 firearms training course. The officer shall be allowed to  
11 attend any local law enforcement agency's firearms  
12 qualification course; provided that the officer supplies the  
13 officer's own ammunition, handgun, targets and range equipment.  
14 A local law enforcement agency shall not be liable under the  
15 Tort Claims Act for providing a firearms training course to a  
16 retired law enforcement officer pursuant to this subsection.

17 E. A retired law enforcement officer's concealed  
18 handgun license shall have printed on the license "retired  
19 police officer" and shall be valid for a period of five years."