

This is an emergency amendment to 10.8.2 NMAC, Sections 12, 14, 17, and 22, effective 05/22/2025.

10.8.2.12 OTHER REQUIRED DOCUMENTS FOR A LICENSE: In addition to the application form, each applicant shall submit copies of other documents required by the act or this rule to the department as set forth below. The copies must clearly show the name of the applicant and all signatures and pertinent information. The department will not accept copies that are too dark, too light, blurry, or otherwise unreadable. An applicant may request the return of original documents by so stating and enclosing a self-addressed stamped envelope.

A. Proof of residency.

(1) An applicant may prove residency in New Mexico by submitting a copy of a valid New Mexico driver's license or personal identification card issued by the motor vehicle division of the taxation and revenue department and one of the following:

(a) proof that the applicant is registered to vote in New Mexico;
(b) a state or government issued license with name and address;
(c) a United States armed forces identification card and orders of permanent duty station in New Mexico or a U.S. armed forces dependent ID card and orders of the individual claiming the applicant as a dependent; or

(d) other proof acceptable to the department.

(2) Possession by an applicant of a driver's license issued by another state shall create a rebuttable presumption of residency in such other state.

B. Proof of age. An applicant may prove that he or she is 21 or more years of age by filing:

- (1) a copy of a valid government-issued identification card stating the person's age;
- (2) a copy of a passport; or
- (3) a certified copy of his or her birth certificate.

C. Proof of handgun competency. An applicant must submit a certified copy of a certificate of completion for a firearms training course which is approved by the department and issued by an approved instructor. It must be submitted not more than 90 days prior to the date the application is submitted, as required by 10.8.2.15 NMAC.

D. Proof of disposition of charges. The burden of proof is on the applicant or licensee to show that the applicant or licensee has a pending or successful completion of any conditional discharge, or that the conviction of any charge has been overturned on appeal. Documentation sufficient to prove the applicant's or licensee's contention related to a conviction or discharge must be provided by the applicant or licensee to the department.

E. Photographs. To streamline the application process, the department may obtain digital color photographs of an applicant from the motor vehicle division of the taxation and revenue department or another government agency. If the department requests an applicant to provide photographs pursuant to Paragraph (5) of Subsection B of Section 29-19-5 NMSA 1978, the photographs shall be in color, be a minimum of three inches by three inches, and be a full frontal view of the applicant without hat, sunglasses, or any other item that would obstruct or alter the features of the applicant. The department will not accept photographs that are too dark, too bright, fuzzy, or out of focus, or unclear.

F. Fingerprints. All new applicants shall submit electronic fingerprints via the department standards that comply with the requirements of Section 29-19-5 NMSA 1978 and 10.8.2.14 NMAC. ~~[Applicants who have electronic fingerprints on file shall not be required to resubmit fingerprints.]~~

G. Application fee. An applicant shall submit a non-refundable application fee of \$100 and \$75 for renewal applications. Current and retired law enforcement officers, military and mounted patrol officers are exempt from this fee.

[10.8.2.12 NMAC - Rp, 10.8.2.12 NMAC, 11/30/2016; A/E, 5/22/2025]

10.8.2.14 FINGERPRINTING OF APPLICANTS: All applicants shall submit electronic fingerprints. The department may refuse to accept fingerprints it determines are not legible and classifiable. New fingerprints must be submitted with each new and renewal application.

A. Responsibilities of applicant. The applicant must present a valid government-issued photographic identification card.

B. Responsibilities of person recording the fingerprints. The person who records the applicant's fingerprints shall verify that the government-issued photographic identification card is of the person being

fingerprinted.

[10.8.2.14 NMAC - Rp, 10.8.2.14 NMAC, 11/30/2016; A/E, 5/22/2025]

10.8.2.17 LICENSE RENEWAL AND TRANSFER:

A. To renew a New Mexico license. A licensee may submit an application for a renewed license on the form prescribed by the department.

