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SENATE BILL 676

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY
SHANNON ROBINSON

AN ACT

RELATING TO FIREARMS; ENACTING THE PERSONAL PROTECTION ACT;
REQUIRING A LICENSE TO CARRY A CONCEALED LOADED FIREARM;
CREATING A FUND; AMENDING AND ENACTING SECTIONS OF THE NMSA
1978; MAKING AN APPROPRIATION.

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

Section 1. [NEW MATERIAL] SHORT TITLE. -- Sections 1
through 13 of this act may be cited as the "Personal Protection
Act".

Section 2. [NEW MATERIAL] FINDINGS. -- The legislature
finds that, as a matter of public policy, it is necessary to
provide statewide, uniform standards for the issuance of
concealed firearm licenses for security and defense. The
legislature further finds it necessary to occupy the entire
field of regulation regarding the carrying of concealed loaded

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1 firearms to ensure effective enforcement.

2 Section 3. [NEW MATERIAL] DEFINITIONS. -- As used in the
3 Personal Protection Act:

4 A. "applicant" means a person seeking a license to
5 carry a concealed firearm;

6 B. "department" means the department of public
7 safety;

8 C. "firearm" means a loaded pistol or revolver that
9 is designed to expel a projectile by the action of an explosion;
10 and

11 D. "licensee" means a person holding a valid
12 concealed firearm license issued to him by the department
13 pursuant to the provisions of the Personal Protection Act.

14 Section 4. [NEW MATERIAL] DATE OF LICENSURE-- PERIOD OF
15 LICENSURE. -- Effective September 1, 1997, the department is
16 authorized to issue concealed firearm licenses to qualified
17 applicants. Concealed firearm licenses shall be valid
18 throughout the state for a period of four years from the date of
19 issuance, unless the license is suspended or revoked.

20 Section 5. [NEW MATERIAL] APPLICANT QUALIFICATIONS. --

21 A. The department shall issue a concealed firearm
22 license if the applicant:

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

24 (2) is a resident of New Mexico or is a member
25 of the armed forces whose permanent duty station is located in

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1 New Mexico, or is a dependent of such a member;

2 (3) is twenty-one years of age or older;

3 (4) is not a fugitive from justice;

4 (5) has not been convicted of a felony in New
5 Mexico or any other state or under the laws of the United
6 States;

7 (6) is not currently under indictment for a
8 felony criminal offense in New Mexico or any other state or
9 under the laws of the United States;

10 (7) has not been adjudicated mentally
11 incompetent or involuntarily committed to a mental institution;

12 (8) is not addicted to alcohol or controlled
13 substances, as evidenced by involuntary commitment to a
14 residential treatment facility within the five-year period
15 immediately preceding application for a concealed firearm
16 license; and

17 (9) has satisfactorily completed a firearms
18 training course approved by the department.

19 B. The department may deny a concealed firearm
20 license if the applicant has been convicted of one or more
21 misdemeanor offenses involving crimes of violence within a
22 five-year period immediately preceding application for a
23 concealed firearm license, or if the applicant has been
24 convicted of one or more misdemeanor offenses involving the
25 possession or abuse of a controlled substance within a five-year

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1 period immediately preceding application for a concealed firearm
2 license.

3 Section 6. [NEW MATERIAL] APPLICATION FORM- - SCREENING OF
4 APPLICANTS- - FEE- - LIMITATIONS ON LIABILITY. - -

5 A. Applications for concealed firearm licenses shall
6 be completed, under oath, on a form designed and provided by the
7 department. Applications for concealed firearm licenses shall
8 be made readily available at locations designated by the
9 department and shall include the following:

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

14 (2) a statement that the applicant is aware of
15 and understands the requirements for licensure set forth in the
16 Personal Protection Act;

17 (3) a statement that the applicant has been
18 furnished a copy of the Personal Protection Act and is
19 knowledgeable of its provisions; and

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

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1 1978.

