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HOUSE BILL 483

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Jason C. Harper

AN ACT

RELATING TO CONCEALED HANDGUNS; PROVIDING FOR THE ISSUANCE OF AN ENHANCED CONCEALED HANDGUN LICENSE TO A PERSON WHO IS CERTIFIED OR IS ELIGIBLE TO BE CERTIFIED AS A LAW ENFORCEMENT OFFICER OR WHO MEETS CERTAIN HANDGUN PROFICIENCY AND CRIMINAL BACKGROUND REQUIREMENTS; PROVIDING EXEMPTIONS TO CERTAIN PROHIBITIONS ON CARRYING A CONCEALED HANDGUN FOR A PERSON WITH AN ENHANCED CONCEALED HANDGUN LICENSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Concealed Handgun Carry Act is enacted to read:

"[NEW MATERIAL] ENHANCED CONCEALED HANDGUN LICENSE CERTIFICATION.--

A. The department shall develop enhanced concealed handgun license certification program requirements, which shall

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1 include a minimum of eighteen hours of instruction in the
2 following areas:

- 3 (1) one hour of handgun safety;
- 4 (2) two hours on legal issues related to
5 concealed handguns, including instruction on state laws and
6 civil liability considerations;
- 7 (3) one hour of handgun operator awareness;
- 8 (4) one hour on care and cleaning of handguns;
- 9 (5) one hour on the fundamentals of
10 marksmanship, including stance, grip, sight alignment and
11 picture, breath control, trigger control and follow through;
- 12 (6) two hours of classroom-based instruction
13 on the manipulation of handguns;
- 14 (7) two hours on avoidance, situational
15 awareness and de-escalation techniques; and
- 16 (8) eight hours of firearm range training and
17 testing, including:
 - 18 (a) a written test;
 - 19 (b) non-shooting practical skills;
 - 20 (c) live-fire manipulation drills, with
21 a minimum of one hundred thirty rounds;
 - 22 (d) judgmental and decisional shooting,
23 with a minimum of thirty rounds;
 - 24 (e) handgun shooting qualification, with
25 a minimum of seventy-five rounds and a minimum score of eighty

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1 percent;

2 (f) daytime shooting qualification, with
3 a minimum of fifty rounds; and

4 (g) nighttime shooting qualification,
5 with a minimum of twenty-five rounds.

6 B. A person who seeks an enhanced concealed handgun
7 license and who is not certified or eligible to be certified as
8 a law enforcement officer shall complete a department-approved
9 enhanced concealed handgun license certification that meets the
10 minimum requirements provided in Subsection A of this section."

11 SECTION 2. Section 29-19-2 NMSA 1978 (being Laws 2003,
12 Chapter 255, Section 2) is amended to read:

13 "29-19-2. DEFINITIONS.--As used in the Concealed Handgun
14 Carry Act:

15 A. "applicant" means a person seeking a concealed
16 handgun license [~~to carry a concealed handgun~~] or an enhanced
17 concealed handgun license;

18 B. "caliber" means the diameter of the bore of a
19 handgun;

20 C. "category" means whether a handgun is
21 semiautomatic or not semiautomatic;

22 D. "concealed handgun" means a loaded handgun that
23 is not visible to the ordinary observations of a reasonable
24 person;

25 E. "department" means the department of public

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1 safety;

2 F. "enhanced concealed handgun license
3 certification" means a handgun proficiency certification
4 program approved by the department, the successful completion
5 of which is required for issuance of an enhanced concealed
6 handgun license;

7 [~~F.~~] G. "handgun" means a firearm that will, is
8 designed to or may readily be converted to expel a projectile
9 by the action of an explosion and the barrel length of which,
10 not including a revolving, detachable or magazine breech, does
11 not exceed twelve inches; and

12 [~~G.~~] H. "licensee" means a person holding a valid
13 concealed handgun license or an enhanced concealed handgun
14 license issued to [him] the person by the department."

15 SECTION 3. Section 29-19-3 NMSA 1978 (being Laws 2003,
16 Chapter 255, Section 3, as amended) is amended to read:

17 "29-19-3. DATE OF LICENSURE--PERIOD OF LICENSURE.--
18 Effective January 1, [~~2004~~] 2018, the department is authorized
19 to issue concealed handgun licenses and enhanced concealed
20 handgun licenses to qualified applicants. Original and renewed
21 concealed handgun licenses and enhanced concealed handgun
22 licenses shall be valid for a period of four years from the
23 date of issuance, unless the license is suspended or revoked."

