

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 48 PRIVATE LAW ENFORCEMENT PRACTITIONERS
PART 2 REQUIREMENTS FOR LICENSURE AND REGISTRATION

16.48.2.1 ISSUING AGENCY: Regulation and Licensing Department.
[16.48.2.1 NMAC - Re-pr, 16.48.2.1 NMAC, 9/24/2008; A, 10/26/2021]

16.48.2.2 SCOPE: All individuals and business entities that apply for licensure, registration or approval under the Private Investigations Act.
[16.48.2.2 NMAC - Re-pr, 16.48.2.2 NMAC, 9/24/2008; A, 2/8/2022]

16.48.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Private Investigations Act, Section 61-27B-5 NMSA 1978.
[16.48.2.3 NMAC - Re-pr, 16.48.2.3 NMAC, 9/24/2008; A, 10/26/2021]

16.48.2.4 DURATION: Permanent.
[16.48.2.4 NMAC - Re-pr, 16.48.2.4 NMAC, 9/24/2008]

16.48.2.5 EFFECTIVE DATE: September 24, 2008 unless a later date is cited in the history note at the end of a section.
[16.48.2.5 NMAC - Re-pr & A, 16.48.2.5 NMAC, 9/24/2008]

16.48.2.6 OBJECTIVE: To establish the procedures and outline the documents and information necessary to complete the application process for licensure, registration, and security guard training instructor approval.
[16.48.2.6 NMAC - Re-pr, 16.48.2.6 NMAC, 9/24/2008; A, 10/26/2021; A, 2/8/2022]

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

A. “Chemical agents” means tear gas or any other certifiable non-lethal chemical agents used for the intent to restrain and control unruly or combative subjects for the purposes of safety to the security officer and the public.

B. “Defensive impact tools” means straight baton, expandable baton, side handle baton or other defensive impact tools used for the intent to restrain and control unruly or combative subjects for the purposes of safety to the security officer and the public.

C. “Electronic non-lethal devices” means tasers or other certifiable devices used for the intent to restrain and control unruly or combative subjects for the purposes of safety to the security officer and the public.

D. “One-year verifiable training” means proof of experience that has been acquired within the five years preceding the filing of the application with the department which shall consist of not less than 1,000 hours of actual work performed in the respective area of licensure or registration sought after.

E. “Restraint and control devices” means handcuffs or similar certifiable devices used for the intent to restrain and control unruly or combative subjects for the purposes of safety to the security officer and the public.

F. “Traffic crash reconstruction” means the application of the laws of physics to physical evidence left as a result of a collision.
[16.48.2.7 NMAC - Re-pr & A, 16.48.2.7 NMAC, 9/24/2008; A, 1/15/2015; A, 1/15/2019; A, 7/18/2023]

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 [at ~~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]

16.48.2.9 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE INVESTIGATOR LICENSE:

A. Application requirements: Applicants for licensure as a private investigator must meet the qualifications and requirements described in Section 61-27B-7 NMSA 1978, and must submit a completed application, which includes:

(1) general application information as listed in Subsection C of 16.48.2.8 NMAC;

(2) qualifying work experience;

(3) successfully pass a jurisprudence examination to be administered by the department;

(4) firearm certification, if applicable;

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

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

B. Qualifying experience: Years of qualifying work experience and the precise nature of that experience shall be substantiated by written certification from employers on a form provided by the department and shall be subject to independent verification by the department as it deems warranted. In the event of inability of applicants to supply such written certifications from employers in whole or in part, applicants may offer other

written certifications from others covering the same subject matter for consideration by the department. The burden of proving necessary experience is on the applicant. Proof of experience must have been acquired within the five years preceding the filing of the application with the department which shall consist of not less than 6,000 hours of actual work performed in:

- (1) investigation for the purpose of obtaining information with reference to a crime or wrongs done or threatened against the United States;
- (2) investigation of persons;
- (3) the location, disposition or recovery of lost or stolen property;
- (4) the cause or responsibility for fire, losses, motor vehicle or other accidents or damage or injury to persons or property; or
- (5) securing evidence to be used before a court, administrative tribunal, board or investigating committee or for a law enforcement officer.

