

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 48 PRIVATE LAW ENFORCEMENT PRACTITIONERS**  
**PART 2 REQUIREMENTS FOR LICENSURE**

**16.48.2.1 ISSUING AGENCY:** Regulation and Licensing Department, Private Investigations Advisory Board.  
[16.48.2.1 NMAC - Re-pr, 16.48.2.1 NMAC, 9/24/2008]

**16.48.2.2 SCOPE:** All individuals and business entities that apply for licensure under the Private Investigations Act.  
[16.48.2.2 NMAC - Re-pr, 16.48.2.2 NMAC, 9/24/2008]

**16.48.2.3 STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Private Investigations Act, Sections 61-27B-7, 61-27B-8, 61-27B-9, 61-27B-10, 61-27B-11, 61-27B-12, 61-27B-13, 61-27B-14, 61-27B-15, 61-27B-16, 61-27B-17, 61-27B-18, 61-27B-19, 61-27B24, 61-27B-31 and 61-27B-35 NMSA 1978.  
[16.48.2.3 NMAC - Re-pr, 16.48.2.3 NMAC, 9/24/2008]

**16.48.2.4 DURATION:** Permanent.  
[16.48.2.4 NMAC - Re-pr, 16.48.2.4 NMAC, 9/24/2008]

**16.48.2.5 EFFECTIVE DATE:** September 24, 2008 unless a later date is cited in the history note at the end of a section.  
[16.48.2.5 NMAC - Re-pr & A, 16.48.2.5 NMAC, 9/24/2008]

**16.48.2.6 OBJECTIVE:** To establish the procedures and outline the documents and information necessary to complete the application process for licensure.  
[16.48.2.6 NMAC - Re-pr, 16.48.2.6 NMAC, 9/24/2008]

**16.48.2.7 DEFINITIONS:** Please refer to 16.48.1.7 NMAC in addition to the definitions within this part.

- A. “Chemical agents”** means tear gas or any other certifiable non-lethal chemical agents used for the intent to restrain and control unruly or combative subjects for the purposes of safety to the security officer and the public.
- B. “Defensive impact tools”** means straight baton, expandable baton, side handle baton or other defensive impact tools used for the intent to restrain and control unruly or combative subjects for the purposes of safety to the security officer and the public.
- C. “Electronic non-lethal devices”** means tasers or other certifiable devices used for the intent to restrain and control unruly or combative subjects for the purposes of safety to the security officer and the public.
- D. “One-year verifiable training”** means proof of experience that has been acquired within the five years preceding the filing of the application with the department which shall consist of not less than 1,000 hours of actual work performed in the respective area of licensure or registration sought after.
- E. “Restraint and control devices”** means handcuffs or similar certifiable devices used for the intent to restrain and control unruly or combative subjects for the purposes of safety to the security officer and the public.

[16.48.2.7 NMAC - Re-pr & A, 16.48.2.7 NMAC, 9/24/2008; A, 1/15/2015; A, 1/15/2019]

**16.48.2.8 BOND AND GENERAL LIABILITY INSURANCE REQUIREMENT:**

- A.** All private investigators, private patrol operators and private investigation companies seeking to obtain or retain a license under the provisions of the Private Investigations Act shall file with the department and retain in full force and effect, a surety bond in the amount of ten thousand dollars (\$10,000) executed by a surety company authorized to do business in this state on a form prescribed by the department.
- B.** The owner or the chief executive officer of a private investigation company or private security company that provides personal protection or bodyguard services or the owner or the chief executive office of a private patrol company shall maintain a general liability certificate of insurance in the amount of not less than one million dollars (\$1,000,000).

**C.** A surety bond in the amount of ten thousand dollars (\$10,000) or a general liability certificate of insurance executed and filed with the department pursuant to the Private Investigations Act shall remain in force until the surety company issuing the bond or the certificate has terminated future indemnity by notice to the department.

**D.** Any failure to furnish and maintain such bond in such form shall be grounds for denial or revocation of any license of a private investigator, private patrol operator, or private investigation company.

**E.** In the event a bond is offered which varies from the department form the department shall determine whether bond is in substantial conformance with the Private Investigations Act and department rules.

**F.** The duration of each bond shall, unless sooner terminated in accordance with law, be for the term of the term of the license issued as set forth on the face thereof and 30 days thereafter.

**G.** Such bond shall also be filed and maintained for each period of renewal of license and the duration thereof shall be for the renewal period specified on the face of the license and 30 days thereafter.

**H.** Any claim filed or made against any private investigator, private patrol operator, or private investigation company shall be reported by him forthwith to his surety company.

**I.** Upon receipt of notice of any claim made against any private investigator, private patrol operator, or private investigation company the surety insurance company bonding such private investigator, private patrol operator, or private investigation company shall forthwith report the same to the department.

**J.** All complaints filed, judgments rendered or injunctions issued, whether temporary or final, against any private investigator, private patrol operator, private investigation company or their surety insurance company shall be reported to department, within 10 days after receipt of the same by such private investigator, private patrol operator, private investigation company, surety company, or their agents, attorneys, or employees, together with the name of the court where filed and the name and address of the attorney for claimant, or the claimant if he has no attorney.

**K.** A private investigator or private patrol operator or private investigation company or licensee or registrant shall furnish the department with any information requested by the department pursuant to a claim or complaint or suit filed alleging a violation of any rule or statute governing private investigators, private patrol operators, private investigation companies, licensees or registrants when requested to do so by the department. Failure to comply with this request may result in disciplinary action. No payment may be made by a surety insurance company pursuant to a claim or complaint filed with the department unless the department directs such payment to be made.

