

This is an amendment to 16.48.2 NMAC, Sections 8, 18, 19, and 20, effective 1/13/2026.

16.48.2.8 GENERAL LIABILITY INSURANCE, BIOMETRIC CRIMINAL HISTORY REPORT AND GENERAL APPLICATION INFORMATION:

A. General liability insurance:

(1) A private investigation company or a private patrol company seeking to obtain or retain a license under the provisions of the Private Investigations Act shall maintain a general liability certificate of insurance in the amount of not less than one million dollars (\$1,000,000);

(2) Any failure to furnish and maintain licensee's general liability certificate of insurance shall be grounds for denial or revocation of a license issued under the provisions of the Private Investigations Act;

(3) In the event a general liability certificate of insurance is offered which varies from the department requirements the department shall determine whether the insurance is in substantial conformance with the Private Investigations Act and department rules;

(4) The duration of each general liability certificate of insurance shall, unless sooner terminated in accordance with law, be for the term of the license issued as set forth on the face thereof and 30 days thereafter; and

(5) Such general liability certificate of insurance shall also be filed and maintained for each period of renewal of license and the duration thereof shall be for the renewal period specified on the face of the license and 30 days thereafter.

B. Biometric criminal history report:

(1) Pursuant to Section 61-27B-34, NMSA 1978, applicants must submit to a biometric federal criminal history background check.

(2) Unless otherwise posted on the regulation and licensing department website, applicants must register [www.aps.gemalto.com/nm/index prior to going to an electronic fingerprint location] with the New Mexico Department of Public Safety's fingerprinting vendor, pay the fingerprint processing fee, and provide fingerprints in accordance with the vendor's established process.

(3) Background check results will be sent directly to the regulation and licensing department electronically.

(4) Additional information is published on the regulation and licensing department website under the private investigations advisory board.

C. General application information:

(1) Information provided to the department for as part of the application or renewal process is subject to the Inspection of Public Records Act.

(2) All applicants, which includes each owner, director and officer of a business, for licensure must submit the following information:

(a) full name and if applicable, other names the applicant has used;

(b) mailing address;

(c) contact phone number;

(d) email address;

(e) date of birth;

(f) social security number;

(g) release of information form;

(h) name of jurisdiction, license number, and license status for other jurisdictions in which the applicant is or has been licensed;

(i) proof of military service member or veteran;

(j) fingerprint cards or other biometric data for federal criminal history report submission; and

(k) non-refundable license fee as set forth in Section 16.48.5 NMAC.

[16.48.2.8 NMAC - Re-pr & A, 16.48.2.8 NMAC, 9/24/2008; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023, A, 1/13/2026]

16.48.2.18 LEVEL TWO SECURITY GUARD APPLICANT QUALIFICATIONS AND EXPERIENCE REQUIREMENTS:

A. Application requirements: Applicants for licensure as a level two security guard must meet the qualifications and requirements described in Section 61-27B-17 NMSA 1978, and submit a completed application, which includes:

- (1) general application information as listed in Subsection C of 16.48.2.8 NMAC;
- (2) license number of current registration in good standing as a level one security guard [or]
and proof of completing department approved level one security guard training;
- (3) successfully pass a jurisprudence examination to be administered by the department;
- (4) certificate of completing a department approved level two training program;
- (5) certificate of completing a department approved weapon training program;
- (6) biometric criminal history background check; and
- (7) non-refundable registration fee as defined in 16.48.5 NMAC.

B. Level two training certificate: Training and examination must be conducted pursuant to the curriculum provided by the department and must be taught by an in-person department approved instructor. A twenty-hour curriculum is the minimum training required and must be completed within twelve months prior to application for security guard level two registration.

C. Level two weapons training certificate: An applicant must successfully complete training for the specific weapon to be armed with while on duty. Electronic non-lethal device training shall be done in accordance with manufacturer requirements for any device carried or utilized by the registrant.

D. Federal criminal history report: Pursuant to Section 61-27B-34, NMSA 1978, all owners, director and officers of a private investigation company must submit to a biometric federal criminal background check, as set forth in Subsection H of 16.48.2.8 NMAC.