2 B. The applicant shall submit the following items to
3 the department:

4 (1) a completed application form;

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

7 (3) a full set of fingerprints; and

8 (4) a certified copy of a certificate of
9 completion for a firearms training course approved by the
10 department.

11 C. A law enforcement agency or other entity
12 authorized by the department may fingerprint an applicant and
13 may charge a fee not to exceed ten dollars (\$10.00).

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 the applicant is qualified to receive a
17 concealed firearm 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 records check. No later than twenty
21 days after receiving the application items, the department shall
22 forward copies of the items to the sheriff of the county in
23 which the applicant resides, so that the sheriff may check
24 available records to verify the accuracy of the application
25 items. Within thirty days of receiving copies of the

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1 application items from the department, the sheriff shall return
2 all copies of the application items to the department with the
3 results of the records check. If the sheriff fails to respond
4 to the department within the thirty-day period, the department
5 shall still comply with the license issuing requirements set
6 forth in Section 7 of the Personal Protection Act. However, the
7 department may suspend or revoke a license if the sheriff
8 receives information that would disqualify an applicant from
9 receiving a concealed firearm license after the thirty-day time
10 period has elapsed.

11 E. A person employed by a law enforcement agency of
12 this state shall not be criminally or civilly liable for acts
13 committed by a licensee unless the person had actual knowledge
14 at the time the concealed firearm license was issued that the
15 licensee was prohibited by law from being issued such a license.
16 An organization or individual approved by the department to
17 offer a firearms training course shall not be criminally or
18 civilly liable for acts committed by a licensee.

19 Section 7. [NEW MATERIAL] DEPARTMENT RESPONSE TO
20 APPLICATION--RIGHT TO APPEAL--SUSPENSION OR REVOCATION OF
21 LICENSE--LICENSE RENEWAL. --

22 A. No later than sixty days following receipt by the
23 department of the completed application items, the department
24 shall:

25 (1) issue a concealed firearm license to an

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1 applicant; or

2 (2) deny the application on the grounds that
3 the applicant failed to qualify for a license pursuant to the
4 provisions of the Personal Protection Act.

5 B. If the department denies an application, it shall
6 notify the applicant in writing, stating the grounds for denial
7 of the application and informing the applicant of his right to
8 submit, within sixty days, any additional documentation relating
9 to the grounds for denial. Upon receiving any additional
10 documentation from an applicant, the department shall reconsider
11 its decision and inform the applicant within twenty days of the
12 result of the department's reconsideration. The applicant shall
13 also be informed of his right to seek review of the denial in
14 the district court of the county in which the applicant resides.
15 If the district court reverses the department's denial of a
16 person's application for a concealed firearm license, any costs
17 incurred by the person in bringing the appeal shall be
18 reimbursed to him by the state.

19 C. The department shall maintain a database of all
20 licensees, and information contained in the database shall be
21 available to all state and local law enforcement agencies upon
22 request. Information relating to an applicant or to a licensee
23 received and maintained by the department or any other law
24 enforcement agency is privileged and confidential and exempt
25 from public disclosure.

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1 D. A licensee shall notify the department within
2 thirty days regarding a change of his name or permanent address.
3 A licensee shall notify the department within thirty days when
4 the licensee loses his concealed firearm license or it is
5 destroyed.

6 E. If a concealed firearm license is reported lost
7 or destroyed, the license is invalid and the licensee may obtain
8 a duplicate license by furnishing the department a notarized
9 statement that the original license was lost or destroyed and
10 paying a fee of fifteen dollars (\$15.00) to the department.

11 F. A licensee may renew his license on or before the
12 expiration date of the license by returning a completed renewal
13 form designed and provided by the department to the department,
14 accompanied by a payment of a fifty dollar (\$50.00) renewal fee.
15 The renewal form shall include a notarized affidavit stating
16 that the licensee remains qualified for a concealed firearm
17 license. A licensee who fails to renew his concealed firearm
18 license before it expires may renew his license by paying, in
19 addition to the fifty dollar (\$50.00) renewal fee, a late fee of
20 fifteen dollars (\$15.00) to the department. A concealed firearm
21 license shall not be renewed more than sixty days after it has
22 expired. A licensee who fails to renew his license within sixty
23 days after it has expired may apply for a new concealed firearm
24 license pursuant to the provisions of the Personal Protection
25 Act.

