

**NOTICE OF PUBLIC RULE HEARING AND ADVISORY BOARD MEETING**

The Private Investigations Advisory Board and the Regulation and Licensing Department will hold a rule hearing on Friday, June 16, 2023, at 9:00 a.m., immediately followed by a meeting of the advisory board to discuss and consider recommendations to the Regulation and Licensing Department for adoption of the proposed rules listed below. The hearing and subsequent advisory board meeting will take place at the Regulation and Licensing Department, Toney Anaya, located at 2550 Cerrillos Road, Santa Fe, New Mexico 87505.

The hearing and subsequent advisory board meeting may also be accessed virtually via Microsoft Teams.

Meeting Link: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MWM5NDYzNWYtMDFIMC00NzZjLWIyOTUtZDAyMWI2NGFiZTAx%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%2238faec28-2659-42de-b21f-5493e3af2911%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MWM5NDYzNWYtMDFIMC00NzZjLWIyOTUtZDAyMWI2NGFiZTAx%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%2238faec28-2659-42de-b21f-5493e3af2911%22%7d)

Meeting Access Code: 235 569 904 701

Join by Phone: +15053124308

Phone Access Code: 519 534 070#

The purpose of the rule hearing is to receive public comments related to proposed amendments of the following rules that address changes to the Private Investigations Act as amended by House Bill 384 passed during the 2023 legislative session and signed by the Governor, which is effective July 1, 2023:

**16.48.1 NMAC – GENERAL PROVISIONS**

**16.48.2 NMAC – REQUIREMENTS FOR LICENSURE AND REGISTRATION**

**16.48.5 NMAC – FEES**

**16.48.9 - DISCIPLINARY PROCEEDINGS**

On Thursday, May 16, 2023, copies of the proposed rules may be obtained through the Private Investigations Advisory Board website at RLD | Private Investigations Statutes, Rules, and Rule Hearings (nm.gov) or by contacting the Board Administrator, Richard Espinoza at (505) 475-4658.

The Private Investigations Advisory Board and the Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, May 16, 2023, 8:00 a.m. and ending Friday, June 16, 2023, 5:00 p.m. Written public comment may be submitted either by email to [pipolygraphbd@rld.nm.gov](mailto:pipolygraphbd@rld.nm.gov) or by postal mail to the following address:

Attn: Private Investigations Advisory Board  
P.O. Box 25101  
Santa Fe, NM 87504

Written comments received during the public comment period (May 16, 2023 – June 16, 2023) will be posted to the website page linked above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person. The members of the Private Investigations Advisory Board will not enter into substantive discussion of public comments during the rule hearing but will consider and deliberate any public comment during the regular advisory board meeting immediately following the conclusion of the public rule hearing.

The agenda for the Private Investigations Advisory Board regular meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the website linked above or by contacting the Board Administrator.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or the regular advisory board meeting, please contact the Board Administrator, Richard Espinoza at (505) 476-4658 at least 7 days prior to the rules hearing and regular advisory board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

**Statutory Authority:**

The proposed rule changes are authorized by the Private Investigations Act, Section 61-27B-5 NMSA 1978, which provides explicit authority for the regulation and licensing department (department) to promulgate rules to carry out the provisions of the Private Investigations Act.

The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 to 11, NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Office of the Attorney General, Parts 1.24.25.1 through 1.24.25.16 NMAC.

**Purpose of Proposed Rules:**

The proposed rule changes are intended, primarily, to address statutory changes to the Private Investigations Act that were included in House Bill 384, which was passed by the New Mexico Legislature during the 2023 Regular Session. The proposed rules are also intended to provide greater clarity regarding the qualifications and experience required for each type of licensure under the Private Investigations Act, and to incorporate the appropriate safeguards for licensees who elect to be firearm certified.

**Summary of Proposed Changes:**

The proposed rules incorporate or remove language and definitions provided in House Bill 384 to create consistency between the statutory provisions and the rules and regulations governing the Private Investigations Act. The proposed changes to Section 16.48.1 require private patrol companies to provide each employed security guard with an identification badge that must be updated biennially. Substantive changes to Section 16.48.2 include (1) providing the qualifications and experience requirements to obtain licensure as a security guard instructor; (2) excluding licensed private investigators from providing traffic crash reconstruction, unless the private investigator has completed an approved traffic crash reconstruction course; (3) permitting private investigators to offer skip tracing; (4) removing the definition of “good moral character;” (5) removal of the requirement that private investigations companies maintain a surety bond; (6) requiring that private investigations companies and private patrol companies must furnish and maintain a certificate of general liability insurance in the amount of not less than one-million dollars (\$1,000,000.00); (7) the addition of a “private patrol employee” license; (8) updating the fee schedule for application, licensure and renewal; and (9) requiring any person licensed under the Private Investigations Act who elects to become firearm certified to obtain a psychological evaluation. The proposed rules also incorporate changes made in House Bill 384 regarding licensing fees under Section 16.48.5 and disciplinary proceedings under Section 16.48.9.