C. Federal criminal history report: Pursuant to Section 61-27B-34, NMSA 1978, applicants must submit to a biometric federal criminal history background check, as set forth in Subsection B of 16.48.2.8 NMAC.

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. Traffic Crash Reconstruction: A private investigator licensed under the Private Investigations Act shall not offer or provide traffic crash reconstruction unless the private investigator has completed a traffic crash reconstruction course approved by the Institute of Police Technology and Management (IPTM). [16.48.2.9 NMAC - Re-pr & A, 16.48.2.9 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023]

16.48.2.10 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE INVESTIGATION COMPANY LICENSE:

A. Application requirements: Applicants for licensure as a private investigations company must meet the qualifications and requirements described in Section 61-27B-8 NMSA 1978, and must submit a completed application, which includes:

- (1) general application information as listed in Subsection C of 16.48.2.8 NMAC;
- (2) business contact phone number;
- (3) business mailing address;
- (4) business email address;
- (5) business name and DBA if applicable;
- (6) identify the type of business (corporations, LLCs, and partnerships must register with the New Mexico Secretary of State);
- (7) name and license number of an owner who is licensed as a private investigator, or a licensed private investigations manager, and certification that they will manage the daily operations of the private investigation company;
- (8) business address of a physical location in New Mexico where records are maintained and made available for department inspection;
- (9) if the applicant is a company located outside of New Mexico, the name and address of a New Mexico registered agent;
- (10) general liability certificate of insurance;
- (11) fingerprint cards or other biometric data for federal criminal history report submission;

and

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

B. Employee termination: If the contract or employment of a private investigations employee terminates, the private investigations company must notify the department within thirty days from the date of the private investigations employee.

C. General liability insurance: A private investigation company shall provide proof of a current general liability certificate of insurance in the amount of no less than one million dollars as set forth in Subsection A of 16.48.2.8 NMAC.

D. Federal criminal history report: Pursuant to Section 61-27B-34, NMSA 1978, all owners, officers, and directors of a private investigation company must submit to a biometric federal criminal background check, as set forth in Subsection B of 16.48.2.8 NMAC.
[16.48.2.10 NMAC - Re-pr & A, 16.48.2.10 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023]

16.48.2.11 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE INVESTIGATION MANAGER LICENSE:

A. Application requirements: Applicants for licensure as a private investigations manager must meet the qualifications and requirements described in Section 61-27B-9 NMSA 1978, and must submit a completed application, which includes:

- (1) general application information as listed in Subsection C of 16.48.2.8 NMAC;
 - (2) employer business name and DBA if applicable;
 - (3) employer private investigations company license number;
 - (4) release of information; and
 - (5) license number of the applicant's New Mexico private investigator license in good standing;
- standing;
- (6) successfully pass a jurisprudence examination to be administered by the department;
 - (7) a certificate of employment or contract for services with the private investigation company that the applicant is being licensed to manage; and
 - (8) non-refundable license fee as set forth in Section 16.48.5 NMAC.

B. Certificate of employment: Under the Private Investigations Act a private investigations manager must be employed by, or provide services on a contract basis, to a private investigation company and be responsible for managing the daily operations of the private investigations company. A certificate of employment or contract must be completed and signed by an owner, director or officer of the New Mexico licensed private investigation company the applicant is or will be employed or contracted to manage.