(1) The licensee may submit the application anytime from 60 days before, and until 60 days after the license expires. If the license has expired, a licensee shall not carry a concealed handgun until he or she receives a renewed license.

(2) The licensee shall complete a refresher firearms training course prior to filing the application.

(3) The licensee shall submit to the department:

(a) electronic fingerprints as required by Section 29-19-5 NMSA 1978 and 10.8.2.14 NMAC ~~[unless electronic fingerprints are already on file with the department]~~. New fingerprints must be submitted with each renewal application.

(b) a certified copy of a certificate of completion for a refresher firearms training course approved by the department issued by an approved instructor not more than 90 days prior to the date the application is filed;

(c) a nonrefundable \$75 renewal fee; and

(d) a copy of New Mexico driver's license or other government issued identification which contains a picture.

B. To transfer a license from another state. A person establishing New Mexico residency must transfer his or her license from another state. The license holder has 90 days from establishing New Mexico residency to file an application for a New Mexico renewed license on the form prescribed by the department. An applicant for transfer shall not carry a concealed handgun in New Mexico until the applicant receives a New Mexico license unless he or she has a license from a state that has been accepted by reciprocity by New Mexico.

(1) In addition to the items required by Paragraph (3) of Subsection A of this section, the applicant for license transfer shall file:

(a) proof of residency as provided in Subsection A of 10.8.2.12 NMAC;

(b) proof of age as provided in Subsection B of 10.8.2.12 NMAC; and

(c) a photocopy of the license being transferred.

(2) The applicant for transfer shall complete:

(a) a refresher firearms training course if the firearms training required by the other state meets or exceeds New Mexico firearms training requirements and the licensee completed firearms training not more than one year prior to filing the application; or

(b) an initial firearms training course if the firearms training required by the other state does not meet New Mexico firearms training requirements or the licensee completed firearms training more than one year prior to filing the application.

(3) The applicant for transfer must meet all other requirements for obtaining a license in New Mexico by showing either that:

(a) the requirements for licensure in the other state meet or exceed the requirements for issuance of a license in New Mexico; or

(b) the applicant has satisfactorily completed the requirements for issuance of a license in New Mexico that were not applicable in the other state.

C. Time period for review. The department shall review the application for a renewed license, conduct a national criminal background check for each applicant for a renewed license or transfer of a license from another state, and make a determination within 30 days of the date the department receives a complete application and background check.

D. Determination by department.

(1) **Approval.** If the department finds that the applicant for a renewed license or transfer of a license from another state meets the requirements in the act and this rule for a renewed license, the department shall issue a license.

(2) **Denial.** If the department finds that the applicant does not meet the requirements for a renewed license or transfer of a license from another state, the department shall issue a notification of denial in accordance with 10.8.2.21 NMAC. The notification of denial shall cite the particular requirements of the act or this rule that the applicant has failed to meet.

10.8.2.22 DEPARTMENT APPROVAL OF INSTRUCTORS AND FIREARMS TRAINING COURSES:

A. Application required. Any person seeking to instruct firearms training courses pursuant to this rule shall file an application with the department to become an approved instructor. Application shall be made on the form prescribed by the department, and shall be typewritten or legibly handwritten in ink. A person who is not an approved instructor may not instruct a firearms training course pursuant to this rule.

