NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT RULE AMENDMENT

Public Notice. The New Mexico Department of Public Safety ["DPS"] gives notice that it will hold a public hearing at DPS's Law Enforcement Academy Auditorium, at 4491 Cerrillos Rd, Santa Fe, NM 87507, and via Microsoft Teams, on December 10, 2026, at 1:00 p.m. on the proposed permanent rule amendments to 10.8.2 NMAC, PUBLIC SAFETY AND LAW ENFORCEMENT, WEAPONS AND EXPLOSIVES, CARRYING CONCEALED HANDGUNS. Members of the public may attend at DPS or via Microsoft Teams on a computer, mobile device, or telephone. The videoconference link, Meeting ID, Passcode, and telephone number are:

Join Microsoft Teams Meeting on Your Computer or Mobile App:
https://tinyurl.com/CCU-Rule-Amend
Meeting ID: 295 535 623 360 541 0
Passcode: AC2zr7Zv

Or Call in (Audio Only):
+1 505-312-4308
Phone Conference ID: 197 845 194#

Purpose of the Proposed Permanent Rule Amendment. The purpose of this public hearing is to receive public comment and input on proposed permanent amendments to Sections 7, 9, 12, 15, 16, 19, 21, 22, 26, 27, 29, 30, 31, and 32 of 10.8.2 NMAC. The purposes of the amendments include:

a. *Handguns used to demonstrate competency.* Requiring that handgun competency be demonstrated with a handgun designed to be held and fired with one hand; prohibiting the use of a rifle or a short-barreled rifle, as defined in 18 U.S.C. Section 921(a)(7) and (8), to demonstrate competency or to endorse a category or caliber on a certificate of completion or a license; and adding a definition of "handgun" that adopts Subsection F of Section 29-19-2 NMSA 1978.

b. *Category and caliber for training-exempt applicants.* Adding Subsection E of 10.8.2.15 NMAC so that current and retired peace officers, military service persons, mounted patrol members, and approved instructors, who are exempt from the firearms training course, establish the category and highest caliber of handgun that Paragraph (4) of Subsection C of Section 29-19-6 NMSA 1978 requires on the license by a firearms qualification record, by a sworn designation on a department-prescribed supplement, or by a scored competency demonstration. Sections 12, 22, 30, 31, and 32 are conformed.

c. *Authorization to obtain health information.* Requiring the department, when the application or a criminal background or court records check indicates that an applicant or licensee may be disqualified under Paragraph (8) or (9) of Subsection A of Section 29-19-4 NMSA 1978, to request in writing a department-prescribed authorization to obtain health information, unless the record establishes the disqualification; limiting the authorization to whether the applicant or licensee has been adjudicated mentally incompetent or committed to a mental institution, or is addicted to alcohol or controlled substances, and excluding general medical history; allowing the applicant or licensee instead to submit other documentation that resolves the indication, with the burden of doing so; and treating a request to an applicant as a deficiency subject to 10.8.2.11 NMAC.

d. *Gender-neutral language.* Replacing the remaining masculine-only pronouns in 10.8.2.16 and 10.8.2.29 NMAC with gender-neutral terms, and making punctuation corrections.

e. *Notice and opportunity to cure.* Requiring written notice of a curable administrative or documentary deficiency and at least 30 days to cure it before a filing is rejected or a license or permit is denied, suspended, or revoked for that deficiency, without deferring mandatory action on a disqualification under Section 29-19-4 NMSA 1978.

f. *Mandatory action on disqualifications.* Changing "may" to "shall" where the act requires denial, suspension, or revocation, to provide uniform and objective decisions; adding false information on an application or renewal as a ground; and providing for reinstatement when a charge is resolved without conviction, and no other disqualification exists.

g. *Officers, mounted patrol, and military.* Adding definitions of "law enforcement certification" and "mounted patrol"; conforming the definition of "military service person" to Section 29-19-15 NMSA 1978; adding mounted

patrol members to 10.8.2.30 NMAC; requiring the same forms and documents of current and retired peace officers and military service persons; and correcting the 10-year and 20-year training exemptions.

h. *Training and fees.* Requiring that the firearms training course be completed within 90 days before the application, setting the refresher course at 22 to 26 months after issuance with the certificate due within 30 days, and clarifying the application fee exemption.

i. *Hearings and instructor permits.* Consolidating the grounds for suspension or revocation of an instructor permit, deleting the hearing stipulation requirement, and correcting cross-references, lettering, and typographical errors in the hearing procedures.

Legal Authority Authorizing the Proposed Permanent Rule Amendment. The proposed permanent rule amendment is promulgated pursuant to Subsection E of Section 9-19-6 NMSA 1978; Section 29-19-12 NMSA 1978 and Sections 29-19-1 through 29-19-15 NMSA 1978; and Sections 30-7-2, 30-7-2.1, and 30-7-2.4 NMSA 1978. No technical information served as a basis for the proposed rule amendment.

Summary of Proposed Amended Rules. Below is a summary of the proposed permanent rule amendments.

