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HOUSE BILL 67

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY
Jimmie C. Hall

AN ACT

RELATING TO FIREARMS; AMENDING THE CONCEALED HANDGUN CARRY ACT
TO REQUIRE A NATIONAL INSTANT CRIMINAL BACKGROUND CHECK FOR A
CONCEALED HANDGUN LICENSE.

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;

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

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

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

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

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

11 G. "licensee" means a person holding a valid
12 concealed handgun license issued to ~~him~~ the person by the
13 department; and

14 H. "national instant criminal background check
15 system" means the national system created by the federal Brady
16 Handgun Violence Prevention Act."

17 SECTION 2. Section 29-19-5 NMSA 1978 (being Laws 2003,
18 Chapter 255, Section 5, as amended) is amended to read:

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

21 A. Effective July 1, 2003, applications for
22 concealed handgun licenses shall be made readily available at
23 locations designated by the department. Applications for
24 concealed handgun licenses shall be completed, under penalty of
25 perjury, on a form designed and provided by the department and

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1 shall include:

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

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

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

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

19 B. The applicant shall submit to the department:

20 (1) a completed application form;

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

23 (3) two full sets of fingerprints;

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

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1 department;

2 (5) two color photographs of the applicant;

3 (6) a certified copy of a birth certificate or
4 proof of United States citizenship, if the applicant was not
5 born in the United States; and

6 (7) proof of residency in New Mexico.

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

9 D. Upon receipt of the items listed in Subsection B
10 of this section, the department shall make a reasonable effort
11 to determine if an applicant is qualified to receive a
12 concealed handgun license. The department shall conduct an
13 appropriate check of available records, which shall include a
14 report from the national instant criminal background check
15 system, and shall forward the applicant's fingerprints to the
16 federal bureau of investigation for a national criminal
17 background check. The department shall comply with the
18 license-issuing requirements set forth in Section [~~29-19-7~~]
19 29-19-6 NMSA 1978. However, the department shall suspend or
20 revoke a license if the department receives information that
21 would disqualify an applicant from receiving a concealed
22 handgun license after the thirty-day time period has elapsed.

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

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1 SECTION 3. 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--LICENSE RENEWAL--
4 REFRESHER FIREARMS TRAINING COURSE--LOST OR STOLEN LICENSE--
5 SUSPENSION 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, which shall include a
10 report from the national instant criminal background check
11 system, on the applicant, shall:

12 (1) issue a concealed handgun license to an
13 applicant; or

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

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

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

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- 1 (1) a color photograph of the licensee;
2 (2) the licensee's name, address and date
3 of birth;
4 (3) the expiration date of the concealed
5 handgun license; and
6 (4) the category and the largest caliber of
7 handgun that the licensee is licensed to carry, with a
8 statement that the licensee is licensed to carry smaller
9 caliber handguns but shall carry only one concealed handgun at
10 any given time.

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

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

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, which shall include a report from the national
9 instant criminal background check system, of a licensee seeking
10 to renew a license. A concealed handgun license shall not be
11 renewed more than sixty days after it has expired. A licensee
12 who fails to renew a concealed handgun license within sixty
13 days after it has expired may apply for a new concealed handgun
14 license pursuant to the provisions of the Concealed Handgun
15 Carry Act.

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

24 I. The department shall suspend or revoke a
25 concealed handgun license if:

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