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1 Section 8. ~~[NEW MATERIAL]~~ DEMONSTRATION OF ABILITY AND
2 KNOWLEDGE-- COURSE REQUIREMENT-- PROPRIETARY INTEREST--
3 EXEMPTIONS. --

4 A. The department shall prepare and publish general
5 guidelines for approved firearms training courses and
6 qualifications of firearm instructors. An approved firearms
7 training course shall be a course that is certified or sponsored
8 by a federal or state law enforcement agency, a college, a
9 firearms training school or a nationally recognized organization
10 that customarily offers firearms training, so long as the
11 firearms training course includes the following elements:

12 (1) instruction regarding knowledge of and safe
13 handling of firearms;

14 (2) instruction regarding knowledge of and safe
15 handling of ammunition;

16 (3) instruction regarding safe firearm shooting
17 fundamentals;

18 (4) live shooting of a firearm on a firing
19 range; and

20 (5) identification of ways to develop and
21 maintain firearm shooting skills.

22 B. In addition to the elements set forth in
23 Subsection A of this section, the firearms training course shall
24 provide instruction regarding:

25 (1) federal, state and local laws pertaining to

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1 the purchase, ownership, transportation, use and possession of
2 firearms;

3 (2) federal, state and local laws pertaining to
4 the use of a firearm for self-defense; and

5 (3) techniques for avoiding a criminal attack
6 and how to control a violent confrontation.

7 C. Every instructor of an approved firearms training
8 course shall annually file a copy of the course description and
9 proof of certification with the department. A person's
10 proprietary interest in a firearms training course shall not be
11 disclosed to any other person, except a law enforcement officer.

12 D. The application requirement set forth in
13 Paragraph (9) of Subsection A of Subsection 5 of the Personal
14 Protection Act shall be waived for an applicant who is
15 currently:

16 (1) certified to teach a firearms training
17 course approved by the department;

18 (2) serving on active duty or active reserve
19 duty as a law enforcement officer in New Mexico for a period of
20 not less than five consecutive years prior to application for a
21 concealed firearm license; or

22 (3) honorably retired from active duty with a
23 federal or New Mexico state, county or municipal law enforcement
24 agency, when the period of retirement does not exceed five years
25 prior to application for a concealed firearm license.

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1 Section 9. [NEW MATERIAL] LIMITATION ON LICENSE. -- Nothing
2 in the Personal Protection Act shall be construed as allowing a
3 person having a valid concealed firearm license to carry a
4 concealed loaded firearm into or on premises where to do so
5 would be in violation of state or federal law.

6 Section 10. [NEW MATERIAL] POSSESSION OF LICENSE. -- A
7 licensee shall have his concealed firearm license in his
8 possession at all times while carrying a concealed loaded
9 firearm.

10 Section 11. [NEW MATERIAL] PREEMPTION OF LICENSE BY
11 TRIBAL LAW. -- A concealed firearm license shall be valid on
12 tribal land unless the governing body of an Indian nation, tribe
13 or pueblo has preempted the Personal Protection Act by enacting
14 law prohibiting the carrying of a concealed loaded firearm on
15 tribal land.

16 Section 12. [NEW MATERIAL] DEPARTMENT TO ADMINISTER--
17 RULES AND REGULATIONS. -- The department shall promulgate rules
18 and regulations necessary to implement the provisions of the
19 Personal Protection Act. The rules and regulations shall
20 include grounds for the revocation and suspension of licenses
21 issued pursuant to the provisions of the Personal Protection
22 Act.