**L.** The failure to furnish such notice of claims or suits or such information shall be deemed sufficient to revoke or suspend any license of a private investigator, private patrol operator or private investigation company or to deem any bond for such private investigator, private patrol operator or private investigation company insufficient.

**M.** The department may determine that any claim made or suit filed against any private investigator, private patrol operator or private investigation company has reduced the amount of the bond of such investigator, patrol operator or private investigation company in full force and effect to such extent as the department shall, in its discretion, determine. Any judgment obtained against any private investigator or private patrol operator or private investigation company or their surety insurance company shall be deemed to reduce the amount of their bond insurance in full force and effect by the amount of the judgment. In the event the amount of the bond in full force and effect shall be so reduced, such private investigator or private patrol operator or private investigation company shall, within 10 days, file a new or supplemental bond insurance sufficient to meet the requirements of law as to the amount of bond insurance in full force and effect.

**N.** If any claim is made or suit filed against any private investigator or private patrol operator or private investigation company for his actions, or the actions of any of his employees, and any portion of such act or acts as a private investigator or private patrol operator or private investigation company took place or occurred during the period for which a bond was in force, such surety shall be deemed liable for the whole of such claim to the extent of the total amount of the bond, provided that if more than one bond was in effect during the performance of all or any part of such acts, the liability shall be pro-rated among such sureties.

[16.48.2.8 NMAC - Re-pr & A, 16.48.2.8 NMAC, 9/24/2008; A, 1/15/2019]

#### **16.48.2.9 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE INVESTIGATOR LICENSE:**

**A.** Applicants for licensure as a private investigator must submit the following:  
(1) completed application;  
(2) proof of age indicating applicant is at least 21 years of age (copy of birth certificate, driver's license, state issued identification card, military identification, U.S. passport or baptismal certificate);

- (3) proof of successfully passing a jurisprudence examination to be administered by the department;
- (4) a surety bond in the amount of ten thousand dollars (\$10,000) executed by a surety company authorized to do business in this state on a form prescribed by the department; however, private investigators who provide personal protection or bodyguard services shall maintain general liability insurance in the amount not less than one million dollars (\$1,000,000) in lieu of the surety bond required by the provisions of this paragraph;
- (5) proof of experience that has been acquired within the five years preceding the filing of the application with the department which shall consist of not less than 6,000 hours of actual work performed in:
  - (a) investigation for the purpose of obtaining information with reference to a crime or wrongs done or threatened against the United States;
  - (b) investigation of persons;
  - (c) the location, disposition or recovery of lost or stolen property;
  - (d) the cause or responsibility for fire, losses, motor vehicle or other accidents or damage or injury to persons or property; or
  - (e) securing evidence to be used before a court, administrative tribunal, board or investigating committee or for a law enforcement officer;
- (6) non-refundable license fee as set forth in Part 5; and
- (7) criminal history background check as set forth in Subsection C of 16.48.2.9 NMAC.

**B.** Years of qualifying experience and the precise nature of that experience shall be substantiated by written certification from employers on a form provided by the department and shall be subject to independent verification by the department as it deems warranted. In the event of inability of applicants to supply such written certifications from employers in whole or in part, applicants may offer other written certifications from others than employers covering the same subject matter for consideration by the department. The burden of proving necessary experience is on the applicant.

**C.** Pursuant to Section 61-27B-34 of the act, NMSA 1978, all applicants for initial issuance, reinstatement or renewal of a private investigator license in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check.

- (1) Fingerprints shall be taken:
  - (a) under the supervision of and certified by a New Mexico state police officer, a county sheriff, or a municipal chief of police;
  - (b) by comparable officers in the applicant's state of residence if the applicant is not a resident of New Mexico; or
  - (c) at the discretion of the department, by a private agency or individual qualified to take and certify fingerprints, provided the agency submits to the department written authorization or proof of training from any of the agencies referenced in Subparagraphs (a) and (b) above.

(2) Completed fingerprint cards shall be submitted to the department or department designee with a check, money order, or cashier's check for the prescribed fee.

**D.** Proof of successfully completing mandatory firearms training required by 16.48.4.8 NMAC. [16.48.2.9 NMAC - Re-pr & A, 16.48.2.9 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019]

**16.48.2.10 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE INVESTIGATION COMPANY LICENSE:**

- A.** Applicants for licensure as a private investigation company must submit the following:
  - (1) completed application;
  - (2) a surety bond in the amount of ten thousand dollars (\$10,000); however, private investigators who provide personal protection or bodyguard services shall maintain general liability insurance as specified in the Private Investigations Act in lieu of the surety bond required by the provisions of this paragraph; a private investigator or private patrol operator holding a certificate of deposit or surety bond prior to July 1, 2007 in the sum of two thousand dollars (\$2,000) shall be exempt from the bond provisions of the Private Investigations Act, provided that the private investigator's or private patrol operator's license remains current and the holder remains in good standing with the regulation and licensing department;
  - (3) proof of an owner or a licensed private investigations manager who is licensed as a private investigator and who certifies that they will manage the daily operations of the private investigation company;

(4) proof of a physical location in New Mexico where records are maintained and made available for department inspection;

(5) proof of a New Mexico registered agent if the applicant is a private investigation company located outside of New Mexico;

(6) non-refundable license fee as set forth in Part 5; and

(7) criminal history background check as set forth in Subsection C of 16.48.2.10 NMAC.

**B.** The owner or the chief executive officer of a private investigation company that provides personal protection or bodyguard services shall provide proof of an active and current general liability certificate of insurance in the amount of no less than one million dollars (\$1,000,000).

**C.** Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance, reinstatement or renewal of a private investigation company license in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check. A legal business entity must submit a fingerprint packet for each owner, and officers or directors.