24 SECTION 4. Section 29-19-4 NMSA 1978 (being Laws 2003,
25 Chapter 255, Section 4, as amended) is amended to read:

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1 "29-19-4. APPLICANT QUALIFICATIONS.--

2 A. The department shall issue a concealed handgun
3 license to an applicant who:

4 (1) is a citizen of the United States;

5 (2) is a resident of New Mexico or is a member
6 of the armed forces whose permanent duty station is located in
7 New Mexico or is a dependent of such a member;

8 (3) is twenty-one years of age or older;

9 (4) is not a fugitive from justice;

10 (5) has not been convicted of a felony in New
11 Mexico or any other state or pursuant to the laws of the United
12 States or any other jurisdiction;

13 (6) is not currently under indictment for a
14 felony criminal offense in New Mexico or any other state or
15 pursuant to the laws of the United States or any other
16 jurisdiction;

17 (7) is not otherwise prohibited by federal law
18 or the law of any other jurisdiction from purchasing or
19 possessing a firearm;

20 (8) has not been adjudicated mentally
21 incompetent or committed to a mental institution;

22 (9) is not addicted to alcohol or controlled
23 substances; and

24 (10) has satisfactorily completed a firearms
25 training course approved by the department for the category and

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1 the largest caliber of handgun that the applicant wants to be
2 licensed to carry as a concealed handgun.

3 B. The department shall issue an enhanced concealed
4 handgun license to an applicant who:

5 (1) meets the requirements provided in
6 Paragraphs (1) through (10) of Subsection A of this section;
7 and

8 (2) either:

9 (a) is certified or is eligible to be
10 certified as a law enforcement officer by the New Mexico law
11 enforcement academy board in accordance with the Law
12 Enforcement Training Act; or

13 (b) has satisfactorily completed an
14 enhanced concealed handgun license certification and has not
15 been convicted of and is not under indictment for any criminal
16 offense pursuant to the laws of New Mexico, except for a
17 penalty assessment misdemeanor or a misdemeanor provided for in
18 the Motor Vehicle Code, the United States or any other
19 jurisdiction.

20 [~~B.~~] C. The department shall deny a concealed
21 handgun license or an enhanced concealed handgun license to an
22 applicant who has:

23 (1) received a conditional discharge, a
24 diversion or a deferment or has been convicted of, pled guilty
25 to or entered a plea of nolo contendere to a misdemeanor

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1 offense involving a crime of violence within ten years
2 immediately preceding the application;

3 (2) been convicted of a misdemeanor offense
4 involving driving while under the influence of intoxicating
5 liquor or drugs within five years immediately preceding the
6 application for a concealed handgun license or an enhanced
7 concealed handgun license;

8 (3) been convicted of a misdemeanor offense
9 involving the possession or abuse of a controlled substance
10 within ten years immediately preceding the application; or

11 (4) been convicted of a misdemeanor offense
12 involving assault, battery or battery against a household
13 member.

14 [~~G-~~] D. Firearms training course instructors who
15 are approved by the department shall not be required to
16 complete a firearms training course pursuant to Paragraph (10)
17 of Subsection A of this section."

18 SECTION 5. Section 29-19-5 NMSA 1978 (being Laws 2003,
19 Chapter 255, Section 5, as amended) is amended to read:

20 "29-19-5. APPLICATION FORM--SCREENING OF APPLICANTS--
21 FEE--LIMITATIONS ON LIABILITY.--

22 A. Effective July 1, [~~2003~~] 2017, applications for
23 concealed handgun licenses and enhanced concealed handgun
24 licenses shall be made readily available at locations
25 designated by the department. Applications [~~for concealed~~

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1 ~~handgun licenses~~] shall be completed, under penalty of perjury,
2 on a form designed and provided by the department and shall
3 include:

4 (1) the applicant's name, current address,
5 date of birth, place of birth, social security number, height,
6 weight, gender, hair color, eye color and driver's license
7 number or other state-issued identification number;

8 (2) a statement that the applicant is aware
9 of, understands and is in compliance with the requirements for
10 licensure set forth in the Concealed Handgun Carry Act;

11 (3) a statement that the applicant has been
12 furnished a copy of the Concealed Handgun Carry Act and is
13 knowledgeable of its provisions; and

14 (4) a conspicuous warning that the application
15 form is executed under penalty of perjury and that a materially
16 false answer or the submission of a materially false document
17 to the department may result in denial or revocation of a
18 concealed handgun license or an enhanced concealed handgun
19 license and may subject the applicant to criminal prosecution
20 for perjury as provided in Section 30-25-1 NMSA 1978.

21 B. The applicant shall submit to the department:

22 (1) a completed application form;

23 (2) a nonrefundable application fee in an
24 amount not to exceed one hundred dollars (\$100);

25 (3) two full sets of fingerprints;

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1 (4) a certified copy of a certificate of
2 completion for a firearms training course approved by the
3 department;

4 (5) two color photographs of the applicant;

5 (6) a certified copy of a birth certificate or
6 proof of United States citizenship, if the applicant was not
7 born in the United States; ~~and~~

8 (7) proof of residency in New Mexico; and

9 (8) if the applicant seeks an enhanced
10 concealed handgun license, documentation to show that the
11 applicant:

12 (a) is certified or is eligible to be
13 certified as a law enforcement officer by the New Mexico law
14 enforcement academy board; or

15 (b) has successfully completed an
16 enhanced concealed handgun license certification.

