

This is an amendment to 16.48.2 NMAC, Sections 2, 6, 20, 25 and 27, effective 2/8/2022.

16.48.2.2 SCOPE: All individuals and business entities that apply for licensure, registration or approval under the Private Investigations Act.

[16.48.2.2 NMAC - Re-pr, 16.48.2.2 NMAC, 9/24/2008; A, 2/8/2022]

16.48.2.6 OBJECTIVE: To establish the procedures and outline the documents and information necessary to complete the application process for licensure ~~and~~, registration, and security guard training instructor approval.

[16.48.2.6 NMAC - Re-pr, 16.48.2.6 NMAC, 9/24/2008; A, 10/26/2021; A, 2/8/2022]

16.48.2.20 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR SECURITY GUARD INSTRUCTOR [REGISTRATIONS] APPROVAL: ~~[On or after February 28, 2015, every]~~ 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:]~~ The department shall review applications, approve instructors, and maintain a list of current instructor authorized to teach the department's approved curriculum.

A. Proof of professional certification and requirements specific to each level of instruction.

(1) Level One Instructor: ~~[every individual seeking to be an approved training instructor for level one security guards,]~~ an individual shall submit proof of instructor certification related to the level one training curriculum, issued by a law enforcement academy (LEA), a recognized federal government entity, United States military branch, or the federal law enforcement training center (FLETC), ~~[the current]~~ The certification submitted must ~~[take place]~~ have been issued within four years preceding the ~~[instructor approval request; or]~~ date the application is submitted;

(2) Level Two Instructor: ~~[every]~~ an 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,]~~ must submit proof of approval as a level one instructor ~~[the application shall provide proof of level one instructor requirements]~~ and, shall submit proof of ~~[the]~~ specific weapon instructor certification related to the level two training curriculum, issued by the weapon manufacturer, ~~[the current]~~ The certification must ~~[take place]~~ have been issued within four years preceding the ~~[instructor approval request; or]~~ date the application is submitted;

(3) Level Three Instructor: ~~[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 a firearms instructor certification issued by a law enforcement academy (LEA), a recognized federal government entity, United States military branch, ~~[or]~~ the federal law enforcement training center (FLETC), or the national rifle association law enforcement activities division. The ~~[current]~~ certification must ~~[take place]~~ have been issued within four years preceding the ~~[instructor approval request;]~~ date the application is submitted.

B. Every four years from the approval date or as requested by the department, the instructors must resubmit ~~[current]~~ certification that takes place within four years preceding the renewal request in order to remain approved.

C. Anyone approved as an instructor must complete a minimum of four hours of continuing education specific to instructor development and case law specific to security ~~[during the renewal period]~~ every four years from the approval date. Continuing education may be provided by the department and subject to periodic review. Continuing education for instructors shall not count toward continuing education credit required for renewal of an individual licensure or certification pursuant to 16.48.6.8 NMAC.

[16.48.2.20 NMAC - N, 1/15/2019; A, 10/26/2021; A, 2/8/2022]

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

~~[(3) (2) have no history of disciplinary action within the last five years against any professional license or registration;~~

~~[(4) (3) 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; A, 2/8/2022]

16.48.2.27 TERM: The term for initial licensure and registration shall be three years.

[16.48.2.27 NMAC - N, 2/8/2022]