

1 **TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**
2 **CHAPTER 48 PRIVATE LAW ENFORCEMENT PRACTITIONERS**
3 **PART 2 REQUIREMENTS FOR LICENSURE**
4

5 **16.48.2.1 ISSUING AGENCY:** Regulation and Licensing Department, Private Investigations
6 Advisory Board.
7 [16.48.2.1 NMAC - Re-pr, 16.48.2.1 NMAC, 09/24/08]
8

9 **16.48.2.2 SCOPE:** All individuals and business entities that apply for licensure under the Private
10 Investigations Act.
11 [16.48.2.2 NMAC - Re-pr, 16.48.2.2 NMAC, 09/24/08]
12

13 **16.48.2.3 STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Private
14 Investigations Act, Section 61-27B-7, 61-27B-8, 61-27B-9, 61-27B-10, 61-27B-11, 61-27B-12, 61-27B-13,
15 61-27B-14, 61-27B-15, 61-27B-16, 61-27B-17, 61-27B-18, 61-27B-19, 61-27B-24, 61-27B-31 & 61-27B-
16 35.
17 [16.48.2.3 NMAC - Re-pr, 16.48.2.3 NMAC, 09/24/08]
18

19 **16.48.2.4 DURATION:** Permanent.
20 [16.48.2.4 NMAC - Re-pr, 16.48.2.4 NMAC, 09/24/08]
21

22 **16.48.2.5 EFFECTIVE DATE:** September 24, 2008 unless a later date is cited in the history note
23 at the end of a section.
24 [16.48.2.5 NMAC - Re-pr & A, 16.48.2.5 NMAC, 09/24/08]
25

26 **16.48.2.6 OBJECTIVE:** To establish the procedures and outline the documents and information
27 necessary to complete the application process for licensure.
28 [16.48.2.6 NMAC - Re-pr, 16.48.2.6 NMAC, 09/24/08]
29

30 **16.48.2.7 DEFINITIONS:** Please refer to 16.48.1.7 NMAC in addition to the definitions within
31 this part.

32 **A.** "Armored vehicle security guard" means an individual employed by an armored car
33 company whose primary duty is that of guarding the tangible property, currency, valuables, jewelry, food
34 stamps, or other high value items of higher or unusual value, which require secured delivery from one place
35 to another and who wears, carries, possesses, or has immediate access to a firearm at any time in the
36 performance of the individual's duties.

37 **B.** "Chemical agents" means tear gas or any other non-lethal chemical agents used for the
38 intent to restrain and control unruly or combative subjects for the purposes of safety to the security officer
39 and the public.

40 **C.** "Defensive impact tools" means straight baton, expandable baton, side handle baton or
41 other defensive impact tools used for the intent to restrain and control unruly or combative subjects for the
42 purposes of safety to the security officer and the public.

43 **D.** "Electronic non-lethal devices" means tasers or other devices used for the intent to
44 restrain and control unruly or combative subjects for the purposes of safety to the security officer and the
45 public.

46 **E.** "Restraint and control devices" means handcuffs or similar devices used for the intent to
47 restrain and control unruly or combative subjects for the purposes of safety to the security officer and the
48 public.

49 [16.48.2.7 NMAC - Re-pr & A, 16.48.2.7 NMAC, 09/24/08]
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51 **16.48.2.8 BOND AND GENERAL LIABILITY INSURANCE REQUIREMENT:**

52 **A.** All private investigators, private patrol operators and private investigation companies
53 seeking to obtain or retain a license under the provisions of the Private Investigations Act shall file with the
54 department and retain in full force and effect, a surety bond in the amount of ten thousand dollars (\$10,000)
55 executed by a surety company authorized to do business in this state on a form prescribed by the
56 department.

1 **B.** The owner or the chief executive officer of a private investigation company that provides
2 personal protection or bodyguard services or the owner or the chief executive office of a private patrol
3 company shall maintain a general liability certificate of insurance in the amount of not less than one million
4 dollars (\$1,000,000).

5 **C.** A surety bond in the amount of ten thousand dollars (\$10,000) or a general liability
6 certificate of insurance executed and filed with the department pursuant to the Private Investigations Act
7 shall remain in force until the surety company issuing the bond or the certificate has terminated future
8 indemnity by notice to the department.

9 **D.** Any failure to furnish and maintain such bond in such form shall be grounds for denial or
10 revocation of any license of a private investigator, private patrol operator, or private investigation company.

11 **E.** In the event a bond is offered which varies from the department form the department
12 shall determine whether bond is in substantial conformance with the Private Investigations Act and
13 department rules.

14 **F.** The duration of each bond shall, unless sooner terminated in accordance with law, be for
15 the term of the term of the license issued as set forth on the face thereof and thirty (30) days thereafter.

16 **G.** Such bond shall also be filed and maintained for each period of renewal of license and the
17 duration thereof shall be for the renewal period specified on the face of the license and thirty (30) days
18 thereafter.

19 **H.** Any claim filed or made against any private investigator, private patrol operator, or
20 private investigation company shall be reported by him forthwith to his surety company.

21 **I.** Upon receipt of notice of any claim made against any private investigator, private patrol
22 operator, or private investigation company the surety company bonding such private investigator, private
23 patrol operator, or private investigation company shall forthwith report the same to the department.

24 **J.** All complaints filed, judgments rendered or injunctions issued, whether temporary or
25 final, against any private investigator, private patrol operator, private investigation company or his surety
26 company shall be reported to department, within ten (10) days after receipt of the same by such private
27 investigator, private patrol operator, private investigation company, surety company, or their agents,
28 attorneys, or employees, together with the name of the court where filed and the name and address of the
29 attorney for claimant, or the claimant if he has no attorney.

30 **K.** A private investigator or private patrol operator or private investigation company or
31 licensee or registrant shall furnish the department with any information requested by the department
32 pursuant to a claim or complaint or suit filed alleging a violation of any rule or statute governing private
33 investigators, private patrol operators, private investigation companies, licensees or registrants when
34 requested to do so by the department. Failure to comply with this request may result in disciplinary action.
35 No payment may be made by a surety company pursuant to a claim or complaint filed with the department
36 unless the department directs such payment to be made.

37 **L.** The failure to furnish such notice of claims or suits or such information shall be deemed
38 sufficient to revoke or suspend any license of a private investigator, private patrol operator or private
39 investigation company or to deem any bond for such private investigator, private patrol operator or private
40 investigation company insufficient.

41 **M.** The department may determine that any claim made or suit filed against any private
42 investigator, private patrol operator or private investigation company has reduced the amount of the bond
43 of such investigator, patrol operator or private investigation company in full force and effect to such extent
44 as the department shall, in its discretion, determine. Any judgment obtained against any private
45 investigator or private patrol operator or private investigation company or his surety company shall be
46 deemed to reduce the amount of his bond in full force and effect by the amount of the judgment. In the
47 event the amount of the bond in full force and effect shall be so reduced, such private investigator or
48 private patrol operator or private investigation company shall, within ten (10) days, file a new or
49 supplemental bond sufficient to meet the requirements of law as to the amount of bond in full force and
50 effect.