17 C. A law enforcement agency may fingerprint an
18 applicant and may charge a reasonable fee.

19 D. Upon receipt of the items listed in Subsection B
20 of this section from an applicant, the department shall make a
21 reasonable effort to determine ~~[if-an]~~ whether the applicant is
22 qualified to receive a concealed handgun license or an enhanced
23 concealed handgun license. The department shall conduct an
24 appropriate check of available records and shall forward the
25 applicant's fingerprints to the federal bureau of investigation

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1 for a national criminal background check. The department shall
2 comply with the license-issuing requirements set forth in
3 Section 29-19-7 NMSA 1978. However, the department shall
4 suspend or revoke a concealed handgun license or an enhanced
5 concealed handgun license if the department receives
6 information that would disqualify an applicant from receiving a
7 [~~concealed handgun~~] license after the thirty-day time period
8 has elapsed.

9 E. A state or local government agency shall comply
10 with a request from the department pursuant to the Concealed
11 Handgun Carry Act within thirty days of the request."

12 SECTION 6. Section 29-19-6 NMSA 1978 (being Laws 2003,
13 Chapter 255, Section 6, as amended) is amended to read:

14 "29-19-6. [~~APPEAL~~] LICENSE ISSUANCE--LICENSE RENEWAL--
15 REFRESHER FIREARMS TRAINING COURSE--LOST OR STOLEN LICENSE--
16 SUSPENSION OR REVOCATION OF LICENSE.--

17 A. Pursuant to rules adopted by the department, the
18 department, within thirty days after receiving a completed
19 application for a concealed handgun license or an enhanced
20 concealed handgun license and the results of a national
21 criminal background check on the applicant, shall:

22 (1) issue a concealed handgun license or an
23 enhanced concealed handgun license to an applicant; or

24 (2) deny the application on the grounds that
25 the applicant failed to qualify for a [~~concealed handgun~~]

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1 license pursuant to the provisions of the Concealed Handgun
2 Carry Act.

3 B. Information relating to an applicant or to a
4 licensee received by the department or any other law
5 enforcement agency is confidential and exempt from public
6 disclosure unless an order to disclose information is issued by
7 a court of competent jurisdiction. The information shall be
8 made available by the department to a state or local law
9 enforcement agency upon request by the agency.

10 C. A concealed handgun license [~~issued by the~~
11 ~~department~~] and an enhanced concealed handgun license shall
12 include:

- 13 (1) a color photograph of the licensee;
14 (2) the licensee's name, address and date
15 of birth;
16 (3) the expiration date of the [~~concealed~~
17 ~~handgun~~] license; and
18 (4) the category and the largest caliber of
19 handgun that the licensee is licensed to carry, with a
20 statement that the licensee is licensed to carry smaller
21 caliber handguns but shall carry only one concealed handgun at
22 any given time.

23 D. A licensee shall notify the department:
24 (1) within thirty days regarding a change of
25 the licensee's name or permanent address [~~A licensee shall~~

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1 ~~notify the department~~]; and

2 (2) within ten days if the licensee's
3 ~~[concealed handgun]~~ license is lost, stolen or destroyed.

4 E. If a concealed handgun license or an enhanced
5 concealed handgun license is lost, stolen or destroyed, the
6 license is invalid and the licensee may obtain a ~~[duplicate]~~
7 replacement license by furnishing the department with a
8 notarized statement that the original license was lost, stolen
9 or destroyed and paying a reasonable fee. If the license is
10 lost or stolen, the licensee shall file a police report with a
11 local law enforcement agency and include the police case number
12 in the notarized statement.

13 F. A licensee may renew a concealed handgun license
14 or an enhanced concealed handgun license by submitting to the
15 department:

16 (1) a completed renewal form, under penalty of
17 perjury, designed and provided by the department;

18 (2) a payment of a seventy-five-dollar
19 (\$75.00) renewal fee; and

20 (3) a certificate of completion of a four-hour
21 refresher firearms training course approved by the department.

22 G. The department shall conduct a national criminal
23 records check of a licensee seeking to renew a license. A
24 concealed handgun license or an enhanced concealed handgun
25 license shall not be renewed more than sixty days after it has

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1 expired. A licensee who fails to renew a [~~concealed handgun~~]
2 license within sixty days after it has expired may apply for a
3 new [~~concealed handgun~~] license pursuant to the provisions of
4 the Concealed Handgun Carry Act.

5 H. A licensee shall complete a two-hour refresher
6 firearms training course two years after the issuance of an
7 original or renewed license. The refresher course shall be
8 approved by the department and shall be taken twenty-two to
9 twenty-six months after the issuance of an original or renewed
10 license. A certificate of completion shall be submitted to the
11 department no later than thirty days after completion of the
12 course.