(1) Fingerprints shall be taken:

(a) under the supervision of and certified by a New Mexico state police officer, a county sheriff, or a municipal chief of police;

(b) by comparable officers in the applicant's state of residence if the applicant is not a resident of New Mexico; or

(c) at the discretion of the department, by a private agency or individual qualified to take and certify fingerprints, provided the agency submits to the department written authorization or proof of training from any of the agencies referenced in Subparagraphs (a) and (b) above.

(2) Completed fingerprint cards shall be submitted to the department or designee with a check, money order, or cashier's check for the prescribed fee.

[16.48.2.10 NMAC - Re-pr & A, 16.48.2.10 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019]

**16.48.2.11 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE INVESTIGATIONS MANAGER LICENSE:** Applicants for licensure as a private investigations manager license must submit the following:

**A.** proof of a current license in good standing as a private investigator;

**B.** proof of successfully passing a jurisprudence examination to be administered by the department;

**C.** proof of employment with the private investigation company that the applicant is being licensed to manage;

**D.** completed application;

**E.** non-refundable license fee as set forth in Part 5;

**F.** pursuant to Section 61-27B-34 of the act, NMSA 1978, all applicants for initial issuance or reinstatement of a private investigations manager license in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check;

(1) fingerprints shall be taken:

(a) under the supervision of and certified by a New Mexico state police officer, a county sheriff, or a municipal chief of police;

(b) by comparable officers in the applicant's state of residence if the applicant is not a resident of New Mexico; or

(c) at the discretion of the department, by a private agency or individual qualified to take and certify fingerprints, provided the agency submits to the department written authorization or proof of training from any of the agencies referenced in Subparagraphs (a) and (b) above;

(2) completed fingerprint cards shall be submitted to the department or designee with a check, money order, or cashier's check for the prescribed fee.

[16.48.2.11 NMAC - Re-pr & A, 16.48.2.11 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019]

**16.48.2.12 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE INVESTIGATIONS EMPLOYEE REGISTRATION:**

**A.** On or after July 1, 2007, every individual who seeks employment or is currently employed as a private investigations employee or who provides services on a contract basis to a private investigation company shall file an application for registration as a private investigations employee with the department.

**B.** Applicants for registration as a private investigations employee must submit the following:

(1) completed application;

- (2) non-refundable registration fee as set forth in Part 5;
- (3) proof of age indicating applicant is at least 21 years of age (copy of birth certificate, driver's license, state issued identification card, military identification, U.S. passport or baptismal certificate);
- (4) proof of a high school diploma or its equivalent;
- (5) proof of successfully passing a jurisprudence examination to be administered by the board;
- (6) proof of employment or contract with a private investigation company to provide investigation services for, a private investigation company, under the direct control and supervision of a private investigator; and
- (7) criminal history background check as set forth in Subsection C of 16.48.2.12 NMAC.

**C.** Pursuant to Section 61-27B-34 of the act, NMSA 1978, all applicants for initial issuance or reinstatement of a private investigations employee registration in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check.

- (1) Fingerprints shall be taken:
  - (a) under the supervision of and certified by a New Mexico state police officer, a county sheriff, or a municipal chief of police;
  - (b) by comparable officers in the applicant's state of residence if the applicant is not a resident of New Mexico; or
  - (c) at the discretion of the department, by a private agency or individual qualified to take and certify fingerprints, provided the agency submits to the department written authorization or proof of training from any of the agencies referenced in Subparagraphs (a) and (b) above.

(2) Completed fingerprint cards shall be submitted to the department or designee with a check, money order, or cashier's check for the prescribed fee.

**D.** Proof of successfully completing mandatory firearms training required by 16.48.4.8 NMAC. [16.48.2.12 NMAC - Re-pr & A, 16.48.2.12 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019]

**16.48.2.13 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE PATROL OPERATOR LICENSE:**

- A.** Applicants for licensure as a private patrol operator must submit the following:
- (1) proof of age indicating applicant is at least 21 years of age (copy of birth certificate, driver's license, state issued identification card, military identification, U.S. passport or baptismal certificate);
  - (2) completed application;
  - (3) proof of successfully passing a jurisprudence examination to be administered by the department;
  - (4) proof of experience of actual work performed as a security guard consisting of not less than 4,000 hours of actual work performed as a guard, watchman, or patrolman or an equivalent position, one year of which shall have been in a supervisory capacity; the experience shall have been acquired within five years preceding the filing of the application with the department; years of qualifying experience and the precise nature of that experience shall be substantiated by written certification from the applicant's employers and shall be subject to independent verification by the department as it determines is warranted; the burden of proving necessary experience is on the applicant;
  - (5) proof of being firearm certified as required by 16.48.4.8 NMAC, if the position will require being armed with a firearm;
  - (6) non-refundable application fee as set forth in Part 5; and
  - (7) criminal history background check as set forth in Subsection C of 16.48.2.13 NMAC.

**B.** Pursuant to Section 61-27B-34 of the act, NMSA 1978, all applicants for initial issuance, reinstatement or renewal of a private patrol operator license in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check.

- (1) Fingerprints shall be taken:
  - (a) under the supervision of and certified by a New Mexico state police officer, a county sheriff, or a municipal chief of police;
  - (b) by comparable officers in the applicant's state of residence if the applicant is not a resident of New Mexico; or
  - (c) at the discretion of the department, by a private agency or individual qualified to take and certify fingerprints, provided the agency submits to the department written authorization or proof of training from any of the agencies referenced in Subparagraphs (a) and (b) above.