51 **N.** If any claim is made or suit filed against any private investigator or private patrol
52 operator or private investigation company for his actions, or the actions of any of his employees, and any
53 portion of such act or acts as a private investigator or private patrol operator or private investigation
54 company took place or occurred during the period for which a bond was in force, such surety shall be
55 deemed liable for the whole of such claim to the extent of the total amount of the bond, provided that if

1 more than one bond was in effect during the performance of all or any part of such acts, the liability shall
2 be pro-rated among such sureties.
3 [16.48.2.8 NMAC - Re-pr & A, 16.48.2.8 NMAC, 09/24/08]

4
5 **16.48.2.9 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
6 **FOR A PRIVATE INVESTIGATOR LICENSE:**

7 **A.** ~~[The department shall issue a license as a private investigator to an individual who files a~~
8 ~~completed application on a form provided by the department, accompanied by the required fees and who~~
9 ~~submits the following:] Applicants for licensure as a private investigator must submit the following:~~

10 (1) completed application;

11 ~~[(1)]~~ (2) proof of age indicating applicant is at least twenty one (21) years of age (copy of
12 birth certificate, driver's license, state issued identification card, or baptismal certificate);

13 ~~[(2)—two (2) completed fingerprint cards, a completed verification of fingerprints form, a~~
14 ~~notarized authorization for release of information form and the prescribed fee for a state and federal~~
15 ~~criminal history background check;]~~

16 (3) proof of successfully passing a jurisprudence examination to be administered by the
17 department;

18 (4) a surety bond in the amount of ten thousand dollars (\$10,000) executed by a surety
19 company authorized to do business in this state on a form prescribed by the department; however, private
20 investigators who provide personal protection or bodyguard services shall maintain general liability
21 insurance in the amount not less than one million dollars (\$1,000,000) in lieu of the surety bond required by
22 the provisions of this paragraph; ~~and]~~

23 (5) proof of experience that has been acquired within the five (5) years preceding the filing
24 of the application with the department which shall consist of not less than 6,000 hours of actual work
25 performed in:

26 (a) investigation for the purpose of obtaining information with reference to a crime or
27 wrongs done or threatened against the United States;

28 (b) investigation of persons;

29 (c) the location, disposition or recovery of lost or stolen property;

30 (d) the cause or responsibility for fire, losses, motor vehicle or other accidents or
31 damage or injury to persons or property; or

32 (e) securing evidence to be used before a court, administrative tribunal, board or
33 investigating committee or for a law enforcement officer[-];

34 (6) non-refundable license fee as set forth in Part 5; and

35 (7) criminal history background check as set forth in Subsection C of 16.48.2.9.

36 **B.** Years of qualifying experience and the precise nature of that experience shall be
37 substantiated by written certification from employers on a form provided by the department and shall be
38 subject to independent verification by the department as it deems warranted. In the event of inability of
39 applicants to supply such written certifications from employers in whole or in part, applicants may offer
40 other written certifications from others than employers covering the same subject matter for consideration
41 by the department. The burden of proving necessary experience is on the applicant.

42 **C.** Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance, reinstatement
43 or renewal of a private investigator license in New Mexico shall be required to be fingerprinted to establish
44 positive identification for a state and federal criminal history background check.

45 (1) Blank fingerprint cards shall be obtained from the department.

46 (2) Fingerprints shall be taken:

47 (a) under the supervision of and certified by a New Mexico state police officer, a
48 county sheriff, or a municipal chief of police;

49 (b) by comparable officers in the applicant's state of residence if the applicant is not a
50 resident of New Mexico; or

51 (c) at the discretion of the department, by a private agency or individual qualified to
52 take and certify fingerprints, provided the agency submits to the department written authorization or proof
53 of training from any of the agencies referenced in subparagraphs (a) and (b) above.

54 (3) Completed fingerprint cards shall be submitted to the department or department designee
55 with a check, money order, or cashier's check ~~[or credit card]~~ for the prescribed fee ~~[and made out to the~~
56 ~~private investigations advisory board]~~.

1 ~~[(4)—The department may issue a provisional license until an applicant's background check~~
2 ~~has been successfully completed.]~~

3 D. Proof of successfully completing mandatory firearms training required by 16.48.4.8
4 NMAC.
5 [16.48.2.9 NMAC - Re-pr & A, 16.48.2.9 NMAC, 09/24/08]

6
7 **16.48.2.10 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
8 **FOR A PRIVATE INVESTIGATION COMPANY LICENSE:**

9 A. ~~[The department shall issue a license for a private investigation company to a person that~~
10 ~~files a completed application on a form provided by the department, accompanied by the required fees and~~
11 ~~who submits the following:]~~ Applicants for licensure as a private investigation company must submit the
12 following:

13 (1) ~~[completed fingerprint cards, a completed verification of fingerprints form, a notarized~~
14 ~~authorization for release of information form and the prescribed fee for a state and federal criminal history~~
15 ~~background check;]~~ completed application;

16 (2) a surety bond in the amount of ten thousand dollars (\$10,000); however, private
17 investigators who provide personal protection or bodyguard services shall maintain general liability
18 insurance as specified in the Private Investigations Act in lieu of the surety bond required by the provisions
19 of this paragraph; a private investigator or private patrol operator holding a certificate of deposit or surety
20 bond prior to July 1, 2007 in the sum of two thousand dollars (\$2,000) shall be exempt from the bond
21 provisions of the Private Investigations Act, provided that the private investigator's or private patrol
22 operator's license remains current and the holder remains in good standing with the regulation and licensing
23 department;

24 (3) proof of an owner or a licensed private investigations manager who is licensed as a
25 private investigator and who certifies that they will manage the daily operations of the private investigation
26 company;

27 (4) proof of a physical location in New Mexico where records are maintained and made
28 available for department inspection; ~~[and]~~

29 (5) proof of a New Mexico registered agent if the applicant is a private investigation
30 company located outside of New Mexico[-];

31 (6) non-refundable license fee as set forth in Part 5; and

32 (7) criminal history background check as set forth in Subsection C of 16.48.2.10.

33 B. The owner or the chief executive officer of a private investigation company that provides
34 personal protection or bodyguard services shall provide proof of an active and current general liability
35 certificate of insurance in the amount of no less than one million dollars (\$1,000,000).

36 C. Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance, reinstatement
37 or renewal of a private investigation company license in New Mexico shall be required to be fingerprinted
38 to establish positive identification for a state and federal criminal history background check. A legal
39 business entity must submit a fingerprint packet for each owner, and officers or directors.

40 (1) Blank fingerprint cards shall be obtained from the department.

41 (2) Fingerprints shall be taken:

42 (a) under the supervision of and certified by a New Mexico state police officer, a
43 county sheriff, or a municipal chief of police;

44 (b) by comparable officers in the applicant's state of residence if the applicant is not a
45 resident of New Mexico; or

46 (c) at the discretion of the department, by a private agency or individual qualified to
47 take and certify fingerprints, provided the agency submits to the department written authorization or proof
48 of training from any of the agencies referenced in subparagraphs (a) and (b) above.