13 I. The department shall suspend or revoke a
14 concealed handgun license or an enhanced concealed handgun
15 license if:

16 (1) the licensee provided the department with
17 false information on the application form or renewal form for a
18 [~~concealed handgun~~] license;

19 (2) the licensee did not satisfy the criteria
20 for issuance of a [~~concealed handgun~~] license at the time the
21 license was issued; or

22 (3) subsequent to receiving a [~~concealed~~
23 ~~handgun~~] license, the licensee violated a provision of the
24 Concealed Handgun Carry Act."

25 SECTION 7. Section 29-19-8 NMSA 1978 (being Laws 2003,

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1 Chapter 255, Section 8) is amended to read:

2 "29-19-8. LIMITATION ON LICENSE--EXEMPTION.--

3 A. Nothing in the Concealed Handgun Carry Act shall
4 be construed as allowing a [~~licensee~~] person in possession of a
5 valid concealed handgun license to carry a concealed handgun:

6 (1) into or on premises where to do so would
7 be in violation of state or federal law;

8 [~~B. Nothing in the Concealed Handgun Carry Act~~
9 ~~shall be construed as allowing a licensee in possession of a~~
10 ~~valid concealed handgun license to carry a concealed handgun]~~

11 (2) on school premises, as provided in Section
12 30-7-2.1 NMSA 1978; or

13 [~~G. Nothing in the Concealed Handgun Carry Act~~
14 ~~shall be construed as allowing a licensee in possession of a~~
15 ~~valid concealed handgun license to carry a concealed handgun]~~

16 (3) on the premises of a preschool.

17 B. Nothing in the Concealed Handgun Carry Act shall
18 be construed as allowing a person in possession of an enhanced
19 concealed handgun license to carry a concealed handgun into or
20 on premises where to do so would be in violation of state or
21 federal law; provided, however, that a person in possession of
22 an enhanced concealed handgun license shall not be prohibited
23 from carrying a concealed handgun on premises described in
24 Paragraph (2) or (3) of Subsection A of this section."

25 SECTION 8. Section 29-19-9 NMSA 1978 (being Laws 2003,

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1 Chapter 255, Section 9) is amended to read:

2 "29-19-9. POSSESSION OF LICENSE.--A licensee shall have
3 [~~his~~] the licensee's concealed handgun license or enhanced
4 concealed handgun license in [~~his~~] the licensee's possession at
5 all times while carrying a concealed handgun."

6 SECTION 9. Section 29-19-10 NMSA 1978 (being Laws 2003,
7 Chapter 255, Section 10) is amended to read:

8 "29-19-10. VALIDITY OF LICENSE ON TRIBAL LAND.--A
9 concealed handgun license [~~shall not be~~] or an enhanced
10 concealed handgun license is not valid on tribal land, unless
11 authorized by the governing body of an Indian nation, tribe or
12 pueblo."

13 SECTION 10. Section 29-19-11 NMSA 1978 (being Laws 2003,
14 Chapter 255, Section 11) is amended to read:

15 "29-19-11. VALIDITY OF LICENSE IN A COURTHOUSE OR COURT
16 FACILITY.--An enhanced concealed handgun license is valid in a
17 courthouse or court facility. A concealed handgun license
18 [~~shall not be~~] is not valid in a courthouse or court facility,
19 unless authorized by the presiding judicial officer for that
20 courthouse or court facility."

21 SECTION 11. Section 29-19-12 NMSA 1978 (being Laws 2003,
22 Chapter 255, Section 12, as amended) is amended to read:

23 "29-19-12. RULES--DEPARTMENT TO ADMINISTER--RECIPROCAL
24 AGREEMENTS WITH OTHER STATES.--The department shall promulgate
25 rules necessary to implement the provisions of the Concealed

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1 Handgun Carry Act. The rules shall include:

2 A. grounds for the suspension and revocation of a
3 concealed handgun [~~licenses~~] license or an enhanced concealed
4 handgun license issued pursuant to the provisions of the
5 Concealed Handgun Carry Act;

6 B. provision of authority for a law enforcement
7 officer to confiscate a [~~concealed handgun~~] license when a
8 licensee violates the provisions of the Concealed Handgun Carry
9 Act;

10 C. provision of authority for a private property
11 owner to disallow the carrying of a concealed handgun on the
12 owner's property;

13 D. creation of a sequential numbering system for
14 all concealed handgun licenses and enhanced concealed handgun
15 licenses issued by the department and display of numbers on
16 issued [~~concealed handgun~~] licenses; and

17 E. provision of discretionary state authority for
18 the transfer, recognition or reciprocity of a concealed handgun
19 license, an enhanced concealed handgun license or the
20 equivalent of those licenses issued by another state if the
21 issuing authority for the other state:

22 (1) includes provisions at least as stringent
23 as or substantially similar to the Concealed Handgun Carry Act;

24 (2) issues a license or permit with an
25 expiration date printed on the license or permit;

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1 (3) [~~is available to verify~~] verifies the
2 license or permit status for law enforcement purposes within
3 three business days of a request for verification;

4 (4) has disqualification, suspension and
5 revocation requirements for a [~~concealed handgun~~] license or
6 permit; and

7 (5) requires that an applicant for a concealed
8 handgun license, an enhanced concealed handgun license or the
9 equivalent of those licenses or permit:

10 (a) submit to a national criminal
11 history record check;

12 (b) not be prohibited from possessing
13 firearms pursuant to federal or state law; and

14 (c) satisfactorily complete a firearms
15 safety program that covers deadly force issues, weapons care
16 and maintenance, safe handling and storage of firearms and
17 marksmanship."