23 Section 13. [NEW MATERIAL] FUND CREATED. --

24 A. There is created in the state treasury the
25 "personal protection license fund".

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1 B. All money received by the department pursuant to
2 the provisions of the Personal Protection Act shall be deposited
3 by the state treasurer for credit to the personal protection
4 license fund. The state treasurer shall invest the fund as all
5 other state funds are invested, and income from the investment
6 of the personal protection license fund shall be credited to the
7 fund. Balances remaining at the end of any fiscal year shall
8 not revert to the general fund.

9 C. Money in the personal protection license fund is
10 appropriated to the department and shall be used for the purpose
11 of carrying out the provisions of the Personal Protection Act.

12 Section 14. Section 30-7-2 NMSA 1978 (being Laws 1963,
13 Chapter 303, Section 7-2, as amended) is amended to read:

14 "30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON. --

15 A. Unlawful carrying of a deadly weapon consists of
16 carrying a concealed loaded firearm or any other type of deadly
17 weapon anywhere, except in the following cases:

18 (1) in the person's residence or on real
19 property belonging to him as owner, lessee, tenant or licensee;

20 (2) in a private automobile or other private
21 means of conveyance, for lawful protection of the person's or
22 another's person or property;

23 (3) by a peace officer in accordance with the
24 policies of his law enforcement agency who is certified pursuant
25 to the Law Enforcement Training Act; [Ø]

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1 (4) by a peace officer in accordance with the
2 policies of his law enforcement agency who is employed on a
3 temporary basis by that agency and who has successfully
4 completed a course of firearms instruction prescribed by the New
5 Mexico law enforcement academy or provided by a certified
6 firearms instructor who is employed on a permanent basis by a
7 law enforcement agency; or

8 (5) by a person in possession of a valid
9 concealed firearm license issued to him by the department of
10 public safety pursuant to the provisions of the Personal
11 Protection Act.

12 B. Nothing in this section shall be construed to
13 prevent the carrying of any unloaded firearm.

14 C. Whoever commits unlawful carrying of a deadly
15 weapon is guilty of a petty misdemeanor. Upon a second or
16 subsequent conviction under this section, an offender is guilty
17 of a misdemeanor."

18 Section 15. EFFECTIVE DATE. --The effective date of the
19 provisions of this act is July 1, 1997.

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

3
4
5
6 February 21, 1997

7
8 Mr. President:

9
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

12
13 SENATE BILL 676

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.
18

19
20 Respectfully submitted,

21
22
23 _____
24 Shannon Robinson, Chairman
25

Adopted _____ Not Adopted _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 2 Against

Yes: 6

No: Feldman, Rodarte

Excused: Garcia

Absent: None

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SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 676

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

RELATING TO FIREARMS; ENACTING THE PERSONAL PROTECTION ACT;
REQUIRING A LICENSE TO CARRY A CONCEALED LOADED FIREARM;
CREATING A FUND; AMENDING AND ENACTING SECTIONS OF THE NMSA
1978; MAKING AN APPROPRIATION.

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

Section 1. [NEW MATERIAL] SHORT TITLE. -- Sections 1 through
13 of this act may be cited as the "Personal Protection Act".

Section 2. [NEW MATERIAL] FINDINGS. -- The legislature finds
that, as a matter of public policy, it is necessary to provide
statewide, uniform standards for the issuance of concealed
firearm licenses for security and defense. The legislature
further finds it necessary to occupy the entire field of
regulation regarding the carrying of concealed firearms to
ensure effective enforcement.

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Section 3. [NEW MATERIAL] DEFINITIONS. --As used in the Personal Protection Act:

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

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

C. "department" means the department of public safety; and

D. "licensee" means a person holding a valid concealed firearm license issued to him by the department pursuant to the provisions of the Personal Protection Act.

Section 4. [NEW MATERIAL] DATE OF LICENSURE--PERIOD OF LICENSURE. --Effective January 1, 1998, the department is authorized to issue concealed firearm licenses to qualified applicants. Concealed firearm licenses shall be valid throughout the state for a period of four years from the date of issuance, unless the license is suspended or revoked.