B. Requirements for approval. In order to be approved as an instructor, an instructor applicant must:

- (1) agree to be subject to New Mexico jurisdiction for the purpose of enforcing the act and this rule;
- (2) submit a resume of experience instructing firearms training courses, handgun experience, or both;
- (3) submit electronic fingerprints that comply with the requirements in Section 29-19-5 NMSA 1978 and 10.8.2.14 NMAC for positive identification purposes. New fingerprints must be submitted with each application and renewal application;
- (4) submit an authorization for release of information form provided by the department;
- (5) submit an affidavit or cover page of an acceptable firearms instruction insurance policy;
- (6) submit to the department the curriculum and course materials, meeting the department's core requirements, for a firearms training course that has been certified or sponsored by a federal or state law enforcement agency, an accredited college or university, a firearms training school or a nationally recognized organization approved by the department that customarily offers firearms training, and a copy of the letter or other document approving the course from the certifying or sponsoring entity. An instructor applicant may develop his own curriculum and materials but must have them certified or sponsored by one of the entities identified in Subsection A of Section 29-19-7 NMSA 1978;
- (7) The instructor applicant must submit to the department a list of all persons the instructor applicant proposes to engage in any aspect of the concealed carry weapons class at least 10 days prior to the first class, including the individual's name, date of birth, social security number, and concealed carry license number;
- (8) provide a description of the instructor applicant's experience in offering firearms training; if any. An instructor-applicant who wishes to conduct firing range instruction must possess a certificate of completion of a firearms instructor-training program approved by the department that was issued or renewed not more than three years prior to the date the application is filed;
- (9) be a currently certified law enforcement instructor employed by a law enforcement agency; or
- (10) be 21 years of age and agree to be responsible for the actions and omissions of all persons engaged by the approved instructor for the purpose of conducting firearms training courses pursuant to this rule.

C. Time period for review. As prescribed in Subsection A of Section 29-19-6 NMSA 1978, the department shall review the application of each instructor applicant and make a determination within 30 days of the date the department receives a complete application and background check.

D. Determination by the department.

- (1) **Approval.**
 - (a) **Instructor.** If the department finds that the instructor applicant meets the requirements specified in Subsection B of this section, the department shall issue a concealed carry weapon instructor permit that shall be valid for four years. The concealed carry weapon instructor permit shall include the approved instructor's name, business address, and date of birth, the expiration date of the permit, and the instructor number assigned by the department.
 - (b) **Curriculum.** If the department finds that the proposed curriculum and course materials for the firearms training course meet the requirements of Section 29-19-7 NMSA 1978 and this rule, the department shall approve the proposed firearms training course in writing. The department's approval shall remain in effect for the shortest of:
 - (i) one year;
 - (ii) until the approved instructor substantially changes the curriculum or course materials; or
 - (iii) the requirements in the act or this rule are changed.
- (2) **Denial.** If the department finds either that the instructor applicant or the proposed

firearms training course does not meet the requirements of Section 29-19-7 NMSA 1978 or this rule, the department shall issue a notification of denial. The notification of denial shall cite the particular requirements of the act or this rule that the instructor applicant or proposed firearm training course has failed to meet.

E. Renewal. An approved instructor seeking to renew his or her permit shall file with the department at least 60 days before the date his or her permit expires:

- (1) an application for renewal on the form prescribed by the department;
- (2) the curriculum and course materials for a firearms training course that is certified or sponsored by a federal or state law enforcement agency, an accredited college or university, a firearms training school, or a nationally recognized organization approved by the department that customarily offers firearms training and a copy of the letter or other document approving the course from the certifying or sponsoring entity; and
- (3) a list of all persons the instructor applicant intends to engage in any aspect of conducting a concealed carry weapons class.

F. No authority to carry. An approved instructor is not authorized to carry a concealed handgun unless the approved instructor obtains a license from the department pursuant to Section 29-19-4 NMSA 1978 of the act and this rule. If an instructor applicant wishes to apply for a concealed carry license at the same time he or she applies for an instructor's permit, he or she may do so by checking the appropriate boxes on the instructor application form, complying with all requirements for a license in the act and this rule, and enclosing the license application fee and all documents required by this rule with the application for an instructor's certificate.

G. List of approved instructors. The department shall maintain and make available to the public a list of approved instructors. An approved instructor may request to be removed from the list, but shall remain subject to a request for inspection of public records pursuant to, Chapter 14, Article, 2 NMSA 1978.
[10.8.2.22 NMAC - Rp, 10.8.2.23 NMAC, 11/30/2016; A/E, 5/22/2025]