49 (3) Completed fingerprint cards shall be submitted to the department or designee with a
50 check, money order, or cashiers check ~~[or credit card]~~ for the prescribed fee ~~[and made out to the private~~
51 ~~investigations advisory board].~~

52 ~~[(4)—The department may issue a provisional license until an applicant's background check~~
53 ~~has been successfully completed.]~~

54 [16.48.2.10 NMAC - Re-pr & A, 16.48.2.10 NMAC, 09/24/08]

1 **16.48.2.11 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
2 **FOR A PRIVATE INVESTIGATIONS MANAGER LICENSE:** ~~[The department shall issue a license~~

3 ~~for a private investigations manager to an individual who files a completed application on a form provided~~
4 ~~by the department, accompanied by the required fees and who submits the following:]~~ Applicants for
5 licensure as a private investigations manager license must submit the following:

- 6 **A.** proof of a current license in good standing as a private investigator;
7 **B.** proof of successfully passing a jurisprudence examination to be administered by the
8 department; ~~and]~~
9 **C.** proof of employment with the private investigation company that the applicant is being
10 licensed to manage.

11 D. completed application;

12 E. non-refundable license fee as set forth in Part 5;

13 F. Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance or
14 reinstatement of a private investigations manager license in New Mexico shall be required to be
15 fingerprinted to establish positive identification for a state and federal criminal history background check.

16 (1) Blank fingerprint cards shall be obtained from the department.

17 (2) Fingerprints shall be taken:

18 (a) under the supervision of and certified by a New Mexico state police officer, a
19 county sheriff, or a municipal chief of police;

20 (b) by comparable officers in the applicant's state of residence if the applicant is not a
21 resident of New Mexico; or

22 (c) at the discretion of the department, by a private agency or individual qualified to
23 take and certify fingerprints, provided the agency submits to the department written authorization or proof
24 of training from any of the agencies referenced in subparagraphs (a) and (b) above.

25 (3) Completed fingerprint cards shall be submitted to the department or designee with a
26 check, money order, or cashiers check for the prescribed fee.

27 [16.48.2.11 NMAC - Re-pr & A, 16.48.2.11 NMAC, 09/24/08]

28
29 **16.48.2.12 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
30 **FOR A PRIVATE INVESTIGATIONS EMPLOYEE [LICENSE] REGISTRATION:**

31 **A.** On or after July 1, 2007, every individual who seeks employment or is currently
32 employed as a private investigations employee or who provides services on a contract basis to a private
33 investigation company shall file an application for registration as a private investigations employee with the
34 department.

35 **B.** ~~[The department shall issue a registration for a private investigations employee to an~~
36 ~~individual who files a completed application on a form provided by the department, accompanied by the~~
37 ~~required fees and who submits the following:]~~ Applicants for registration as a private investigations
38 employee must submit the following:

39 (1) completed application;

40 (2) non-refundable registration fee as set forth in Part 5;

41 ~~[(+)](3)~~ (3) proof of age indicating applicant is at least twenty one (21) years of age (copy of
42 birth certificate, driver's license, state issued identification card, or baptismal certificate);

43 ~~[(2)—two (2) completed fingerprint cards, a completed verification of fingerprints form, a~~
44 ~~notarized authorization for release of information form and the prescribed fee for a state and federal~~
45 ~~criminal history background check;]~~

46 ~~[(3)](4)~~ (4) proof of a high school diploma or its equivalent;

47 ~~[(4)](5)~~ (5) proof of successfully passing a jurisprudence examination to be administered by the
48 board;

49 ~~[(5)—two (2) completed fingerprint cards, a completed verification of fingerprints form, a~~
50 ~~notarized authorization for release of information form and the prescribed fee for a state and federal~~
51 ~~criminal history background check; and]~~

52 (6) proof of employment or contract with a private investigation company to provide
53 investigation services for, a private investigation company, under the direct control and supervision of a
54 private investigator[-] and

55 (7) criminal history background check as set forth in Subsection C of 16.48.2.12.

1 C. Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance or
2 reinstatement of a [~~license~~] private investigations employee registration in New Mexico shall be required to
3 be fingerprinted to establish positive identification for a state and federal criminal history background
4 check.

5 (1) Blank fingerprint cards shall be obtained from the department.

6 (2) Fingerprints shall be taken:

7 (a) under the supervision of and certified by a New Mexico state police officer, a
8 county sheriff, or a municipal chief of police;

9 (b) by comparable officers in the applicant's state of residence if the applicant is not a
10 resident of New Mexico; or

11 (c) at the discretion of the department, by a private agency or individual qualified to
12 take and certify fingerprints, provided the agency submits to the department written authorization or proof
13 of training from any of the agencies referenced in subparagraphs (a) and (b) above.

14 (3) Completed fingerprint cards shall be submitted to the department or designee with a
15 check, money order, or cashiers check [~~or credit card~~] for the prescribed fee [~~and made out to the private~~
16 ~~investigations advisory board~~].

17 [~~(4) The department may issue a provisional license until an applicant's background check~~
18 ~~has been successfully completed.~~]

19 D. Proof of successfully completing mandatory firearms training required by 16.48.4.8
20 NMAC.

21 [16.48.2.12 NMAC - Re-pr & A, 16.48.2.12 NMAC, 09/24/08]

22
23 **16.48.2.13 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
24 **FOR A PRIVATE PATROL OPERATOR LICENSE:**

25 A. [~~The department shall issue a license for a private patrol operator to an individual who~~
26 ~~files a completed application on a form provided by the department, accompanied by the required fees and~~
27 ~~who submits the following:~~] Applicants for licensure as a private patrol operator must submit the following:

28 (1) proof of age indicating applicant is at least twenty one (21) years of age (copy of birth
29 certificate, driver's license, state issued identification card, or baptismal certificate);

30 (2) [~~two (2) completed fingerprint cards, a completed verification of fingerprints form, a~~
31 ~~notarized authorization for release of information form and the prescribed fee for a state and federal~~
32 ~~criminal history background check;~~] completed application;

33 (3) proof of successfully passing a jurisprudence examination to be administered by the
34 department;

35 (4) proof of experience of actual work performed as a security guard consisting of not less
36 than 4,000 hours of actual work performed as a guard, watchman, or patrolman or an equivalent position,
37 one year of which shall have been in a supervisory capacity; the experience shall have been acquired within
38 five (5) years preceding the filing of the application with the department; years of qualifying experience
39 and the precise nature of that experience shall be substantiated by written certification from the applicant's
40 employers and shall be subject to independent verification by the department as it determines is warranted;
41 the burden of proving necessary experience is on the applicant; [~~and~~]

42 (6) proof of being firearm certified as required by 16.48.4.8 NMAC, if the position will
43 require being armed with a firearm[~~;~~];

44 (7) non-refundable application fee as set forth in Part 5; and

45 (8) criminal history background check as set forth in Subsection C of 16.48.2.13.

46 B. Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance, reinstatement
47 or renewal of a private patrol operator license in New Mexico shall be required to be fingerprinted to
48 establish positive identification for a state and federal criminal history background check.

49 (1) Blank fingerprint cards shall be obtained from the department.

50 (2) Fingerprints shall be taken:

51 (a) under the supervision of and certified by a New Mexico state police officer, a
52 county sheriff, or a municipal chief of police;

53 (b) by comparable officers in the applicant's state of residence if the applicant is not a
54 resident of New Mexico; or

1 (c) at the discretion of the department, by a private agency or individual qualified to
2 take and certify fingerprints, provided the agency submits to the department written authorization or proof
3 of training from any of the agencies referenced in subparagraphs (a) and (b) above.