Section 5. [NEW MATERIAL] APPLICANT QUALIFICATIONS. --

A. The department shall issue a concealed firearm license if the applicant:

(1) is a citizen of the United States;

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

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

(4) is not a fugitive from justice;

(5) has not been convicted of a felony in New Mexico or any other state or under the laws of the United

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1 States;

2 (6) is not currently under indictment for a felony
3 criminal offense in New Mexico or any other state or under the laws
4 of the United States;

5 (7) is not otherwise prohibited by federal law from
6 purchasing or possessing a firearm;

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

9 (9) is not addicted to alcohol or controlled
10 substances, as evidenced by involuntary commitment to a residential
11 treatment facility within the five-year period immediately
12 preceding application for a concealed firearm license; and

13 (10) has satisfactorily completed a firearms
14 training course approved by the department.

15 B. The department shall deny a concealed firearm license
16 if the applicant has been convicted of, pled guilty to or entered a
17 plea of nolo contendere to one or more misdemeanor offenses
18 involving crimes of violence within a five-year period immediately
19 preceding application for a concealed firearm license, or if the
20 applicant has been convicted of one or more misdemeanor offenses
21 involving driving while under the influence of intoxicating liquor
22 or drugs, careless driving, reckless driving or the possession or
23 abuse of a controlled substance within a five-year period
24 immediately preceding application for a concealed firearm license.

25 Section 6. [NEW MATERIAL] APPLICATION FORM- SCREENING OF

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1 APPLICANTS-- FEE-- LIMITATIONS ON LIABILITY. --

2 A. Applications for concealed firearm licenses shall be
3 completed, under oath, on a form designed and provided by the
4 department. Applications for concealed firearm licenses shall be
5 made readily available at locations designated by the department
6 and shall include the following:

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

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

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

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

23 B. The applicant shall submit the following items to the
24 department:

25 (1) a completed application form;

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

3 (3) two full sets of fingerprints;

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

6 (5) two color photographs;

7 (6) a certified copy of a birth certificate; and

8 (7) proof of residency in New Mexico.

9 C. A law enforcement agency or other entity authorized by
10 the department may fingerprint an applicant and may charge a fee
11 not to exceed ten dollars (\$10.00).

12 D. Upon receipt of the items listed in Subsection B of
13 this section, the department shall make a reasonable effort to
14 determine if the applicant is qualified to receive a concealed
15 firearm license. The department shall conduct an appropriate check
16 of available records and shall forward the applicant's fingerprints
17 to the federal bureau of investigation for a national criminal
18 records check. No later than thirty days after receiving the
19 application items, the department shall forward copies of the items
20 to the sheriff of the county in which the applicant resides, so
21 that the sheriff may check available records to verify the accuracy
22 of the application items. Within thirty days of receiving copies
23 of the application items from the department, the sheriff shall
24 return all copies of the application items to the department with
25 the results of the records check. If the sheriff fails to respond

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1 to the department within the thirty-day period, the department
2 shall still comply with the license issuing requirements set forth
3 in Section 7 of the Personal Protection Act. However, the
4 department may suspend or revoke a license if the sheriff receives
5 information that would disqualify an applicant from receiving a
6 concealed firearm license after the thirty-day time period has
7 elapsed.

8 E. A person employed by a law enforcement agency of the
9 state or political subdivision of the state shall not be criminally
10 or civilly liable for acts committed by a licensee unless the
11 person had actual knowledge at the time the concealed firearm
12 license was issued that the licensee was prohibited by law from
13 being issued such a license. An organization or individual
14 approved by the department to offer a firearms training course
15 shall not be criminally or civilly liable for acts committed by a
16 licensee.

17 Section 7. [NEW MATERIAL] DEPARTMENT RESPONSE TO
18 APPLICATION-- RIGHT TO APPEAL--SUSPENSION OR REVOCATION OF LICENSE--
19 LICENSE RENEWAL. --

20 A. No later than seventy-five days following receipt by
21 the department of the completed application items, the department
22 shall:

- 23 (1) issue a concealed firearm license to an
- 24 applicant; or
- 25 (2) deny the application on the grounds that the

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1 applicant failed to qualify for a license pursuant to the
2 provisions of the Personal Protection Act.