(2) Completed fingerprint cards shall be submitted to the department or designee with a check, money order, or cashier's check for the prescribed fee.  
[16.48.2.13 NMAC - Re-pr & A, 16.48.2.13 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019]

**16.48.2.14 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE PATROL COMPANY LICENSE:**

A. Applicants for licensure as a private patrol company must submit the following:

- (1) completed application;
- (2) proof of an owner or a licensed private patrol operations manager who certifies they will manage the daily operations of the private patrol company;
- (3) proof of a physical location in New Mexico where records are maintained and made available for department inspection;
- (4) proof of a New Mexico registered agent if the applicant is a private patrol company located outside of New Mexico; and
- (5) criminal history background check as set forth in Subsection C of 16.48.2.14 NMAC.

B. The owner or the chief executive officer of a private patrol company shall provide proof of a current and active general liability certificate of insurance in an amount not less than one million dollars (\$1,000,000).

C. Pursuant to Section 61-27B-34 of the act, NMSA 1978, all applicants for initial issuance, reinstatement or renewal of a private patrol company license in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check. A legal business entity must submit a fingerprint packet for each owner, and officers or directors.

(1) Fingerprints shall be taken:

- (a) under the supervision of and certified by a New Mexico state police officer, a county sheriff, or a municipal chief of police;
- (b) by comparable officers in the applicant's state of residence if the applicant is not a resident of New Mexico; or
- (c) at the discretion of the department, by a private agency or individual qualified to take and certify fingerprints, provided the agency submits to the department written authorization or proof of training from any of the agencies referenced in subparagraphs (a) and (b) above.

(2) Completed fingerprint cards shall be submitted to the department or designee with a check, money order, or cashier's check for the prescribed fee.  
[16.48.2.14 NMAC - Re-pr & A, 16.48.2.14 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019]

**16.48.2.15 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE PATROL OPERATIONS MANAGER LICENSE:** Applicants for licensure as a private patrol operations manager must submit the following:

A. proof of a current license in good standing as a private patrol operator or a registration as a level three security guard;

B. proof of successfully passing a jurisprudence examination to be administered by the department;

C. proof of employment with the private patrol company that the applicant is being licensed to manage;

D. completed application; and

E. non-refundable application fee as set forth in Part 5.

[16.48.2.15 NMAC - Re-pr & A, 16.48.2.15 NMAC, 9/24/2008; A, 5/1/2010]

**16.48.2.16 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A POLYGRAPH EXAMINER LICENSE:**

A. Applicants for licensure as a polygraph examiner must submit the following:

- (1) proof of age indicating applicant is at least 18 years of age (copy of birth certificate, driver's license, state issued identification card, military identification, U.S. passport or baptismal certificate);
- (2) completed application;
- (3) proof of a high school diploma or its equivalent;
- (4) proof of graduation from an accredited polygraph examiners course approved by the department;
- (5) proof of:

(a) completing a probationary operational competency period and passing an examination of ability approved by the department to practice polygraphy; or

(b) holding, for a minimum of two years immediately preceding the date of application, a current active license to practice polygraphy in another jurisdiction whose standards are equal to or greater than those in New Mexico; the applicant must have no pending disciplinary actions and no formal disciplinary actions issued against the license in the last five years;

(6) non-refundable application fee as set forth in Part 5; and

(7) criminal history background check as set forth in Subsection C of 16.48.2.16 NMAC.

**B.** Pursuant to Section 61-27B-34 of the act, NMSA 1978, all applicants for initial issuance, reinstatement or renewal of a polygraph examiner license in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check.

(1) Fingerprints shall be taken:

(a) under the supervision of and certified by a New Mexico state police officer, a county sheriff, or a municipal chief of police;

(b) by comparable officers in the applicant's state of residence if the applicant is not a resident of New Mexico; or

(c) at the discretion of the department, by a private agency or individual qualified to take and certify fingerprints, provided the agency submits to the department written authorization or proof of training from any of the agencies referenced in Subparagraphs (a) and (b) of Paragraph (2) of this subsection.

(2) Completed fingerprint cards shall be submitted to the department or designee with a check, money order, or cashier's check for the prescribed fee.

**C.** Probationary operational competency period.

(1) Under successful completion of a written examination, a provisional license may be issued.

(2) During the probationary period, consisting of at least six months, the polygraph examinations administered by the provisional licensee shall be reviewed for operational competency by a licensed polygraph examiner appointed by a board member or the superintendent to serve as a sponsor for the provisional licensee. During the probationary period, the provisional licensee must conduct a minimum of 30 polygraph examinations, a minimum of five of which must be examinations, two of the "specific" examinations, and three of the "screening type" examinations must be performed in the presence of his or her sponsor, or recorded in their entirety for review by the sponsor or the board member. In the case of an applicant who conducts only "specific" examinations, a minimum of five "specific" examinations must be conducted in the presence of his or her sponsor, or recorded in their entirety for review by the sponsor or the board member.

(3) The sponsor appointed shall submit a progress report regarding the progress of the provisional licensee every 60 days on forms provided by the board.

(4) If an unsatisfactory report is submitted, the board member shall review the polygraph examinations administered by the provisional licensee for operational competency. Upon such review, the board member at his or her discretion may revoke the provisional license or take such action as it deems necessary to assure operational competency. Any revocations under this subsection shall be subject to the Uniform Licensing Act, Section 61-1-1 et. seq., NMSA 1978 Comp.

(5) The board member may at any time review the polygraph examinations administered by the provisional licensee for operational competency for any reason.

[16.48.2.16 NMAC - Re-pr & A, 16.48.2.16 NMAC, 9/24/2008; A, 08/30/09; A, 5/1/2010; A, 1/15/2019]

#### **16.48.2.17 LEVEL ONE SECURITY GUARD APPLICANT QUALIFICATIONS AND EXPERIENCE REQUIREMENTS:**

**A.** Every individual seeking employment or employed as a level one security guard shall file an application for registration with the department.