4 (3) Completed fingerprint cards shall be submitted to the department or designee with a
5 check, money order, or cashiers check [~~or credit card~~] for the prescribed fee [~~and made out to the private~~
6 ~~investigations advisory board~~].

7 [~~(4) The department may issue a provisional license until an applicant's background check~~
8 ~~has been successfully completed.~~]

9 [~~C. Proof of successfully completing mandatory firearms training required by 16.48.4.8~~
10 ~~NMAC.~~]

11 [16.48.2.13 NMAC - Re-pr & A, 16.48.2.13 NMAC, 09/24/08]

12 13 **16.48.2.14 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS** 14 **FOR A PRIVATE PATROL COMPANY LICENSE:**

15 A. [~~The department shall issue a license for a private patrol company to a person who files a~~
16 ~~completed application on a form provided by the department, accompanied by the required fees and who~~
17 ~~submits the following:~~] Applicants for licensure as a private patrol company must submit the following:

18 (1) [~~completed fingerprint cards, a completed verification of fingerprints form, a notarized~~
19 ~~authorization for release of information form and the prescribed fee for a state and federal criminal history~~
20 ~~background check;~~] completed application;

21 (2) proof of an owner or a licensed private patrol operations manager who certifies they will
22 manage the daily operations of the private patrol company;

23 (3) proof of a physical location in New Mexico where records are maintained and made
24 available for department inspection; [~~and~~]

25 (4) proof of a New Mexico registered agent if the applicant is a private patrol company
26 located outside of New Mexico[-]; and

27 (5) criminal history background check as set forth in Subsection C of 16.48.2.14.

28 B. The owner or the chief executive officer of a private patrol company shall provide proof
29 of a current and active general liability certificate of insurance in an amount not less than one million
30 dollars (\$1,000,000).

31 C. Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance, reinstatement
32 or renewal of a private patrol company license in New Mexico shall be required to be fingerprinted to
33 establish positive identification for a state and federal criminal history background check. A legal business
34 entity must submit a fingerprint packet for each owner, and officers or directors.

35 (1) Blank fingerprint cards shall be obtained from the department.

36 (2) Fingerprints shall be taken:

37 (a) under the supervision of and certified by a New Mexico state police officer, a
38 county sheriff, or a municipal chief of police;

39 (b) by comparable officers in the applicant's state of residence if the applicant is not a
40 resident of New Mexico; or

41 (c) at the discretion of the department, by a private agency or individual qualified to
42 take and certify fingerprints, provided the agency submits to the department written authorization or proof
43 of training from any of the agencies referenced in subparagraphs (a) and (b) above.

44 (3) Completed fingerprint cards shall be submitted to the department or designee with a
45 check, money order, or cashiers check [~~or credit card~~] for the prescribed fee [~~and made out to the private~~
46 ~~investigations advisory board~~].

47 [~~(4) The department may issue a provisional license until an applicant's background check~~
48 ~~has been successfully completed.~~]

49 [16.48.2.14 NMAC - Re-pr & A, 16.48.2.14 NMAC, 09/24/08]

50 51 **16.48.2.15 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS** 52 **FOR A PRIVATE PATROL OPERATIONS MANAGER LICENSE:** [~~The department shall issue a~~

53 ~~license for a private patrol operations manager to an individual who files a completed application on a form~~
54 ~~provided by the department, accompanied by the required fees and who submits the following:~~] Applicants
55 for licensure as a private patrol operations manager must submit the following:

- 1 A. proof of a current license in good standing as a private patrol operator or a registration as
2 a level three security guard;
3 B. proof of successfully passing a jurisprudence examination to be administered by the
4 department; and
5 C. proof of employment with the private patrol company that the applicant is being licensed
6 to manage.
7 D. completed application; and
8 E. non-refundable application fee as set forth in Part 5.
9 [16.48.2.15 NMAC - Re-pr & A, 16.48.2.15 NMAC, 09/24/08]

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11 **16.48.2.16 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
12 **FOR A POLYGRAPH EXAMINER LICENSE:**

13 A. ~~[The department shall issue a license as a polygraph examiner to an individual who files a~~
14 ~~completed application on a form provided by the department, accompanied by the required fees and who~~
15 ~~submits the following:]~~ Applicants for licensure as a polygraph examiner must submit the following:

- 16 (1) proof of age indicating applicant is at least 18 years of age (copy of birth certificate,
17 driver's license, state issued identification card, or baptismal certificate);
18 (2) ~~[two (2) completed fingerprint cards, a completed verification of fingerprints form, a~~
19 ~~notarized authorization for release of information form and the prescribed fee for a state and federal~~
20 ~~criminal history background check;]~~ completed application;
21 (3) proof of a high school diploma or its equivalent;
22 (4) proof of graduation from an accredited polygraph examiners course approved by the
23 department; ~~and]~~
24 (5) proof of:
25 (a) completing a probationary operational competency period and passing an
26 examination of ability approved by the department to practice polygraphy; or
27 (b) ~~[proof of]~~ holding, for a minimum of two (2) years immediately preceding the date
28 of application, a current active license to practice polygraphy in another jurisdiction whose standards are
29 equal to or greater than those in New Mexico; the applicant must have no pending disciplinary actions and
30 no formal disciplinary actions issued against the license in the last five (5) years~~[-];~~
31 (6) non-refundable application fee as set forth in Part 5; and
32 (7) criminal history background check as set forth in Subsection C of 16.48.2.16.

33 B. Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance, reinstatement
34 or renewal of a polygraph examiner license in New Mexico shall be required to be fingerprinted to establish
35 positive identification for a state and federal criminal history background check.

- 36 (1) Blank fingerprint cards shall be obtained from the department.
37 (2) Fingerprints shall be taken:
38 (a) under the supervision of and certified by a New Mexico state police officer, a
39 county sheriff, or a municipal chief of police;
40 (b) by comparable officers in the applicant's state of residence if the applicant is not a
41 resident of New Mexico; or
42 (c) at the discretion of the department, by a private agency or individual qualified to
43 take and certify fingerprints, provided the agency submits to the department written authorization or proof
44 of training from any of the agencies referenced in Subparagraphs (a) and (b) of Paragraph (2) of this
45 subsection.

46 (3) Completed fingerprint cards shall be submitted to the department or designee with a
47 check, money order, or cashiers check ~~[or credit card]~~ for the prescribed fee ~~[and made out to the private~~
48 ~~investigations advisory board].~~

49 ~~[(4) The department may issue a provisional license until an applicant's background check~~
50 ~~has been successfully completed.]~~

51 C. Probationary operational competency period.

- 52 (1) Under successful completion of a written examination, a provisional license may be
53 issued.
54 (2) During the probationary period, consisting of at least six (6) months, the polygraph
55 examinations administered by the provisional licensee shall be reviewed for operational competency by a
56 licensed polygraph examiner appointed by a board member or the superintendent to serve as a sponsor for

1 the provisional licensee. During the probationary period, the provisional licensee must conduct a minimum
2 of thirty (30) polygraph examinations, a minimum of five (5) of which must be examinations, two (2) of the
3 “specific” examinations, and three (3) of the “screening type” examinations must be performed in the
4 presence of his or her sponsor, or recorded in their entirety for review by the sponsor or the board member.
5 In the case of an applicant who conducts only “specific” examinations, a minimum of (5) “specific”
6 examinations must be conducted in the presence of his or her sponsor, or recorded in their entirety for
7 review by the sponsor or the board member.

