

NOTICE OF PROPOSED RULEMAKING AND RULE HEARING

The Regulation and Licensing Department (Department) Private Investigations Advisory Board will hold a rule hearing on Friday, September 24, 2021 at 9:00 a.m. to 1:00 p.m. The rule hearing will be held via Cisco WebEx, please use the following link:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=eef119fc708f0e1d5fc027bac48021f81>

To join the meeting by phone: 1-415-655-0002 United States Toll

Event Number (Access Code): 146 304 7074; no password

The purpose of the rule hearing is to consider proposed amendments to the following rules:

16.48.2 NMAC – Requirements for Licensure

16.48.3 NMAC – Standards of Practice

16.48.4 NMAC – Mandatory Firearms Training

16.48.6 NMAC – Continuing Education

16.48.7 NMAC – License Renewal, Inactive Status and Reinstatement

16.48.8 NMAC – Licensure for Military Service Members, Spouses and Veterans

On August 24, 2021 you may obtain and review copies of the proposed changes and public comments, by going to the Private Investigation's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/private-investigations/pi-laws-rules-and-policies/> or by contacting the Boards and Commissions Division at (505)690-5032.

The Department will begin accepting public comments on the proposed amendments beginning August 24, 2021. Please submit written comments on the proposed changes to Austin Basham, Board Administrator, via electronic mail at: pipolygraph@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504 no later than Thursday, September 23, 2021. Comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/private-investigations/pi-laws-rules-and-policies/>

Persons will also be given the opportunity to present their comments during the rule hearing.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Austin Basham, Board Administrator (505)690-5032.

Statutory Authority: Legal authority for this rulemaking may be found in the Private Investigations Act, Sections 61-27B-1 through 61-27B-36 NMSA 1978, which among other provisions, specifically authorizes the Department to “adopt and enforce rules necessary to carry out the provision of the Private Investigations Act, including establishing professional ethical standards.” See Section 61-27B-5(C) NMSA 1978.

Summary of Proposed Changes:

16.48.2 NMAC – Requirements for Licensure

Clarifies Part 2 applies to licensure and registrations; removes the requirement for documentation for proof of age; removes private investigators and private patrol operators from surety bond requirements; revised sections related to fingerprinting for background investigations to comply with 61-27B-34 NMSA 1978, effective on July 1, 2020; revised the rule to require a Department approved standardized minimum training for security guard level one, level two, and level three training, and provides for review and comment of copies of the draft curriculum for each level; revised requirements for psychological evaluations for level three applicants; revised instructor certification requirements; requires update of instructor certifications every four years; requires instructors to complete four hours of continuing education specific to instructor development; removes the special event permit requirements as

they are duplicative to Section 61-27B-19 NMSA 1978; and revised the rule to conform to the requirements in Section 61-1-35 NMSA 1978, effective May 20, 2020.

16.48.3 NMAC – Standards of Practice

Removes sections regarding interview of applicants and consumption of alcoholic beverages; makes grammatical corrections.

16.48.4 NMAC – Mandatory Firearms Training

Clarifies requirements for mandatory firearms training and provides the details for applicant qualification and licensure and registration compliance.

16.48.6 NMAC – Continuing Education

Clarifies the definition of “renewal period” and adds private patrol operators to the requirement to complete four hours of continuing education.

16.48.7 NMAC – License Renewal, Inactive Status and Reinstatement

Requires all applications for licensure or registration to have instructions for completion of the renewal process and sets out the information that a complete application must include; revises the rule to remind licensees and registrants that they will receive a courtesy renewal notice via electronic mail, but ultimately renewal applicants will be responsible for timely renewal; revises requirements for reinstatement, inactive licensure or registration.

16.48.8 NMAC – Licensure for Military Service Members, Spouses, Dependent Children, and Veterans

Amends Part 8 to comply with the requirements set out in Section 61-1-34 NMSA 1978, effective June 18, 2021.