18 SECTION 12. Section 29-19-14 NMSA 1978 (being Laws 2005,
19 Chapter 242, Section 7, as amended) is amended to read:

20 "29-19-14. CURRENT AND RETIRED LAW ENFORCEMENT OFFICERS
21 AND NEW MEXICO MOUNTED PATROL MEMBERS--APPLICATION
22 REQUIREMENTS.--

23 A. An application fee, a renewal fee and a firearms
24 training course are not required [~~for~~] to be submitted by an
25 applicant or licensee who is a:

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1 (1) [~~a~~] current [~~or retired~~] certified law
2 enforcement officer pursuant to the Law Enforcement Training
3 Act; [~~or~~]

4 (2) [~~a~~] retired certified law enforcement
5 officer pursuant to the Law Enforcement Training Act, if:

6 (a) the retired officer was a certified
7 law enforcement officer pursuant to the Law Enforcement
8 Training Act for at least fifteen years prior to retirement;

9 (b) the retired officer has been retired
10 for ten years or less; and

11 (c) the retired officer's retirement is
12 in good standing as shown by a letter from the agency from
13 which the officer retired; or

14 (3) current member of the New Mexico mounted
15 patrol who has successfully completed a New Mexico law
16 enforcement academy basic law enforcement training program for
17 New Mexico mounted patrol members pursuant to Section 29-6-4.1
18 NMSA 1978.

19 B. A current or retired law enforcement officer or
20 New Mexico mounted patrol member shall submit to the department
21 with the officer's or member's application two full sets of
22 fingerprints and a color photograph of the [~~law enforcement~~]
23 officer or [~~New Mexico mounted patrol~~] member. The department
24 shall conduct an appropriate check of available records and
25 shall forward the applicant's fingerprints to the federal

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1 bureau of investigation for a national criminal background
2 check.

3 ~~[G. A retired law enforcement officer is not~~
4 ~~required to submit an application fee or a renewal fee if:~~

5 ~~(1) the officer was a certified law~~
6 ~~enforcement officer pursuant to the Law Enforcement Training~~
7 ~~Act for at least fifteen years prior to retirement; and~~

8 ~~(2) the retirement is in good standing as~~
9 ~~shown by a letter from the agency from which the officer~~
10 ~~retired.~~

11 ~~D. A retired law enforcement officer who has been~~
12 ~~retired ten years or less is not required to complete a~~
13 ~~firearms training course.~~

14 ~~E.]~~ C. A retired law enforcement officer who has
15 been retired for more than ten years shall be required to
16 complete a firearms training course. The officer shall be
17 allowed to attend any local law enforcement agency's firearms
18 qualification course; provided that the officer supplies the
19 officer's own ammunition, handgun, targets and range equipment.
20 A local law enforcement agency shall not be liable under the
21 Tort Claims Act for providing a firearms training course to a
22 retired law enforcement officer pursuant to this subsection.

23 ~~[F.]~~ D. A retired law enforcement officer's
24 concealed handgun license or enhanced concealed handgun license
25 shall have printed on the license "retired police officer" and

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1 shall be valid for a period of five years."

2 SECTION 13. Section 29-19-15 NMSA 1978 (being Laws 2015,
3 Chapter 157, Section 2) is amended to read:

4 "29-19-15. MILITARY SERVICE PERSONS--REQUIREMENTS.--

5 A. For a concealed handgun license or an enhanced
6 concealed handgun license applicant or licensee who submits
7 with a [~~concealed handgun~~] license application documentation
8 satisfactory to the department that the applicant is a military
9 service person as defined in Subsection E of this section, an
10 application fee or renewal fee is not required. For a military
11 service person discharged from military service within twenty
12 years of the application for a license or renewal of a license,
13 a firearms training course or refresher firearms training
14 course is not required.

15 B. A military service person shall submit to the
16 department two full sets of fingerprints and a color photograph
17 of the military service person. The department shall conduct
18 an appropriate check of available records and shall forward the
19 fingerprints to the federal bureau of investigation for a
20 national criminal background check.

21 C. A military service person's concealed handgun
22 [~~carry~~] license or enhanced concealed handgun license shall
23 have printed on the license "military service person" and shall
24 be valid for a period of five years.

25 D. The department shall suspend or revoke a

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1 military service person's concealed handgun license or enhanced
2 concealed handgun license if:

3 (1) the military service person provided the
4 department with false information on the application form or
5 renewal form;

6 (2) the military service person did not
7 satisfy the criteria for issuance of a [~~concealed handgun~~]
8 license at the time the license was issued; or

9 (3) subsequent to receiving a [~~concealed~~
10 ~~handgun~~] license, the military service person violated a
11 provision of the Concealed Handgun Carry Act.