8 (3) The sponsor appointed shall submit a progress report regarding the progress of the
9 provisional licensee every sixty days on forms provided by the board.

10 (4) If an unsatisfactory report is submitted, the board member shall review the polygraph
11 examinations administered by the provisional licensee for operational competency. Upon such review, the
12 board member at his or her discretion may revoke the provisional license or take such action as it deems
13 necessary to assure operational competency. Any revocations under this subsection shall be subject to the
14 Uniform Licensing Act, Section 61-1-1 et. seq., NMSA 1978 Comp.

15 (5) The board member may at any time review the polygraph examinations administered by
16 the provisional licensee for operational competency for any reason.

17 [16.48.2.16 NMAC - Re-pr & A, 16.48.2.16 NMAC, 09/24/08; A, 08/30/09]

18
19 **16.48.2.17 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
20 **FOR A SECURITY GUARD REGISTRATION: LEVEL ONE:**

21 A. On or after July 1, 2007, every individual seeking employment or employed as a level
22 one security guard shall file an application for registration with the department. The application shall
23 include two (2) passport type photos taken within the prior six months.

24 B. ~~[The department shall issue a registration for a level one security guard to an individual~~
25 ~~who files a completed application on a form provided by the department, accompanied by the required fees~~
26 ~~and who submits the following:] Applicants for registration as a level one security guard must submit the~~
27 ~~following:~~

28 (1) proof of age indicating applicant is at least eighteen (18) years of age (copy of birth
29 certificate, driver’s license, state issued identification card, or baptismal certificate);

30 (2) ~~[two (2) completed fingerprint cards, a completed verification of fingerprints form, a~~
31 ~~notarized authorization for release of information form and the prescribed fee for a state and federal~~
32 ~~criminal history background check:] completed application;~~

33 (3) proof of successfully passing a jurisprudence examination to be administered by the
34 department; ~~[and]~~

35 (4) proof of completing a department approved training program as defined in Subsection D
36 of 16.48.2.17 NMAC prior to being placed on a guard post for the first time as a level one security guard;
37 that training may be provided by:

38 (a) a public educational institution in New Mexico or an educational institution
39 licensed by the higher education department pursuant to the Post-Secondary Educational Institution Act
40 (21-23-1 NMSA 1978);

41 (b) an in-house training program provided by a licensed private patrol company using
42 a curriculum approved by the department and taught by an instructor who has been reviewed and
43 recommended by the board and approved by the superintendent; or

44 (c) any other department-approved educational institution using a curriculum
45 approved by the department and taught by an instructor who has been reviewed and recommended by the
46 board and approved by the superintendent[-];

47 (5) non-refundable registration fee; and

48 (6) criminal history background check as set forth in Subsection C of 16.48.2.17.

49 C. Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance, reinstatement
50 or renewal of a level one security guard registration in New Mexico shall be required to be fingerprinted to
51 establish positive identification for a state and federal criminal history background check.

52 (1) Blank fingerprint cards shall be obtained from the department.

53 (2) Fingerprints shall be taken:

54 (a) under the supervision of and certified by a New Mexico state police officer, a
55 county sheriff, or a municipal chief of police;

1 (b) by comparable officers in the applicant's state of residence if the applicant is not a
2 resident of New Mexico; or

3 (c) at the discretion of the department, by a private agency or individual qualified to
4 take and certify fingerprints, provided the agency submits to the department written authorization or proof
5 of training from any of the agencies referenced in subparagraphs (a) and (b) above.

6 (3) Completed fingerprint cards shall be submitted to the department or designee with a
7 check, money order, or cashiers check [~~or credit card~~] for the prescribed fee [~~and made out to the private~~
8 ~~investigations advisory board~~].

9 [~~(4) The department may issue a provisional registration until an applicant's background~~
10 ~~check has been successfully completed.~~]

11 **D.** The following eight hour curriculum is the minimum training required and must be
12 completed within twelve months prior to application for security guard level one registration:

13 (1) legal training for security guards - four (4) hours;

14 (a) legal responsibilities, qualifications, restrictions and liability of level 1 security
15 guard;

16 (b) introduction to use of force continuum, appropriate use of force and de-escalation
17 techniques;

18 (b) powers of detention and New Mexico laws of citizen arrest;

19 (c) appropriate search and seizure, legal restrictions and civil liability;

20 (d) New Mexico laws on trespass;

21 (2) authority and responsibility of the security guard - two (2) hours;

22 (a) communication with local law enforcement, jurisdiction and limitations of
23 authority;

24 (b) radio dispatch protocol and other communication tools;

25 (c) image, professional communication, note-taking and report writing;

26 (3) incident scene management and preservation - two (2) hours;

27 (a) identifying evidence;

28 (b) care and handling of evidence;

29 (c) securing the immediate area;

30 (d) evidence tampering and/or removal;

31 (e) witness/participant identification.

32 **E.** Training may consist of an in-person instructor and prerecorded material.

33 [16.48.2.17 NMAC - Re-pr & A, 16.48.2.17 NMAC, 09/24/08]

34
35 **16.48.2.18 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
36 **FOR A SECURITY GUARD REGISTRATION: LEVEL TWO:**

37 **A.** On or after July 1, 2007, every individual seeking employment or employed as a level
38 two security guard shall file an application for registration with the department. The application shall
39 include two (2) passport type photos taken within the prior six months. Endorsements to carry a specific
40 weapon, not including a firearm, will require successful completion of the specific weapon curriculum as
41 defined in Subsection E of 16.48.2.18 NMAC.

42 **B.** [~~The department shall issue a registration for a level two security guard to an individual~~
43 ~~who files a completed application on a form provided by the department, accompanied by the required fees~~
44 ~~and who submits the following:~~] Applicants for registration as a level two security guard must submit the
45 following:

46 (1) proof of a current registration in good standing as a level one security guard or proof of
47 completing department approved level one security guard training;

48 (2) proof of successfully passing a jurisprudence examination to be administered by the
49 department;

50 (3) proof of a high school diploma or its equivalent; and

51 (4) proof of completing a department approved training program as defined in Subsection D
52 of 16.48.2.18 NMAC for level two security guard training prior to being placed on a guard post for the first
53 time as a level two security guard; that training may be provided by:

54 (a) a public educational institution in New Mexico or an educational institution
55 licensed by the higher education department pursuant to the Post-Secondary Educational Institution Act
56 (21-23-1 NMSA 1978);

1 (b) an in-house training program provided by a licensed private patrol company using
2 a curriculum approved by the department and taught by an instructor who has been reviewed and
3 recommended by the board and approved by the superintendent;

4 (c) the New Mexico law enforcement academy; or

5 (d) any other department-approved educational institution using a curriculum
6 approved by the department and taught by an instructor who has been reviewed and recommended by the
7 board and approved by the superintendent; ~~and~~;

8 (5) proof of completing department approved weapon training as defined in Subsection E of
9 16.48.2.18 NMAC~~[-]~~;

10 ~~(6) completed application;~~

11 ~~(7) non-refundable registration fee; and~~

12 ~~(8) criminal history background check as set forth in Subsection C of 16.48.2.18.~~

13 C. Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance or
14 reinstatement of a ~~license~~ level two security guard registration in New Mexico shall be required to be
15 fingerprinted to establish positive identification for a state and federal criminal history background check.