**B.** Applicants for registration as a level one security guard shall submit the following:

(1) completed application with two passport type photos taken within the prior six months;

(2) non-refundable registration fee as defined in 16.48.5 NMAC;

(3) proof of age indicating applicant is at least 18 years of age (copy of driver's license, state issued identification card, military identification, baptismal certification or U.S. passport);

(4) achievement of a passing score of not less than ninety percent on the board approved jurisprudence examination, provided by the board, covering the Private Investigations Act and the rules;

(5) department's release of information form; and

(6) proof of completing a department approved training program as defined in Subsection D of 16.48.2.17 NMAC prior to being placed on a guard post for the first time as a level one security guard; that training may be provided by:

(a) a public educational institution in New Mexico or an educational institution licensed by the higher education department pursuant to the Post-Secondary Educational Institution Act (21-23-1 NMSA 1978);

(b) an in-house training program provided by a licensed private patrol company using a curriculum provided by the department and taught by an instructor who has been reviewed and recommended by the board and approved by the superintendent; or

(c) any other department-approved educational institution using a curriculum approved by the department and taught by an instructor who has been reviewed and recommended by the board and approved by the superintendent.

**C. BACKGROUND CHECK:** Pursuant to Section 61-27B-34 of the act, NMSA 1978, all applicants for initial issuance, reinstatement or renewal of a level one security guard registration in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check.

(1) All applicants for licensure or registration shall be fingerprinted electronically as required for submission to the federal bureau of investigation to conduct a national criminal history investigation and for submission to the department of public safety to conduct a state criminal history investigation.

(2) Initial and renewal applicants will need to register on-line with the agent for New Mexico department of public safety prior to going to an electronic fingerprinting location:

(a) at the electronic fingerprinting location, the applicant will need to provide the electronic fingerprinting technician with a registration number they received after registering online;

(b) a designated fee determined by the New Mexico department of public safety shall be paid at the time of registration by credit card or at the fingerprinting site by cashier's check or money order; and

(c) fingerprint results will be sent electronically to the department.

**D. TRAINING REQUIREMENTS:** The following eight hour curriculum is the minimum training required and must be completed within twelve months prior to application for security guard level one registration. The training shall be taught by a department approved instructor that has been recommended by the board and approved by the superintendent. Training shall be taught by an in-person instructor;

(1) legal training for security guards;

(a) legal responsibilities, qualifications, restrictions and liability of level one security guard;

(b) introduction to use of force continuum, appropriate use of force and de-escalation techniques;

(c) appropriate search and seizure, legal restrictions and civil liability, and;

(d) New Mexico laws on trespass pursuant to the act, Section 30-14-1 NMSA 1978;

(2) authority and responsibility of the security guard;

(a) communication with local law enforcement;

(b) radio dispatch protocol and other communication tools;

(c) image, professional communication, note-taking and report writing;

(3) incident scene management and preservation;

(a) identifying evidence;

(b) care and handling of evidence;

(c) securing the immediate area, and;

(d) witness/participant identification.

[16.48.2.17 NMAC - Re-pr & A, 16.48.2.17 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2015; A, 1/15/2019]

#### **16.48.2.18 LEVEL TWO SECURITY GUARD APPLICANT QUALIFICATIONS AND EXPERIENCE REQUIREMENTS:**

**A.** Every individual seeking employment or employed as a level two security guard shall file an application for registration with the department. To carry a specific endorsement weapon, not including a firearm, will require successful completion of the specific weapon curriculum as defined in Subsection E of 16.48.2.18 NMAC.

**B.** Applicants for registration as a level two security guard shall submit the following:



- (1) completed application with two passport type photos taken within the prior six months;
- (2) non-refundable registration fee as defined in 16.48.5 NMAC;
- (3) proof of age indicating applicant is at least 21 years of age (copy of driver's license, state issued identification card, military identification, baptismal certification or U.S. passport);
- (4) proof of a current registration in good standing as a level one security guard or proof of completing department approved level one security guard training;
- (5) achievement of a passing score of not less than ninety percent on the board approved jurisprudence examination, provided by the board, covering the Private Investigations Act and the rules;
- (6) proof of a high school diploma or its equivalent;
- (7) department's release of information form; and
- (8) proof of completing a department approved weapon training program as defined in Subsection D of 16.48.2.18 NMAC for level two security guard training prior to being placed on a guard post for the first time as a level two security guard; that training may be provided by:
  - (a) a public educational institution in New Mexico or an educational institution licensed by the higher education department pursuant to the Post-Secondary Educational Institution Act (21-23-1 NMSA 1978);
  - (b) an in-house training program provided by a licensed private patrol company using a curriculum provided by the department and taught by an instructor who has been reviewed and recommended by the board and approved by the superintendent;
  - (c) the New Mexico law enforcement academy; or
  - (d) any other department-approved educational institution using a curriculum approved by the department and taught by an instructor who has been reviewed and recommended by the board and approved by the superintendent.

**C. BACKGROUND CHECK:** Pursuant to Section 61-27B-34 of the act, NMSA 1978, all applicants for initial issuance or reinstatement of a level two security guard registration in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check.

(1) All applicants for licensure or registration shall be fingerprinted electronically as required for submission to the federal bureau of investigation to conduct a national criminal history investigation and for submission to the department of public safety to conduct a state criminal history investigation.

(2) Initial and renewal applicants will need to register on-line with the agent for New Mexico department of public safety prior to going to an electronic fingerprinting location:

- (a) at the electronic fingerprinting location, the applicant will need to provide the electronic fingerprinting technician with a registration number they received after registering online;
- (b) a designated fee determined by the New Mexico department of public safety shall be paid at the time of registration by credit card or at the fingerprinting site by cashier's check or money order; and
- (c) fingerprint results will be sent electronically to the department.