12 E. As used in this section, "military service
13 person" means a person who was accepted into the United States
14 armed forces and:

15 (1) is on active duty with the United States
16 armed forces;

17 (2) is on reserve or guard duty with the
18 United States armed forces; or

19 (3) is a veteran or a retiree who received an
20 honorable discharge as indicated on a United States department
21 of defense form 214."

22 SECTION 14. Section 30-7-2 NMSA 1978 (being Laws 1963,
23 Chapter 303, Section 7-2, as amended) is amended to read:

24 "30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON.--

25 A. Unlawful carrying of a deadly weapon consists of

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1 carrying a concealed loaded firearm or any other type of deadly
2 weapon anywhere, except in the following cases:

3 (1) in the person's residence or on real
4 property belonging to [~~him~~] the person as owner, lessee, tenant
5 or licensee;

6 (2) in a private automobile or other private
7 means of conveyance, for lawful protection of the person's or
8 another's person or property;

9 (3) by a peace officer in accordance with the
10 policies of [~~his~~] the peace officer's law enforcement agency
11 who is certified pursuant to the Law Enforcement Training Act;

12 (4) by a peace officer in accordance with the
13 policies of [~~his~~] the peace officer's law enforcement agency
14 who is employed on a temporary basis by that agency and who has
15 successfully completed a course of firearms instruction
16 prescribed by the New Mexico law enforcement academy or
17 provided by a certified firearms instructor who is employed on
18 a permanent basis by a law enforcement agency; or

19 (5) by a person in possession of a valid
20 concealed handgun license or enhanced concealed handgun license
21 issued to [~~him~~] the person by the department of public safety
22 pursuant to the provisions of the Concealed Handgun Carry Act.

23 B. Nothing in this section shall be construed to
24 prevent the carrying of any unloaded firearm.

25 C. Whoever commits unlawful carrying of a deadly

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1 weapon is guilty of a petty misdemeanor."

2 SECTION 15. Section 30-7-2.1 NMSA 1978 (being Laws 1987,
3 Chapter 232, Section 1, as amended) is amended to read:

4 "30-7-2.1. UNLAWFUL CARRYING OF A DEADLY WEAPON ON SCHOOL
5 PREMISES.--

6 A. Unlawful carrying of a deadly weapon on school
7 premises consists of carrying a deadly weapon on school
8 premises except by:

- 9 (1) a peace officer;
- 10 (2) school security personnel;
- 11 (3) a person in possession of a valid enhanced
12 concealed handgun license issued to the person;

13 [~~3~~] (4) a student, instructor or other
14 school-authorized personnel engaged in army, navy, marine corps
15 or air force reserve officer training corps programs or state-
16 authorized hunter safety training instruction;

17 [~~4~~] (5) a person conducting or participating
18 in a school-approved program, class or other activity involving
19 the carrying of a deadly weapon; or

20 [~~5~~] (6) a person older than nineteen years
21 of age on school premises in a private automobile or other
22 private means of conveyance, for lawful protection of the
23 person's or another's person or property.

24 B. As used in this section, "school premises"
25 means:

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1 (1) the buildings and grounds, including
2 playgrounds, playing fields and parking areas and any school
3 bus of any public elementary, secondary, junior high or high
4 school in or on which school or school-related activities are
5 being operated under the supervision of a local school board;
6 or

7 (2) any other public buildings or grounds,
8 including playing fields and parking areas that are not public
9 school property, in or on which public school-related and
10 sanctioned activities are being performed.

11 C. Whoever commits unlawful carrying of a deadly
12 weapon on school premises is guilty of a fourth degree felony."

13 SECTION 16. Section 30-7-2.4 NMSA 1978 (being Laws 2003,
14 Chapter 253, Section 1) is amended to read:

15 "30-7-2.4. UNLAWFUL CARRYING OF A FIREARM ON UNIVERSITY
16 PREMISES--NOTICE--PENALTY.--

17 A. Unlawful carrying of a firearm on university
18 premises consists of carrying a firearm on university premises
19 except by:

20 (1) a peace officer;
21 (2) university security personnel;
22 (3) a person in possession of a valid enhanced
23 concealed handgun license issued to the person;

24 [~~3~~] (4) a student, instructor or other
25 university-authorized personnel who are engaged in army, navy,

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1 marine corps or air force reserve officer training corps
2 programs or a state-authorized hunter safety training program;

3 ~~[(4)]~~ (5) a person conducting or participating
4 in a university-approved program, class or other activity
5 involving the carrying of a firearm; or

6 ~~[(5)]~~ (6) a person older than nineteen years
7 of age on university premises in a private automobile or other
8 private means of conveyance, for lawful protection of the
9 person's or another's person or property.