3 B. If the department denies an application, it shall
4 notify the applicant in writing, stating the grounds for denial of
5 the application and informing the applicant of his right to submit,
6 within sixty days, any additional documentation relating to the
7 grounds for denial. Upon receiving any additional documentation
8 from an applicant, the department shall reconsider its decision and
9 inform the applicant within twenty days of the result of the
10 department's reconsideration. The applicant shall also be informed
11 of his right to seek review of the denial, within sixty days of the
12 final denial by the department, in the district court of the county
13 in which the applicant resides. If the district court reverses the
14 department's denial of a person's application for a concealed
15 firearm license, any costs incurred by the person in bringing the
16 appeal shall be reimbursed to him by the state.

17 C. The department shall maintain a database of all
18 licensees, and information contained in the database shall be
19 available to all state and local law enforcement agencies upon
20 request. Information relating to an applicant or to a licensee
21 received and maintained by the department or any other law
22 enforcement agency is privileged and confidential and exempt from
23 public disclosure; provided, the department may disclose the name
24 and address of an applicant or licensee.

25 D. A concealed firearm license issued by the department

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1 shall include the following:

- 2 (1) a color photograph of the licensee;
 - 3 (2) the licensee's name, address and date of birth;
 - 4 (3) the expiration date of the license; and
 - 5 (4) a description of the concealed firearms that
- 6 will be lawfully carried by the licensee and the caliber of
- 7 ammunition used for the concealed firearms.

8 E. A licensee shall notify the department within thirty

9 days regarding a change of his name or permanent address. A

10 licensee shall notify the department within thirty days if the

11 licensee loses his concealed firearm license or it is stolen or

12 destroyed.

13 F. If a concealed firearm license is reported lost,

14 stolen or destroyed, the license is invalid and the licensee may

15 obtain a duplicate license by furnishing the department a notarized

16 statement that the original license was lost, stolen or destroyed

17 and paying a fee of fifteen dollars (\$15.00) to the department.

18 G. A licensee may renew his license within sixty days of

19 the expiration date of the license by returning a completed renewal

20 form designed and provided by the department to the department,

21 accompanied by a payment of a fifty dollar (\$50.00) renewal fee.

22 The renewal form shall include a notarized affidavit stating that

23 the licensee remains qualified for a concealed firearm license. A

24 licensee who fails to renew his concealed firearm license before it

25 expires may renew his license by taking a refresher firearms

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1 training course and paying, in addition to the fifty dollar
2 (\$50.00) renewal fee, a late fee of fifteen dollars (\$15.00) to the
3 department. A concealed firearm license shall not be renewed more
4 than sixty days after it has expired. A licensee who fails to
5 renew his license within sixty days after it has expired may apply
6 for a new concealed firearm license pursuant to the provisions of
7 the Personal Protection Act.

8 Section 8. [NEW MATERIAL] DEMONSTRATION OF ABILITY AND
9 KNOWLEDGE-- COURSE REQUIREMENT-- PROPRIETARY INTEREST-- EXEMPTIONS. --

10 A. The department shall prepare and publish general
11 guidelines for approved firearms training courses and
12 qualifications of firearm instructors. An approved firearms
13 training course shall be a course that is certified or sponsored by
14 a federal or state law enforcement agency, a college, a firearms
15 training school, or a nationally recognized organization that is
16 approved by the department that customarily offers firearms
17 training, so long as the firearms training course is at least
18 twelve hours in length and includes the following elements:

- 19 (1) instruction regarding knowledge of and safe
20 handling of firearms;
- 21 (2) instruction regarding safe storage of firearms
22 and child safety;
- 23 (3) instruction regarding knowledge of and safe
24 handling of ammunition;
- 25 (4) instruction regarding safe storage of ammunition

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1 and child safety;

2 (5) instruction regarding safe firearm shooting
3 fundamentals;

4 (6) live shooting of a firearm on a firing range;
5 and

6 (7) identification of ways to develop and maintain
7 firearm shooting skills.