**D. TRAINING REQUIREMENTS:** The following 20 hour curriculum is the minimum training required and must be completed within twelve months prior to application for security guard level two registration. The training shall be taught by a department approved instructor that has been recommended by the board and approved by the superintendent. Training shall be taught by an in-person instructor:

- (1) legal and practical aspects of use of force and personal/employer liability;
- (2) verbal and written communication and conflict management;
- (3) restraint and control devices training shall include, but not be limited to, the following subjects:
  - (a) handcuffing nomenclature;
  - (b) daily maintenance and safety checks;
  - (c) applying and removing handcuffs;
  - (d) potentially uncooperative and uncooperative handcuffing;
  - (e) handcuffing from control holds;
  - (f) handcuffing from standing and prone;
  - (g) dangers of positional asphyxia and excited delirium;
  - (h) standing a prone handcuffed subject;
  - (i) conflict resolution;
  - (j) handcuffing guidelines and best practice; and

- (k) use of force and justification for handcuffing;
- (4) defensive impact tools training shall include, but not be limited to, the following subjects:
  - (a) moral and legal aspects of baton usage;
  - (b) use of force;
  - (c) baton familiarization and uses;
  - (d) first aid for baton injuries;
  - (e) fundamentals of baton injuries;
  - (f) stances and grips;
  - (g) target areas;
  - (h) defensive techniques;
  - (i) control techniques;
  - (j) arrest and control techniques, and;
  - (k) skill practice;
- (5) chemical agents training shall include, but not be limited to the following subjects:
  - (a) effects of chemical agents;
  - (b) avoiding bad positions;
  - (c) disengagement;
  - (d) proper defensive positions;
  - (e) shielding;
  - (f) drawing techniques;
  - (g) defense against moving attacks;
  - (h) spraying techniques;
  - (i) using OC spray with light;
  - (j) multiple opponent defense;
  - (k) proper weapon retention and disarming;
  - (l) cautions and hazards;
  - (m) recovery and decontamination;
  - (n) functioning when contaminated, and;
  - (o) storage and maintenance;

**E. ADDITIONAL ENDORSEMENTS:** An applicant for weapon endorsement must successfully complete training for the specific weapon endorsement. The following endorsement for level two applicants; eight hour electronic non-lethal device training shall include, but is not limited to, the following subjects:

- (1) technology overview ;
- (2) electrical and medical background;
- (3) specifications how electronic non-lethal devices work;
- (4) practical hands-on training;
- (5) changing batteries and air cartridges;
- (6) firing drills;
- (7) drive stun;
- (8) tactical considerations;
- (9) field applications
- (10) safety considerations and associated risks; and
- (11) how an electronic non-lethal device overrides the central nervous system.

[16.48.2.18 NMAC - Re-pr & A, 16.48.2.18 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2015; A, 1/15/2019]

**16.48.2.19 LEVEL THREE SECURITY GUARD APPLICANT QUALIFICATIONS AND EXPERIENCE REQUIREMENTS:**

**A.** Every individual seeking employment or employed as a level three security guard or level three armored vehicle security guard shall file an application for registration with the department.

**B.** Applicants for registration as a level three security guard shall submit the following:

- (1) completed application with two passport type photos taken within the prior six months;
- (2) non-refundable registration fee as defined in 16.48.5 NMAC;
- (3) proof of age indicating applicant is at least 21 years of age (copy of driver's license, state issued identification card, military identification, baptismal certification or U.S. passport);
- (4) copy of a current registration in good standing as a level two security guard or proof of completing department approved level one and level two security guard training;

(5) achievement of a passing score of not less than ninety percent on the board approved jurisprudence examination, provided by the board, covering the Private Investigations Act and the rules;

(6) proof of a high school diploma or its equivalent;

(7) department's release of information form;

(8) proof of completing a department approved firearm training program as defined in Subsection C of 16.48.2.19 NMAC prior to being placed on a guard post for the first time as a level three security guard; that training must be provided by:

(a) a public educational institution in New Mexico or an educational institution licensed by the higher education department pursuant to the Post-Secondary Educational Institution Act;

(b) an in-house training program provided by a licensed private patrol company using a curriculum provided by the department and taught by an instructor who has been reviewed and recommended by the board and approved by the superintendent;

(c) the New Mexico law enforcement academy; or

(d) any other department-approved educational institution using a curriculum approved by the department and taught by an instructor who has been reviewed and recommended by the board and approved by the superintendent;

(9) proof of being firearm certified by an instructor recognized and certified by the New Mexico law enforcement academy or the national rifle association (NRA) law enforcement activities division;

(10) proof of level two weapon endorsement or proof of completing department approved weapon training as defined in Subsection E of 16.48.2.18 NMAC; and

(11) successful completion of a psychological evaluation as prescribed by the department to determine suitability for carrying firearms.

#### **C. PSYCHOLOGICAL EVALUATION**

(1) **Requirements:** Prior to certification as a level three security guard in the state of New Mexico, upon initial licensure only, it shall be necessary for each applicant to be examined by a licensed psychologist regarding the individual's mental suitability to carry a firearm within the individual's scope of duty as a licensed level three security guard. A list of licensed psychologists who are able to administer the exam will be available on the website or from the board office.

(a) All psychological evaluations shall be on a form provided by the department and must state if the applicant is recommended or not recommended to carry a firearm. If an applicant is not recommended to carry a firearm, the psychologist shall specify the reason(s) the applicant is not recommended to carry a firearm.

(b) Evaluations cannot be more than one year old for certification purposes.

(c) The original evaluation form shall be signed and transmitted directly to the board by the psychologist that performed the psychological evaluation

(d) The willful providing of false information or willful failure to disclose information that the applicant knows or should have known is necessary to a complete and accurate evaluation shall be grounds for denial of licensure.