10 B. A university shall conspicuously post notices on
11 university premises that state that it is unlawful to carry a
12 firearm on university premises.

13 C. As used in this section:

14 (1) "university" means a baccalaureate degree-
15 granting post-secondary educational institution, a community
16 college, a branch community college, a technical-vocational
17 institute and an area vocational school; and

18 (2) "university premises" means:

19 (a) the buildings and grounds of a
20 university, including playing fields and parking areas of a
21 university, in or on which university or university-related
22 activities are conducted; or

23 (b) any other public buildings or
24 grounds, including playing fields and parking areas that are
25 not university property, in or on which university-related and

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1 sanctioned activities are performed.

2 D. Whoever commits unlawful carrying of a firearm
3 on university premises is guilty of a petty misdemeanor."

4 SECTION 17. Section 30-7-3 NMSA 1978 (being Laws 1975,
5 Chapter 149, Section 1, as amended) is amended to read:

6 "30-7-3. UNLAWFUL CARRYING OF A FIREARM IN LICENSED
7 LIQUOR ESTABLISHMENTS.--

8 A. Unlawful carrying of a firearm in an
9 establishment licensed to dispense alcoholic beverages consists
10 of carrying a loaded or unloaded firearm on any premises
11 licensed by the regulation and licensing department for the
12 dispensing of alcoholic beverages except:

13 (1) by a law enforcement officer in the lawful
14 discharge of the officer's duties;

15 (2) by a law enforcement officer who is
16 certified pursuant to the Law Enforcement Training Act acting
17 in accordance with the policies of the officer's law
18 enforcement agency;

19 (3) by the owner, lessee, tenant or operator
20 of the licensed premises or the owner's, lessee's, tenant's or
21 operator's agents, including privately employed security
22 personnel during the performance of their duties;

23 (4) by a person carrying a concealed handgun
24 who is in possession of a valid enhanced concealed handgun
25 license for that handgun;

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1 [~~(4)~~] (5) by a person carrying a concealed
2 handgun who is in possession of a valid concealed handgun
3 license or enhanced concealed handgun license for that gun
4 pursuant to the Concealed Handgun Carry Act on the premises of:

5 (a) a licensed establishment that does
6 not sell alcoholic beverages for consumption on the premises;
7 or

8 (b) a restaurant licensed to sell only
9 beer and wine that derives no less than sixty percent of its
10 annual gross receipts from the sale of food for consumption on
11 the premises, unless the restaurant has a sign posted, in a
12 conspicuous location at each public entrance, prohibiting the
13 carrying of firearms, or the person is verbally instructed by
14 the owner or manager that the carrying of a firearm is not
15 permitted in the restaurant;

16 [~~(5)~~] (6) by a person in that area of the
17 licensed premises usually and primarily rented on a daily or
18 short-term basis for sleeping or residential occupancy,
19 including hotel or motel rooms;

20 [~~(6)~~] (7) by a person on that area of a
21 licensed premises primarily used for vehicular traffic or
22 parking; or

23 [~~(7)~~] (8) for the purpose of temporary
24 display; provided that the firearm is:

25 (a) made completely inoperative before

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1 it is carried onto the licensed premises and remains
2 inoperative while it is on the licensed premises; and

3 (b) under the control of the licensee or
4 an agent of the licensee while the firearm is on the licensed
5 premises.

6 B. Whoever commits unlawful carrying of a firearm
7 in an establishment licensed to dispense alcoholic beverages is
8 guilty of a fourth degree felony."

9 SECTION 18. Section 30-7-13 NMSA 1978 (being Laws 1979,
10 Chapter 376, Section 4) is amended to read:

11 "30-7-13. CARRYING WEAPONS PROHIBITED.--

12 A. It is unlawful for any person without prior
13 approval from the company to board or attempt to board a bus
14 while in possession of a firearm or other deadly weapon upon
15 [~~his~~] the person's own person or effects and readily accessible
16 to [~~him~~] the person while on the bus. Any person who violates
17 the provisions of this subsection is guilty of a misdemeanor.

18 B. Subsection A of this section does not apply to
19 duly elected or appointed law enforcement officers or
20 commercial security personnel in the lawful discharge of their
21 duties, or to a person in possession of an enhanced concealed
22 handgun license issued to the person."

23 SECTION 19. Section 34-9-19 NMSA 1978 (being Laws 2016,
24 Chapter 10, Section 2) is amended to read:

25 "34-9-19. REPORTING TO THE NATIONAL INSTANT CRIMINAL

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1 BACKGROUND CHECK SYSTEM.--

2 A. In any circumstance other than that described in
3 Subsection B of this section, the administrative office of the
4 courts shall obtain and electronically transmit information
5 from court proceedings relating to a person's eligibility to
6 receive or possess a firearm or ammunition pursuant to state or
7 federal law to the federal bureau of investigation's national
8 instant criminal background check system. The administrative
9 office of the courts shall also be responsible for notifying,
10 as soon as practicable within ten days of receipt of the
11 information, the federal bureau of investigation to update,
12 correct, modify or remove information affecting a person's
13 eligibility to receive or possess a firearm or ammunition
14 pursuant to state or federal law in the national instant
15 criminal background check system.