8 B. In addition to the elements set forth in Subsection A
9 of this section, the firearms training course shall provide
10 instruction regarding:

11 (1) federal, state and local laws pertaining to the
12 purchase, ownership, transportation, use and possession of
13 firearms;

14 (2) federal, state and local laws pertaining to the
15 use of a firearm for self-defense; and

16 (3) techniques for avoiding a criminal attack and
17 how to control a violent confrontation.

18 C. Every instructor of an approved firearms training
19 course shall annually file a copy of the course description and
20 proof of certification with the department. A person's proprietary
21 interest in a firearms training course shall not be disclosed to
22 any other person, except a law enforcement officer.

23 D. The application requirement set forth in Paragraph
24 (10) of Subsection A of Section 5 of the Personal Protection Act
25 shall be waived for an applicant who is currently:

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1 (1) certified to teach a firearms training course
2 approved by the department;

3 (2) serving on active duty or active reserve duty as
4 a law enforcement officer in New Mexico for a period of not less
5 than five consecutive years prior to application for a concealed
6 firearm license; or

7 (3) retired from active duty with a federal or New
8 Mexico state, county or municipal law enforcement agency, when the
9 period of retirement does not exceed two years prior to application
10 for a concealed firearm license.

11 Section 9. [NEW MATERIAL] LIMITATION ON LICENSE. -- Nothing in
12 the Personal Protection Act shall be construed as allowing a person
13 having a valid concealed firearm license to carry a concealed
14 firearm into or on premises where to do so would be in violation of
15 state or federal law.

16 Section 10. [NEW MATERIAL] POSSESSION OF LICENSE. -- A
17 licensee shall have his concealed firearm license in his possession
18 at all times while carrying a concealed firearm.

19 Section 11. [NEW MATERIAL] PREEMPTION OF LICENSE BY TRIBAL
20 LAW. -- A concealed firearm license shall be valid on tribal land
21 unless the governing body of an Indian nation, tribe or pueblo has
22 preempted the Personal Protection Act by enacting law prohibiting
23 the carrying of a concealed firearm on tribal land.

24 Section 12. [NEW MATERIAL] DEPARTMENT TO ADMINISTER-- RULES
25 AND REGULATIONS. -- The department shall promulgate rules and

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1 regulations necessary to implement the provisions of the Personal
2 Protection Act. The rules and regulations shall include:

3 A. grounds for the revocation and suspension of licenses
4 issued pursuant to the provisions of the Personal Protection Act;

5 B. provision of authority for a law enforcement officer
6 to confiscate a concealed firearm license when a licensee violates
7 the provisions of the Personal Protection Act;

8 C. provision of authority for a private property owner to
9 disallow the carrying of concealed firearm on his property;

10 D. provision of authority for private employers to
11 disallow the carrying of a concealed firearm by an employee during
12 the employee's work shift;

13 E. provision of authority for the transfer of a concealed
14 firearm license issued by another state; and

15 F. creation of a numbering system for all concealed
16 firearm licenses issued by the department and display of numbers on
17 issued concealed firearm licenses.

18
19 Section 13. [NEW MATERIAL] FUND CREATED. --

20 A. There is created in the state treasury the "personal
21 protection license fund".

22 B. All money received by the department pursuant to the
23 provisions of the Personal Protection Act shall be deposited by the
24 state treasurer for credit to the personal protection license fund.
25 The state treasurer shall invest the fund as all other state funds

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1 are invested, and income from the investment of the personal
2 protection license fund shall be credited to the fund. Balances
3 remaining at the end of any fiscal year shall not revert to the
4 general fund.

5 C. Money in the personal protection license fund is
6 appropriated to the department and shall be used for the purpose of
7 carrying out the provisions of the Personal Protection Act.