(2) **Evaluation standards:** The psychological evaluation shall consist of the Minnesota multi-phasic inventory-2 restructured form or MMPI-2RF. The report shall incorporate all information gathered in the interview and testing, and shall contain a specific recommendation on a form provided by the department as to the applicant's suitability to carry a fire arm as a level three security guard. All psychologists performing evaluations must be licenses and conform to the guidelines of the American psychological association regarding storage of records.

**D. FIREARM TRAINING:** The following 16 hour curriculum, to include the laws pertaining to firearms and deadly physical force, is the minimum training required and must be completed within twelve months prior to application for security guard level three registration. The training shall be taught by a department approved instructor that has been recommended by the board and approved by the superintendent. Training shall be taught by an in-person instructor:

- (1) the four general firearms safety rules;
- (2) weapon manipulation;
- (3) types of sidearms;
- (4) firearm retention and equipment;
- (5) firearm storage devices;
- (6) locking devices;
- (7) ammunition and storage;

- (8) training household members;
- (9) hazards of loaded firearms in the home;
- (10) mental conditioning and tactics;
- (11) weapon manipulation and marksmanship;
- (12) threat recognition and judgmental shooting;
- (13) laws pertaining to firearms, deadly physical force and the exercise of the powers of arrest.

**E. BACKGROUND CHECK:** Pursuant to Section 61-27B-34 of the act, NMSA 1978, all applicants for initial issuance or reinstatement of a level three security guard registration in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check.

(1) All applicants for licensure or registration shall be fingerprinted electronically as required for submission to the federal bureau of investigation to conduct a national criminal history investigation and for submission to the department of public safety to conduct a state criminal history investigation.

(2) Initial and renewal applicants will need to register on-line with the agent for New Mexico department of public safety prior to going to an electronic fingerprinting location:

(a) at the electronic fingerprinting location, the applicant will need to provide the electronic fingerprinting technician with a registration number they received after registering online;

(b) a designated fee determined by the New Mexico department of public safety shall be paid at the time of registration by credit card or at the fingerprinting site by cashier's check or money order; and

(c) fingerprint results will be sent electronically to the department.

[16.48.2.19 NMAC - Re-pr & A, 16.48.2.19 NMAC, 9/24/2008; A, 11/28/2009; A, 5/1/2010; A, 1/15/2015; A, 1/15/2019]

**16.48.2.20 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR SECURITY GUARD INSTRUCTOR REGISTRATIONS:** On or after February 28, 2015, every individual seeking to be an approved training instructor, shall complete an application for approval on a form provided by the department. The application shall include, but not be limited to, all of the following information:

**A.** electronic fingerprints to establish positive identification for a state and federal criminal history background check;

(1) All applicants for licensure or registration shall be fingerprinted electronically as required for submission to the federal bureau of investigation to conduct a national criminal history investigation and for submission to the department of public safety to conduct a state criminal history investigation.

(2) Initial and renewal applicants will need to register on-line with the agent for New Mexico department of public safety prior to going to an electronic fingerprinting location:

(a) at the electronic fingerprinting location, the applicant will need to provide the electronic fingerprinting technician with a registration number they received after registering online;

(b) a designated fee determined by the New Mexico department of public safety shall be paid at the time of registration by credit card or at the fingerprinting site by cashier's check or money order; and

(c) fingerprint results will be sent electronically to the department; and

**B.** Proof of professional training specific to each level of instructor registration applied for;

(1) Level One Instructor: On or after February 28, 2015, every individual seeking to be an approved training instructor for level one security guards, an individual shall submit proof of instructor certification issued by a law enforcement academy (LEA), federal government entity, military or the federal law enforcement training center (FLETC) or one year of verifiable training experience or the equivalent thereof to be reviewed and recommended by the board and approved by the superintendent; or

(2) Level Two Instructor: On or after February 28, 2015, every individual seeking to be a level two security guard instructor, offering training in chemical agents, defensive impact tools, restraint and control devices or electronic non-lethal devices, the application shall provide proof of level one instructor requirements and, proof of the specific weapon instructor certification issued by the weapon manufacturer or one year of verifiable weapons training or training experience or the equivalent thereof to be reviewed and recommended by the board and approved by the superintendent; or

(3) Level Three Instructor: On or after February 28, 2015, every individual seeking to be a level three security guard instructor offering training in firearms and deadly physical force, an individual shall submit proof of instructor certification issued by a law enforcement academy (LEA), federal government entity,

military or the federal law enforcement training center (FLETC), the national rifle association law enforcement activities division or one year of verifiable training experience or the equivalent thereof to be reviewed and recommended by the board and approved by the superintendent. If the level three training instructor offers firearms certification, proof of the instructor's current certification by the department is required.  
[16.48.2.20 NMAC - N, 1/15/2019]

**16.48.2.21 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A SPECIAL EVENT PERMIT:**

**A.** A private patrol company employing a nonresident security guard temporarily for a special event shall apply to the department for and may be issued a special event permit for each nonresident security guard qualified to be employed at the special event.

**B.** A special event permit is issued for a specific nonresident security guard and a specific special event and shall not be transferred to another security guard or used for a special event other than for the special event for which the permit is issued.

**C.** To be issued a special event permit, a private patrol company shall provide the department with a description of the special event, its location and the dates on which the temporary nonresident security guard will be employed to provide services at the special event. A special event permit shall bear the name of the private patrol company and contact information, the name of the nonresident security guard, the name of the special event for which it is issued, the dates of the special event and other pertinent information required by the department.