[16.48.2.18 NMAC - Re-pr & A, 16.48.2.18 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2015; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023; A, 1/13/2026]

16.48.2.19 LEVEL THREE SECURITY GUARD APPLICANT QUALIFICATIONS AND EXPERIENCE REQUIREMENTS:

A. Application requirements: Applicants for licensure as a level three security guard must meet the qualifications and requirements described in Section 61-27B-18 NMSA 1978, and submit a completed application, which includes:

- (1) general application information as listed in Subsection C of 16.48.2.8 NMAC;
- (2) license number of current registration in good standing as a level two security guard [or]
and certificate of completing department approved level one and level two security guard training;
- (3) successfully pass a jurisprudence examination to be administered by the department;
- (4) certificate of completing a department approved level three training program;
- (5) certificate of completing a department approved weapon training program;
- (6) psychological examination;
- (7) biometric criminal history background check; and
- (8) non-refundable registration fee as defined in 16.48.5 NMAC.

B. Level three training certification: Training and examination must be conducted pursuant to the curriculum provided by the department and must be taught by an in-person department approved instructor. A sixteen-hour curriculum is the minimum training required, to include the laws pertaining to firearms and deadly physical force and must be completed within twelve months prior to application for security guard level three registration.

C. Level three weapons training certificate: An applicant for weapon endorsement must successfully complete training, as defined in Subsection E of 16.48.2.18 NMAC, for the specific weapon endorsement. The following endorsement for level two applicants for electronic non-lethal device training shall be done in accordance with manufacturer requirements for any device carried or utilized by the registrant.

D. Firearm certification: Pursuant to Section 61-27B-31, if applicant elects to be firearm certified, the applicant must provide the following:

(1) proof of successfully completing mandatory firearms training required by 16.48.4.8 NMAC, including a copy of applicant's firearms qualification score sheet and the registration number for the department approved instructor; and

- (2) results of a psychological evaluation as set forth in Section 16.48.2.21 NMAC.

E. Psychological evaluation: Prior to certification as a level three security guard, each applicant must be evaluated by a licensed psychologist regarding the individual's mental suitability to carry a firearm within

the individual's scope of duty as a licensed level three security guard. Any psychologist licensed and in good standing in the state of New Mexico or other United States jurisdiction, may administer the evaluation.

(1) All psychological evaluations shall be on a form provided by the department and must state if the applicant is recommended or not recommended to carry a firearm. If an applicant is not recommended to carry a firearm, the psychologist shall specify the reason(s) the applicant is not recommended to carry a firearm.

(2) Evaluations cannot be more than one year old for certification purposes.

(3) The original evaluation form must be signed and transmitted directly to the department within thirty days by the psychologist that performed the psychological evaluation

(4) An applicant knowingly providing false information or knowingly failing to disclose information shall be grounds for denial of licensure.

(5) Any applicant who fails the psychological evaluation shall not complete another psychological evaluation for at least ninety days from the date indicated on the original evaluation form signed and transmitted directly to the department by the psychologist that performed the psychological evaluation. If an applicant fails the evaluation, the department will make an electronic annotation in the candidate's file to ensure compliance with this rule.

(6) The psychological evaluation shall consist of at least one of the following psychological assessments to include the Minnesota multi-phasic inventory-2 restructured form, the Minnesota Multi-Phasic Inventory 2, or the Personality Assessment Inventory, as well as two additional measures of emotional functioning (Beck Depression Inventory-II, Beck Anxiety Inventory, PTSD Checklist-C).

F. Federal criminal history report: Pursuant to Section 61-27B-34, NMSA 1978, all applicants for licensure as a security guard level three must submit to a biometric federal criminal background check, as set forth in Subsection H of 16.48.2.8.

[16.48.2.19 NMAC - Re-pr & A, 16.48.2.19 NMAC, 9/24/2008; A, 11/28/2009; A, 5/1/2010; A, 1/15/2015; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023; A, 1/13/2026]

16.48.2.20 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR SECURITY GUARD

INSTRUCTOR REGISTRATION: An individual seeking to be a registered instructor shall complete an application on a form provided by the department. The department shall review applications, register instructors, and maintain a list of current instructors 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: instructor certification related to the level one training curriculum topics, issued by a law enforcement academy (LEA), an accredited higher education institution, United States military branch, or the federal law enforcement training center (FLETC). The certification submitted must have been issued within four years preceding the date the application is submitted;

(2) Level Two Instructor: approval as a level one instructor and, specific weapon instructor certification related to the level two training curriculum, issued by the respective weapon manufacturer. Weapon certification must have been issued within four years preceding the date the application is submitted;

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

B. biometric criminal history background check

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

[C.] D. A registered instructor must complete a minimum of four hours of continuing education specific to instructor development and case law specific to security every four years from the date of registration. 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; A, 7/18/2023; A, 1/13/2026]