8 Section 14. Section 30-7-2 NMSA 1978 (being Laws 1963, Chap-
9 ter 303, Section 7-2, as amended) is amended to read:

10 "30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON. --

11 A. Unlawful carrying of a deadly weapon consists of
12 carrying a concealed loaded firearm or any other type of deadly
13 weapon anywhere, except in the following cases:

14 (1) in the person's residence or on real property
15 belonging to him as owner, lessee, tenant or licensee;

16 (2) in a private automobile or other private means
17 of conveyance, for lawful protection of the person's or another's
18 person or property;

19 (3) by a peace officer in accordance with the
20 policies of his law enforcement agency who is certified pursuant to
21 the Law Enforcement Training Act; ~~[or]~~

22 (4) by a peace officer in accordance with the
23 policies of his law enforcement agency who is employed on a
24 temporary basis by that agency and who has successfully completed a
25 course of firearms instruction prescribed by the New Mexico law

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1 enforcement academy or provided by a certified firearms instructor
2 who is employed on a permanent basis by a law enforcement agency;
3 or

4 (5) by a person in possession of a valid concealed
5 firearm license issued to him by the department of public safety
6 pursuant to the provisions of the Personal Protection Act.

7 B. Nothing in this section shall be construed to prevent
8 the carrying of any unloaded firearm

9 C. Whoever commits unlawful carrying of a deadly weapon
10 is guilty of a petty misdemeanor. Upon a second or subsequent
11 conviction under this section, an offender is guilty of a
12 misdemeanor. "

13 Section 15. EFFECTIVE DATE. -- The effective date of the
14 provisions of this act is January 1, 1998.

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SJC/SB 676

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FORTY-THIRD LEGISLATURE SB 676/a
FIRST SESSION, 1997

March 15, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 676

has had it under consideration and reports same with recommendation
that it DO PASS, amended as follows:

1. On page 4, line 1, strike ", careless driving, reckless
driving".

2. On page 5, line 13, after the semicolon strike "and".

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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SFC/SB 676

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3. On page 5, line 14, strike the period and insert in lieu thereof "; and".

4. On page 5, between lines 14 and 15, insert the following new paragraph:

"(8) a description of the categories of action, whether semi-automatic or not semi-automatic, of the concealed firearms that will be lawfully carried by the licensee and the caliber of ammunition used for the concealed firearms."

5. On page 8, line 4, after "; disclosure" strike the remainder of the line in its entirety, strike line 5 in its entirety and insert in lieu thereof a period.

6. On page 8, line 11, after the semicolon strike "and".

7. On page 8, line 14, strike the period and insert in lieu thereof "; and".

8. On page 8, between lines 14 and 15, insert the following new paragraph:

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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"(5) a description of the categories of action, whether semi-automatic or not semi-automatic, of the concealed firearms that will be lawfully carried by the licensee and the caliber of ammunition used for the concealed firearms."

9. On page 9, between lines 14 and 15, insert the following new subsection:

"H. If a licensee wants to lawfully carry concealed firearms of a different category of action than the concealed firearms described on the original concealed firearm license, the licensee may obtain a modified concealed firearm license by providing the department with a description of the categories of action, whether semi-automatic or not semi-automatic, of the new concealed firearms that will be lawfully carried by the licensee and the caliber of ammunition used for the concealed firearms. The licensee shall also pay the department a fee of fifteen dollars (\$15.00)."

10. On page 12, line 23, before "numbering" insert "sequential".

Respectfully submitted,

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FIRST SESSION, 1997

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SFC/SB 676

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Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 2 Against

Yes: 7

No: Eisenstadt, Romero

Excused: Aragon, McKibben

Absent: None

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SJC/SB 676

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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State of New Mexico
House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. Speaker:

**Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred**

**SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 676, as amended**

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.**

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SJC/SB 676

HBI/C/CSSB 676, aa

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Respectfully submitted,

Fred Luna, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Alwin, Gubbels, Olguin, J. G. Taylor

Absent: Getty

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