

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILLS 237 & 283

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO CONCEALED HANDGUN LICENSES; DEFINING "RESERVE LAW ENFORCEMENT OFFICER"; CLARIFYING LICENSE APPLICATION REQUIREMENTS FOR CURRENT, RETIRED OR RESERVE LAW ENFORCEMENT OFFICERS AND MOUNTED PATROL MEMBERS.

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

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1 semiautomatic or not semiautomatic;

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

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

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

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

15 H. "reserve law enforcement officer" means a
16 volunteer, temporary or part-time employee of a state or
17 local law enforcement agency who is accepted by that agency as
18 a reserve law enforcement officer after receiving a background
19 check and completing a basic law enforcement training program
20 certified by the director of the New Mexico law enforcement
21 academy."

22 SECTION 2. Section 29-19-5 NMSA 1978 (being Laws 2003,
23 Chapter 255, Section 5, as amended) 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. Except as provided in Section 29-19-14 NMSA
25 1978, the applicant shall submit to the department:

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

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

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

1 concealed handgun license after the thirty-day time period has
 2 elapsed.

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

6 SECTION 3. Section 29-19-14 NMSA 1978 (being Laws 2005,
 7 Chapter 242, Section 7, as amended) is amended to read:

8 "29-19-14. CURRENT, [~~AND~~] RETIRED AND RESERVE LAW
 9 ENFORCEMENT OFFICERS AND NEW MEXICO MOUNTED PATROL
 10 MEMBERS--APPLICATION REQUIREMENTS.--

11 A. An application fee, a renewal fee and a firearms
 12 training course are not required [~~for~~] to be submitted by an
 13 applicant or licensee who is a:

14 (1) [~~a~~] current [~~or retired~~] certified law
 15 enforcement officer pursuant to the Law Enforcement Training
 16 Act;

17 (2) retired certified law enforcement officer
 18 pursuant to the Law Enforcement Training Act, if:

19 (a) the retired officer was a certified
 20 law enforcement officer pursuant to the Law Enforcement
 21 Training Act for at least fifteen years prior to retirement;

22 (b) the retired officer has been retired
 23 for ten years or less; and

24 (c) the retired officer's retirement is
 25 in good standing as shown by a letter from the agency from

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1 which the officer retired; [or

2 ~~(2)-a]~~ (3) current member of the New Mexico
3 mounted patrol who has successfully completed a law enforcement
4 academy basic law enforcement training program for New Mexico
5 mounted patrol members pursuant to Section 29-6-4.1 NMSA 1978;

6 or

7 (4) current reserve law enforcement officer
8 who provides to the department a certification from a law
9 enforcement agency that the officer is a volunteer with or
10 employee of that agency.

11 B. A current, retired or reserve law enforcement
12 officer or New Mexico mounted patrol member shall submit to the
13 department with the officer's or member's application two full
14 sets of fingerprints and a color photograph of the [~~law~~
15 ~~enforcement]~~ officer or [~~New Mexico mounted patrol]~~ member.

16 The department shall conduct an appropriate check of available
17 records and shall forward the applicant's fingerprints to the
18 federal bureau of investigation for a national criminal
19 background check.

20 [~~G. A retired law enforcement officer is not~~
21 ~~required to submit an application fee or a renewal fee if:~~

22 ~~(1) the officer was a certified law~~
23 ~~enforcement officer pursuant to the Law Enforcement Training~~
24 ~~Act for at least fifteen years prior to retirement; and~~

25 ~~(2) the retirement is in good standing as~~

1 ~~shown by a letter from the agency from which the officer~~
2 ~~retired.~~

3 ~~D. A retired law enforcement officer who has been~~
4 ~~retired ten years or less is not required to complete a~~
5 ~~firearms training course.~~

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

15 ~~[F.]~~ D. A retired law enforcement officer's
16 concealed handgun license shall have printed on the license
17 "retired police officer" and shall be valid for a period of
18 five years."