**D.** A special event permit shall be issued only to an individual who qualifies for a level one or higher security guard registration and who:

- (1) is not a resident of New Mexico;
- (2) does not hold a registration as a security guard in New Mexico; and
- (3) meets other requirements specified by the department.

**E.** A special event permit requiring a security guard to carry a firearm shall only be issued to an individual who is qualified to be registered as a level three security guard.

**F.** It is a violation of the Private Investigations Act (61-27B-1 NMSA 1978) for a private patrol company to circumvent the registration process for permanent or long-term part-time employment of security guards through use of the provisions of this section.

[16.48.2.21 NMAC - Rn, 16.48.2.20 NMAC, 1/15/2019]

**16.48.2.22 CESSATION OF LICENSE BUSINESS:** A registrant or licensee subject to the Private Investigations Act who ceases to do business as a registrant or licensee before the registration or license expiration date shall submit written notice of cancellation of his license to the department within 30 days of cessation of such business.

[16.48.2.22 NMAC - Rn, 16.48.2.21 NMAC, 1/15/2019]

**16.48.2.23 GENERAL QUALIFICATIONS FOR REGISTRATION AND LICENSE OF APPLICANTS:**

**A.** Must be a citizen of the United States.

**B.** Cannot have been convicted of a felony offense, an offense involving dishonesty or an offense involving an intentional violent act or the illegal use or possession of a deadly weapon and has not been found to have violated professional ethical standards as defined by the department.

**C.** Must have reached the age of majority (18 years) or 21 years if required by law or rule.

[16.48.2.23 NMAC - Rn, 16.48.2.22 NMAC, 1/15/2019]

**16.48.2.24 [RESERVED]**

[16.48.2.24 NMAC - Rn, 16.48.2.23 NMAC, 1/15/2019]

**16.48.2.25 RECIPROCITY:**

**A.** An investigator licensed in another state may conduct business in New Mexico only under the circumstances indicated below:

- (1) the investigation must be initiated in the investigator's home state;
- (2) the investigator may spend no more than 30 days per case while conducting an

investigation in another state;

(3) the investigator is prohibited from soliciting business while in another state and from establishing a business or setting up residence while conducting an investigation in that state.

**B.** An applicant for licensure or registration by reciprocity may not engage in the practice of private investigations, private patrol operator, polygraph examiners or security guard in New Mexico until approval for licensure by reciprocity has been given and the department has issued an initial license.

**C.** Acceptance of a reciprocity applicant for licensure or registration is subject to department approval. All applicants for licensure or registration by reciprocity shall:

(1) be of good moral character;

(2) be duly and currently licensed or registered in at least one other state;

(3) have no history of disciplinary action within the last five years against any professional license or registration;

(4) provide proof of having met education and experience requirements in the state of licensure similar to or better than those required in New Mexico.

[16.48.2.25 NMAC - Rn, 16.48.2.24, 1/15/2019]

### **HISTORY OF 16.48.2 NMAC:**

#### **Pre-NMAC History:**

The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

AG 68-1 (Rule No. IV), Private Patrol Operator Licenses, filed 4/3/1968.

AG 68-2 (Rule No. V), Private Investigator Licenses, filed 4/3/1968.

AG 69-2 (Rule No. VII), Private Investigators Licenses: Titles, filed 9/17/1969.

AG 70-2 (Rule No. VII), Private Investigators: Fictitious Names and Titles, filed 8/20/1970.

AG 69-3 (Rule No. VIII), Private Investigator Licenses: Interview of Applicant, filed 9/17/1969.

AG 70-3 (Rule No. VIII), Private Investigators: Interview of Applicant, filed 8/20/1970.

AG 70-5 (Rule No. X, Private Investigators: Alcohol Beverages, filed 8/20/1970.

AG 70-7 (Rule No. XII), Private Investigators: Deputy Sheriff Commissions, filed 11/19/1970.

AG 70-8 (Rule NO. XIII), Private Investigators: Cessation of Licensed Business, filed 11/19/1970.

NMLEA Rule #30, Bureau of Private Investigators: Rules and Regulations, filed 4/24/1981.

NMLEA B/PI Rule #1, Bureau of Private Investigators: Rules and Regulations, filed 11/4/1983.

NMLEA Rule #31, Bureau of Polygraphy: Rules and Regulations, filed 6/1/1981.

NMLEA Rule #31, Bureau of Polygraphy: Rules and Regulations, filed 5/27/1983.

NMPA Rule 92-3, Qualifications for Licensure, filed 8/17/1992.

NMPA Rule 92-6, Unauthorized Practice, filed 8/17/1992.

#### **History of Repealed Material:**

NMLEA B/PI Rule #1, Bureau of Private Investigators: Rules and Regulations (filed 11/4/1983); NMPA Rule 92-3, Qualifications for Licensure (filed 8/17/1992); and NMPA Rule 92-6, Unauthorized Practice (filed 8/17/1992) all repealed 03/07/08.

This rule expired on July 5, 2008 which was 120 days after its emergency filing on March 7, 2008. The Uniform Licensing Act (Subsection A of Section 61-1-30 NMSA 1978) stipulates that emergency rules cannot remain in effect for more than 120 days unless they are replaced by permanent rules.

#### **Other History:**

Those applicable portions of NMLEA B/PI Rule #1, Bureau of Private Investigators: Rules and Regulations (filed 11/4/1983); NMPA Rule 92-3, Qualifications for Licensure (filed 8/17/1992); and NMPA Rule 92-6, Unauthorized Practice (filed 8/17/1992) renumbered, reformatted, and replaced by 16.48.2 NMAC, Requirements for Licensure, effective 3/07/2008.

16.48.2 NMAC, Requirements for Licensure (filed 3/7/2008) was replaced by 16.48.2 NMAC, Requirements for Licensure, effective 9/24/2008.