16 B. The administrative office of the courts shall
17 electronically transmit information about a court order,
18 judgment or verdict to the federal bureau of investigation for
19 entry into the national instant criminal background check
20 system regarding each person who has been adjudicated as a
21 mental defective or committed to a mental institution and is
22 therefore, pursuant to federal law, disabled from receiving or
23 possessing a firearm or ammunition.

24 C. Upon entry of a court order, judgment or verdict
25 referred to in Subsection B of this section, the administrative

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1 office of the courts shall transmit to the federal bureau of
2 investigation only that information necessary to identify the
3 person for the sole purpose of inclusion in the national
4 instant criminal background check system. The administrative
5 office of the courts, consistent with rules promulgated
6 pursuant to Subsection L of this section, shall also notify the
7 person that, as an adjudicated mental defective or as a person
8 committed to a mental institution, the person is disabled
9 pursuant to federal law from receiving or possessing a firearm
10 or ammunition.

11 D. A person who has been adjudicated as a mental
12 defective or committed to a mental institution and is
13 therefore, pursuant to federal law, disabled from receiving or
14 possessing a firearm or ammunition or, pursuant to state law,
15 is ineligible for a concealed handgun license or an enhanced
16 concealed handgun license may petition the court that
17 originated the order, judgment or verdict or another court of
18 competent jurisdiction to remove that person's firearm-related
19 disabilities and restore the person's right to receive and
20 possess a firearm and ammunition and the right to be eligible
21 for a concealed handgun license or an enhanced concealed
22 handgun license. A copy of the petition seeking relief from
23 disabilities shall be served upon the office of the attorney
24 general and upon all parties to the proceeding resulting in a
25 court order, judgment or verdict described in Subsection B of

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1 this section.

2 E. The court shall conduct a hearing and receive
3 and consider evidence on a petition for relief described in
4 Subsection D of this section, including evidence offered by the
5 petitioner, concerning:

6 (1) the circumstances regarding the firearm
7 disabilities from which relief is sought;

8 (2) the petitioner's mental health and
9 criminal history records, if any;

10 (3) the petitioner's reputation, developed, at
11 a minimum, through character witness statements, testimony or
12 other character evidence; and

13 (4) changes in the petitioner's condition or
14 circumstances since the original court order, judgment or
15 verdict that are relevant to the relief sought.

16 F. After conducting a hearing on the petition, the
17 court shall grant the petition for relief from the disability
18 reported pursuant to Subsection B of this section if the court
19 finds by a preponderance of the evidence that the petitioner
20 will not be likely to act in a manner dangerous to public
21 safety and that granting the relief will not be contrary to the
22 public interest.

23 G. A record shall be kept of the proceedings held
24 pursuant to Subsection E of this section. The decision of the
25 court may be appealed.

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1 H. Regardless of whether an earlier decision has
2 been appealed, a person may petition for relief pursuant to
3 Subsection D of this section not more than once every two years
4 and, in the case of a person who was committed to a mental
5 institution, not before the person has been discharged from
6 that commitment.

7 I. Upon the entry of a court order granting relief
8 from disabilities pursuant to Subsection F of this section, and
9 as soon as practicable within ten days of receipt of the court
10 order granting relief, the administrative office of the courts
11 and any other state agency as applicable shall each be
12 separately responsible for updating, correcting, modifying or
13 removing the petitioner's record from their own databases that
14 they make available to the national instant criminal background
15 check system and each shall promptly notify the United States
16 attorney general for the purpose of reporting to the national
17 instant criminal background check system that the basis for the
18 petitioner being disabled pursuant to federal law from
19 receiving or possessing a firearm or ammunition no longer
20 applies.

21 J. The administrative office of the courts is
22 prohibited from disclosing information regarding a court order,
23 judgment or verdict referred to in Subsection B of this section
24 or regarding a petitioner or proceedings under this section,
25 except as otherwise provided by law. Information compiled and

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1 transmitted under this section is not a public record and is
2 not subject to disclosure pursuant to the Inspection of Public
3 Records Act.

4 K. A person who is the subject of information
5 compiled or transmitted by the administrative office of the
6 courts pursuant to this section, or the person's authorized
7 representative, has a right to obtain, inspect and correct
8 information compiled or transmitted.

9 L. The administrative office of the courts shall
10 promulgate rules relating to the inspection and correction of
11 information contained in its records and relating to the
12 transmission of corrected information by the office for
13 inclusion in the national instant criminal background check
14 system database and other rules as necessary to implement the
15 provisions of this section.

16 M. As used in this section, the terms "adjudicated
17 as a mental defective" and "committed to a mental institution"
18 have the same meaning as those terms are defined in federal
19 regulations at 27 C.F.R. Section 478.11, as amended or
20 renumbered."