16 (1) Blank fingerprint cards shall be obtained from the department.

17 (2) Fingerprints shall be taken:

18 (a) under the supervision of and certified by a New Mexico state police officer, a
19 county sheriff, or a municipal chief of police;

20 (b) by comparable officers in the applicant's state of residence if the applicant is not a
21 resident of New Mexico; or

22 (c) at the discretion of the department, by a private agency or individual qualified to
23 take and certify fingerprints, provided the agency submits to the department written authorization or proof
24 of training from any of the agencies referenced in subparagraphs (a) and (b) above.

25 (3) Completed fingerprint cards shall be submitted to the department or designee with a
26 check, money order, or cashier's check ~~or credit card~~ for the prescribed fee ~~and made out to the private~~
27 ~~investigations advisory board~~.

28 ~~[(4)—The department may issue a provisional registration until an applicant's background~~
29 ~~check has been successfully completed.]~~

30 D. The following sixteen (16) hour curriculum is the minimum training required and must be
31 completed within twelve months prior to application for security guard level two registration:

32 (1) legal and practical aspects of use of force and personal/employer liability - eight (8)
33 hours;

34 (2) verbal and written communication and conflict management - six (6) hours;

35 (3) first responder basic first aid - two (2) hours.

36 E. An applicant for weapon endorsement must successfully complete training for each
37 specific weapon endorsement. The training must be taught by a department approved instructor that has
38 been recommended by the board and approved by the superintendent. The following are the available
39 endorsements for level two applicants:

40 (1) four (4) hour chemical agents training shall include, but not be limited to the following
41 subjects:

42 (a) effects of chemical agents;

43 (b) avoiding bad positions;

44 (c) disengagement;

45 (d) proper defensive positions;

46 (e) shielding;

47 (f) drawing techniques;

48 (g) defense against moving attacks;

49 (h) spraying techniques;

50 (i) using OC spray with light;

51 (j) multiple opponent defense;

52 (k) proper weapon retention and disarming;

53 (l) cautions and hazards;

54 (m) recovery and decontamination;

55 (n) functioning when contaminated;

56 (o) storage and maintenance;

1 (2) eight (8) hour defensive impact tools training shall include, but not be limited to, the
2 following subjects:

- 3 (a) moral and legal aspects of baton usage;
- 4 (b) use of force;
- 5 (c) baton familiarization and uses;
- 6 (d) first aid for baton injuries;
- 7 (e) fundamentals of baton injuries;
- 8 (f) stances and grips;
- 9 (g) target areas;
- 10 (h) defensive techniques;
- 11 (i) control techniques;
- 12 (j) arrest and control techniques;
- 13 (k) skill practice;

14 (3) eight (8) hour electronic non-lethal device training shall include, but is not limited to, the
15 following subjects;

- 16 (a) technology overview ;
- 17 (b) electrical and medical background;
- 18 (c) specifications how electronic non-lethal devices work;
- 19 (d) practical hands-on training;
- 20 (e) changing batteries and air cartridges;
- 21 (f) firing drills;
- 22 (g) drive stun;
- 23 (h) tactical considerations;
- 24 (i) field applications
- 25 (j) safety considerations and associated risks; and
- 26 (k) how an electronic non-lethal device overrides the central nervous system;

27 (4) eight (8) hour restraint and control devices training shall include, but not be limited to,
28 the following subjects:

- 29 (a) handcuffing nomenclature;
- 30 (b) daily maintenance and safety checks;
- 31 (c) applying and removing handcuffs;
- 32 (d) potentially uncooperative and uncooperative handcuffing;
- 33 (e) cuffing from control holds;
- 34 (f) handcuffing from standing and prone;
- 35 (g) dangers of positional asphyxia and excited delirium;
- 36 (h) standing a prone handcuffed subject;
- 37 (i) conflict resolution;
- 38 (j) handcuffing guidelines and best practice; and
- 39 (k) use of force and justification for handcuffing

40 **F.** To be an approved instructor to offer chemical agents, defensive impact tools, electronic
41 non-lethal device or restraint and control devices weapon training an individual shall complete an
42 application for approval on a form provided by the department. The application shall include, but not be
43 limited to, all of the following information:

- 44 (1) the name, business address, and telephone number of the individual;
- 45 (2) proof of an associate of arts degree in the administration of justice or the equivalent

46 thereof;

47 (3) proof of the specific weapon instructor certification issued by a federal, state, or local
48 agency or one year of verifiable weapons training or training experience or the equivalent thereof to be
49 reviewed and recommended by the board and approved by the superintendent;

50 (4) proof of a minimum of three (3) years experience as a private patrol operator, security
51 guard or equivalent; and

- 52 (5) the applicable fee as prescribed by the superintendent.

53 [16.48.2.18 NMAC - Re-pr & A, 16.48.2.18 NMAC, 09/24/08]

54
55 **16.48.2.19 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
56 **FOR A SECURITY GUARD REGISTRATION: LEVEL THREE:**

1 **A.** On or after July 1, 2007, every individual seeking employment or employed as a level
2 three security guard or level three armored vehicle security guard shall file an application for registration
3 with the department. The application shall include two (2) passport type photos taken within the prior six
4 (6) months. Endorsement to carry a weapon, not including a firearm, will be granted upon successful
5 completion of relevant and specific weapon curriculum as defined in Subsection E of 16.48.2.18 NMAC.

6 **B.** ~~[The department shall issue a registration for a level three security guard to an individual
7 who files a completed application on a form provided by the department, accompanied by the required fees
8 and who submits the following:]~~ Applicants for registration as a level three security guard must submit the
9 following:

10 (1) proof of age indicating applicant is at least twenty one (21) years of age (copy of birth
11 certificate, driver's license, state issued identification card, or baptismal certificate);

12 (2) proof of a current registration in good standing as a level two security guard or proof of
13 completing department approved level one and level two security guard training;

14 (3) proof of successfully passing a jurisprudence examination to be administered by the
15 department;

16 (4) proof of a high school diploma or its equivalent;

17 (5) proof of completing a department approved training program as defined in Subsection C
18 of 16.48.2.19 NMAC prior to being placed on a guard post for the first time as a level three security guard;
19 that training must be provided by:

20 (a) a public educational institution in New Mexico or an educational institution
21 licensed by the higher education department pursuant to the Post-Secondary Educational Institution Act;

22 (b) an in-house training program provided by a licensed private patrol company using
23 a curriculum approved by the department and taught by an instructor who has been reviewed and
24 recommended by the board and approved by the superintendent;

25 (c) the New Mexico law enforcement academy; or

26 (d) any other department-approved educational institution using a curriculum
27 approved by the department and taught by an instructor who has been reviewed and recommended by the
28 board and approved by the superintendent;

29 (6) proof of being firearm certified by an instructor recognized and certified by the New
30 Mexico law enforcement academy or the national rifle association law enforcement activities division;

31 (7) proof of level two weapon endorsement or proof of completing department approved
32 weapon training as defined in Subsection E of 16.48.2.18 NMAC; ~~and~~

33 (8) beginning on July 1, 2009, proof of successful completion of a psychological evaluation
34 as prescribed by the department to determine suitability for carrying firearms[-];

35 (9) completed application;

36 (10) non-refundable registration fee as set forth in Part 5; and

37 (11) criminal history background check as set forth in Subsection E of 16.48.2.19.