10.8.2.7 NMAC DEFINITIONS

- Adds definitions of "handgun," "law enforcement certification," and "mounted patrol."
- Conforms the definition of "military service person" to Section 29-19-15 NMSA 1978.
- Re-letters subsections.

10.8.2.9 NMAC INCOMPLETE FILINGS

- Requires written notice of a curable deficiency and provides not less than 30 days to cure.

10.8.2.12 NMAC OTHER REQUIRED DOCUMENTS FOR A LICENSE

- Requires completion of the firearms training course within 90 days before the application.
- Routes training-exempt applicants to Subsection E of 10.8.2.15 NMAC for category and caliber.
- Clarifies the application fee exemption.
- Requires the department, when the record indicates a possible disqualification under Paragraph (8) or (9) of Subsection A of Section 29-19-4 NMSA 1978, to request a department-prescribed authorization to obtain health information limited to those grounds, and allows the applicant or licensee to submit other documentation that resolves the indication instead.

10.8.2.15 NMAC FIREARMS TRAINING FOR APPLICANTS AND LICENSEES

- Clarifies the training exemptions for current and retired peace officers, including the period of separation from service.
- Sets the refresher course at 22 to 26 months after issuance.
- Requires that competency be demonstrated with a handgun designed to be held and fired with one hand, and not with a rifle or short-barreled rifle.
- Adds Subsection E establishing the category and caliber of handgun for training-exempt applicants.

10.8.2.16 NMAC TERMS AND CONDITIONS OF LICENSE

- Updates to gender-neutral terms.

10.8.2.19 NMAC REPLACEMENT LICENSE

- Corrects punctuation.

10.8.2.21 NMAC DENIAL, SUSPENSION AND REVOCATION OF A LICENSE

- Updates language from discretionary action to a mandatory one where the act requires denial, suspension, or revocation.
- Routes curable deficiencies to the notice-and-cure procedure in 10.8.2.9 NMAC.
- Adds false information on an application or renewal as a ground for denial, suspension, or revocation.
- Provides for reinstatement when a charge is resolved without conviction, and no other disqualification exists.

10.8.2.22 NMAC DEPARTMENT APPROVAL OF INSTRUCTORS AND FIREARMS TRAINING COURSES

- Updates to gender-neutral terms.
- Routes instructor category and caliber determinations to Subsection E of 10.8.2.15 NMAC.

10.8.2.26 NMAC SUSPENSION AND REVOCATION OF AN INSTRUCTOR PERMIT

- Consolidates the grounds for suspension or revocation of an instructor permit.
- Updates language from discretionary action to a mandatory one.
- Corrects the cross-reference to the hearing procedures in 10.8.2.27 NMAC.

10.8.2.27 NMAC HEARING PROCEDURES

- Corrects punctuation and typographical errors.
- Deletes the stipulation subsection and re-letters the following subsections and their cross-references.

10.8.2.29 NMAC RECIPROCITY

- Updates to gender-neutral terms.

10.8.2.30 NMAC CURRENT PEACE OFFICERS OR MOUNTED PATROL OFFICERS

- Adds mounted patrol members.
- Requires the same forms and documents of current peace officers and mounted patrol members as of other applicants.
- Updates language from discretionary action to a mandatory one.
- Separately addresses pending serious administrative allegations and re-letters subsections.
- Addresses separation from a law enforcement agency or mounted patrol.

10.8.2.31 NMAC RETIRED PEACE OFFICERS

- Requires the same forms and documents of retired peace officers as of other applicants.
- Corrects the 10-year training exemption and an internal citation.

10.8.2.32 NMAC MILITARY SERVICE PERSONS

- Requires the same forms and documents of military service persons as of other applicants.
- Corrects the 20-year training exemption and grammar.

Copies of the Rule. The full text of the proposed rule amendment is available free of charge on the DPS website at https://www.dps.nm.gov/public-information/rule-making/ and on the Sunshine Portal at https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic. Copies may also be obtained at all DPS district offices, field offices, ports of entry, and regional offices, or by contacting Herbert Strassberg, Assistant General Counsel, at 505.637.1506 or herbert.strassberg@dps.nm.gov.

Comment on the Rule Amendment. Interested persons may comment on the proposed permanent rule amendment at the hearing, or by submitting written comments to Monique Barreras, DPS Office of Legal Affairs Law Clerk, at 4491 Cerrillos Rd., P.O. Box 1628, Santa Fe, NM 87504-1628, or by email at moniquet.barreras@dps.nm.gov. Written comments must be received by 5:00 p.m. on December 9, 2026. Early submission of written comments is encouraged. Written comments received will be posted on the DPS website. Interested persons may also submit written comments at the public hearing.

Permanent Rule. The proposed amendment will be a permanent rule amendment.

Reasonable Accommodation. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing, including a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, are asked to contact Monique Barreras by telephone at 505.660.9270 or by email at moniquet.barreras@dps.nm.gov as soon as possible and no later than November 30, 2026. DPS requires at least ten calendar days' advance notice to provide special accommodations.