38 **C. Psychological evaluation.**

39 **(1) Requirements.**

40 (a) Prior to certification as a level three security guard in the state of New Mexico,
41 upon initial licensure only, it shall be necessary for each applicant to be examined by a licensed
42 psychologist regarding the individual's mental suitability to carry a firearm within the individual's scope of
43 duty as a licensed level three security guard.

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

45 (c) A psychological evaluation shall be original, signed, and transmitted by the
46 psychologist who performs the psychological evaluation directly to the board.

47 (d) The willful providing of false information or willful failure to disclose information
48 that the applicant knows or should have known is necessary to a complete and accurate evaluation shall be
49 grounds for denial of licensure.

50 **(2) Evaluation standards.**

51 (a) The purpose of these guidelines is to set minimally acceptable standards for
52 psychological evaluation of persons seeking licensure as level three security guards in New Mexico.

53 (b) The psychological evaluation shall consist of the Minnesota multi-phasic
54 inventory-2 restructured form or MMPI-2RF.

55 (c) The report shall incorporate all information gathered in the interview and testing,
56 and shall contain a specific recommendation as to the applicant's suitability to carry a fire arm as a level

1 three security guard. All psychologists performing evaluations must be licenses and conform to the
2 guidelines of the American psychological association regarding storage of records.

3 **(3) Records.**

4 **(a)** A list of licensed psychologists who are able to administer the exam will be
5 available on the website or from the board office.

6 **(b)** A psychological evaluation shall not be maintained in applicant's file. A
7 psychological evaluation shall be maintained by the board administrator in secure storage separate from
8 applicant files.

9 **(c)** The psychological evaluation is a confidential record that shall not be subject to
10 disclosure pursuant to the Inspection of Public Records Act Section 14-2-1, et seq. NMSA 1978.

11 **D.** The following sixteen (16) hour curriculum, with a minimum of four (4) hours dedicated
12 to the laws pertaining to firearms and deadly physical force, is the minimum training required and must be
13 completed within twelve months prior to application for security guard level three registration:

14 **(1)** the five (5) firearms safety rules;

15 **(2)** weapon manipulation;

16 **(3)** types of sidearms;

17 **(4)** firearm retention and equipment;

18 **(5)** firearm storage devices;

19 **(6)** locking devices;

20 **(7)** ammunition and storage;

21 **(8)** training household members;

22 **(9)** hazards of loaded firearms in the home;

23 **(10)** mental conditioning and tactics;

24 **(11)** weapon manipulation and marksmanship;

25 **(12)** threat recognition and judgmental shooting;

26 **(13)** laws pertaining to firearms, deadly physical force and the exercise of the powers of
27 arrest - mandatory four (4) hours minimum.

28 E. Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance or
29 reinstatement of a level three security guard registration in New Mexico shall be required to be
30 fingerprinted to establish positive identification for a state and federal criminal history background check.

31 **(1)** Blank fingerprint cards shall be obtained from the department.

32 **(2)** Fingerprints shall be taken:

33 **(a)** under the supervision of and certified by a New Mexico state police officer, a
34 county sheriff, or a municipal chief of police;

35 **(b)** by comparable officers in the applicant's state of residence if the applicant is not a
36 resident of New Mexico; or

37 **(c)** at the discretion of the department, by a private agency or individual qualified to
38 take and certify fingerprints, provided the agency submits to the department written authorization or proof
39 of training from any of the agencies referenced in subparagraphs (a) and (b) above.

40 **(3)** Completed fingerprint cards shall be submitted to the department or designee with a
41 check, money order, or cashiers check for the prescribed fee.

42 [16.48.2.19 NMAC - Re-pr & A, 16.48.2.19 NMAC, 09/24/08; A, 11/28/09]

43
44 **16.48.2.20 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
45 **FOR A SPECIAL EVENT PERMIT:**

46 **A.** A private patrol company employing a nonresident security guard temporarily for a
47 special event shall apply to the department for and may be issued a special event permit for each
48 nonresident security guard qualified to be employed at the special event.

49 **B.** A special event permit is issued for a specific nonresident security guard and a specific
50 special event and shall not be transferred to another security guard or used for a special event other than for
51 the special event for which the permit is issued.

52 **C.** To be issued a special event permit, a private patrol company shall provide the
53 department with a description of the special event, its location and the dates on which the temporary
54 nonresident security guard will be employed to provide services at the special event. A special event permit
55 shall bear the name of the private patrol company and contact information, the name of the nonresident

1 security guard, the name of the special event for which it is issued, the dates of the special event and other
2 pertinent information required by the department.

3 **D.** A special event permit shall be issued only to an individual who qualifies for a level one
4 or higher security guard registration and who:

5 (1) is not a resident of New Mexico;

6 (2) does not hold a registration as a security guard in New Mexico; and

7 (3) meets other requirements specified by the department.

8 **E.** A special event permit requiring a security guard to carry a firearm shall only be issued to
9 an individual who is qualified to be registered as a level three security guard.

10 **F.** It is a violation of the Private Investigations Act (61-27B-1 NMSA 1978) for a private
11 patrol company to circumvent the registration process for permanent or long-term part-time employment of
12 security guards through use of the provisions of this section.

13 [16.48.2.20 NMAC - Re-pr, 16.48.2.20 NMAC, 09/24/08]
14

15 **16.48.2.21 CESSATION OF LICENSE BUSINESS:** A registrant or licensee subject to the Private
16 Investigations Act who ceases to do business as a registrant or licensee before the registration or license
17 expiration date shall submit written notice of cancellation of his license to the department within thirty (30)
18 days of cessation of such business.

19 [16.48.2.21 NMAC - Re-pr & A, 16.48.2.21 NMAC, 09/24/08]
20

21 **16.48.2.22 GENERAL QUALIFICATIONS FOR REGISTRATION AND LICENSE OF**
22 **APPLICANTS:**

23 **A.** Must be a citizen of the United States.

24 **B.** Cannot have been convicted of a felony offense, an offense involving dishonesty or an
25 offense involving an intentional violent act or the illegal use or possession of a deadly weapon and has not
26 been found to have violated professional ethical standards as defined by the department.

27 **C.** Must have reached the age of majority (18 years) **or twenty one (21) years if required**
28 **by law or rule.**

29 [16.48.2.22 NMAC - Re-pr & A, 16.48.2.22 NMAC, 09/24/08]
30

31 **16.48.2.23 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS**
32 **FOR AN ARMORED VEHICLE SECURITY GUARD REGISTRATION: LEVEL THREE:**

33 **A.** On or after July 1, 2007, every individual seeking employment or employed as a level
34 three armored vehicle security guard shall file an application for registration with the department. The
35 application shall include two (2) passport type photos taken within the prior six months.

36 **B.** ~~[The department shall issue a registration for a level three armored vehicle security guard~~
37 ~~to an individual who files a completed application on a form provided by the department, accompanied by~~
38 ~~the required fees and who submits the following:] Applicants for registration as a level three armored
39 vehicle security guard must submit the following:~~

40 (1) proof of age indicating applicant is at least twenty one (21) years of age (copy of birth
41 certificate, driver's license, state issued identification card, or baptismal certificate);

42 (2) proof of successfully passing a jurisprudence examination to be administered by the
43 department;

44 (3) proof of a high school diploma or its equivalent;

45 (4) proof of completing a department approved training program as defined in Subsection C
46 of 16.48.2.20 NMAC prior to being placed on a guard post for the first time as a level three armored
47 vehicle security guard; that training must be provided by:

48 (a) a public educational institution in New Mexico or an educational institution
49 licensed by the higher education department pursuant to the Post-Secondary Educational Institution Act;

50 (b) an in-house training program provided by a licensed private patrol company using
51 a curriculum approved by the department and taught by an instructor who has been reviewed and
52 recommended by the board and approved by the superintendent;

53 (c) the New Mexico law enforcement academy; or

54 (d) any other department-approved educational institution using a curriculum
55 approved by the department and taught by an instructor who has been reviewed and recommended by the
56 board and approved by the superintendent;

- 1 (5) proof of being firearm certified by an instructor recognized and certified by the New
2 Mexico law enforcement academy or the national rifle association law enforcement activities division;
3 (6) beginning on July 1, 2009, proof of successful completion of a psychological evaluation
4 as prescribed by the department to determine suitability for carrying firearms[-];
5 (7) completed application;
6 (8) non-refundable registration fee as set forth in Part 5; and
7 (9) criminal history background check as set forth in Subsection D of 16.48.2.23.

8 C. The following forty (40) hour curriculum is the minimum training required and must be
9 completed within twelve (12) months prior to application for armored vehicle security guard level three
10 registration:

- 11 (1) the armored vehicle security guard in New Mexico;
12 (2) legal issues for the armored vehicle security guard in New Mexico;
13 (3) armored security operations;
14 (4) emergency situations;
15 (5) safe driver training.

16 D. Pursuant to Section 61-27B-34 of the act, all applicants for initial issuance or
17 reinstatement of a level three armored vehicle security guard registration in New Mexico shall be required
18 to be fingerprinted to establish positive identification for a state and federal criminal history background
19 check.

20 (1) Blank fingerprint cards shall be obtained from the department.

21 (2) Fingerprints shall be taken:

22 (a) under the supervision of and certified by a New Mexico state police officer, a
23 county sheriff, or a municipal chief of police;

24 (b) by comparable officers in the applicant's state of residence if the applicant is not a
25 resident of New Mexico; or

26 (c) at the discretion of the department, by a private agency or individual qualified to
27 take and certify fingerprints, provided the agency submits to the department written authorization or proof
28 of training from any of the agencies referenced in subparagraphs (a) and (b) above.

29 (3) Completed fingerprint cards shall be submitted to the department or designee with a
30 check, money order, or cashiers check for the prescribed fee.

31 [16.48.2.23 NMAC - N, 09/24/08]

32
33 **16.48.2.24 RECIPROCITY:**

34 A. An investigator licensed in another state may conduct business in New Mexico only
35 under the circumstances indicated below:

- 36 (1) the investigation must be initiated in the investigator's home state;
37 (2) the investigator may spend no more than thirty (30) days per case while conducting an
38 investigation in another state;
39 (3) the investigator is prohibited from soliciting business while in another state and from
40 establishing a business or setting up residence while conducting an investigation in that state.

41 B. An applicant for licensure or registration by reciprocity may not engage in the practice of
42 private investigations, private patrol operator, polygraph examiners or security guard in New Mexico until
43 approval for licensure by reciprocity has been given and the department has issued an initial license.

44 C. Acceptance of a reciprocity applicant for licensure or registration is subject to department
45 approval. All applicants for licensure or registration by reciprocity shall:

- 46 (1) be of good moral character;
47 (2) be duly and currently licensed or registered in at least one other state;
48 (3) have no history of disciplinary action within the last five (5) years against any
49 professional license or registration;
50 (4) provide proof of having met education and experience requirements in the state of
51 licensure similar to or better than those required in New Mexico.

52 [16.48.2.24 NMAC - N, 09/24/08]

53
54 **HISTORY OF 16.48.2 NMAC:**

55 **Pre-NMAC History:**

1 The material in this part was derived from that previously filed with the commission of public records -
2 state records center and archives:

3 AG 68-1 (Rule No. IV), Private Patrol Operator Licenses, filed 4-3-68.

4 AG 68-2 (Rule No. V), Private Investigator Licenses, filed 4-3-68.

5 AG 69-2 (Rule No. VII), Private Investigators Licenses: Titles, filed 9-17-69.

6 AG 70-2 (Rule No. VII), Private Investigators: Fictitious Names and Titles, filed 8-20-70.

7 AG 69-3 (Rule No. VIII), Private Investigator Licenses: Interview of Applicant, filed 9-17-69.

8 AG 70-3 (Rule No. VIII), Private Investigators: Interview of Applicant, filed 8-20-70.

9 AG 70-5 (Rule No. X, Private Investigators: Alcohol Beverages, filed 8-20-70.

10 AG 70-7 (Rule No. XII), Private Investigators: Deputy Sheriff Commissions, filed 11-19-70.

11 AG 70-8 (Rule NO. XIII), Private Investigators: Cessation of Licensed Business, filed 11-19-70

12 NMLEA Rule #30, Bureau of Private Investigators: Rules and Regulations, filed 4-24-81.

13 NMLEA B/PI Rule #1, Bureau of Private Investigators: Rules and Regulations, filed 11-4-83.

14 NMLEA Rule #31, Bureau of Polygraphy: Rules and Regulations, filed 6-1-81.

15 NMLEA Rule #31, Bureau of Polygraphy: Rules and Regulations, filed 5-27-83.

16 NMPA Rule 92-3, Qualifications for Licensure, filed 8-17-92.

17 NMPA Rule 92-6, Unauthorized Practice, filed 8-17-92.

18

19 **History of Repealed Material:**

20 NMLEA B/PI Rule #1, Bureau of Private Investigators: Rules and Regulations (filed 11-4-83); NMPA
21 Rule 92-3, Qualifications for Licensure (filed 8-17-92); and NMPA Rule 92-6, Unauthorized Practice (filed
22 8-17-92) all repealed 03/07/08.

23 This rule expired on July 5, 2008 which was 120 days after its emergency filing on March 7, 2008. The
24 Uniform Licensing Act (Subsection A of Section 61-1-30 NMSA 1978) stipulates that emergency rules
25 cannot remain in effect for more than 120 days unless they are replaced by permanent rules.

26

27 **Other History:**

28 Those applicable portions of NMLEA B/PI Rule #1, Bureau of Private Investigators: Rules and Regulations
29 (filed 11-4-83); NMPA Rule 92-3, Qualifications for Licensure (filed 8-17-92); and NMPA Rule 92-6,
30 Unauthorized Practice (filed 8-17-92) renumbered, reformatted, and replaced by 16.48.2 NMAC,
31 Requirements for Licensure, effective 03/07/08.

32 16.48.2 NMAC, Requirements for Licensure (filed 3/7/08) was replaced by 16.48.2 NMAC, Requirements
33 for Licensure, effective 09/24/08.

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