[16.48.2.11 NMAC Re-pr & A, 16.48.2.11 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023]

16.48.2.12 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE INVESTIGATIONS AND PRIVATE PATROL EMPLOYEE REGISTRATION:

A. Application requirements: Applicants for licensure as a private investigations employee or private patrol employee must meet the qualifications and requirements described in Section 61-27B-14 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) employer business name and DBA if applicable;
 - (3) employer company license number;
 - (4) successfully pass a jurisprudence examination to be administered by the department;
 - (5) certificate of employment or contract for services with a private investigation or private patrol company;
- (6) firearm certification, if applicable;
 - (7) biometric criminal history background check; and
 - (8) non-refundable registration fee as set forth in Section 16.48.5 NMAC;

B. Certificate of employment:

(1) A private investigations employee must be employed by, or provide investigative services on a contract basis, a private investigation company and must be under the direct control and supervision of a New Mexico licensed private investigator in good standing. A certificate of employment or contract must be completed and signed by an owner, director or officer of the New Mexico licensed private investigation company the applicant is or will be employed or contracted to provide investigative services.

(2) A private patrol employee must be employed by, or provide private patrol services on a contract basis, a private patrol company and must be under the direct control and supervision of a New Mexico licensed private patrol operations manager or a level three security guard in good standing. A certificate of employment or contract must be completed and signed by an owner, director or officer of the New Mexico licensed private patrol company that applicant is or will be employed or contract to provide private patrol services.

(3) If the contract or employment of a private investigations employee or private patrol employee terminates for any reason, the registration of the individual terminates. The private investigations

employee or private patrol employee shall turn over the employee's registration to the employer upon ceasing employment.

C. Firearm certification: Pursuant to Section 61-27B-31 NMSA 1978, 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.

D. Federal criminal history report: Pursuant to Section 61-27B-34, NMSA 1978, applicants must submit to a biometric federal criminal history background check, as set forth in Subsection H of 16.48.2.8 NMAC. [16.48.2.12 NMAC - Re-pr & A, 16.48.2.12 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023]

16.48.2.13 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE PATROL OPERATOR LICENSE:

A. Application requirements: Applicants for licensure as a private patrol operator must meet the qualifications and requirements described in Section 61-27B-10 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) qualifying work experience;
- (3) successfully pass a jurisprudence examination to be administered by the department;
- (4) firearm certification, if applicable
- (5) biometric criminal history background check; and
- (6) non-refundable license fee as set forth in Section 16.48.5 NMAC.

B. Qualifying work experience: Pursuant to Section 61-27B-10 NMSA 1978, an applicant must submit proof of at least three years' experience of actual work performed as a security guard or an equivalent position. Proof of qualifying experience of actual work performed includes the following:

- (1) not less than 4,000 hours of actual work performed as a guard, watchman, or patrolman or an equivalent position, one year of which shall have been in a supervisory capacity;
- (2) experience shall have been acquired within five years preceding the filing of the application with the department;
- (3) years of qualifying experience and the precise nature of that experience shall be substantiated by written certification from the applicant's employer(s) and is subject to independent verification by the department as it determines is warranted; and
- (4) the burden of proving necessary experience is on the applicant.

C. 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.

D. Federal criminal history report: Pursuant to Section 61-27B-34, NMSA 1978, applicants must submit to a biometric federal criminal history background check, as set forth in Subsection H of 16.48.2.8 NMAC. [16.48.2.13 NMAC - Re-pr & A, 16.48.2.13 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023]

16.48.2.14 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE PATROL COMPANY LICENSE:

A. Application requirements: Applicants for licensure as a private patrol company must meet the qualifications and requirements described in Section 61-27B-11 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) business contact phone number;
- (3) business mailing address;
- (4) business email address;
- (5) business name and DBA if applicable;

(6) identify the type of business (corporations, LLCs, and partnerships must register with the New Mexico Secretary of State);

(7) name and license number of an owner who is licensed as a private patrol officer, or a licensed private patrol operations manager, and certification that they will manage the daily operations of the private patrol company;

(8) business address of a physical location in New Mexico where records are maintained and made available for department inspection;

(9) if the applicant is a company located outside of New Mexico, the name and address of a New Mexico registered agent;

(10) copy of general liability certificate of insurance;

(11) completed and signed release of information form for each owner, director and officer

(12) biometric criminal history background check for each owner, director and officer;

(13) uniform description and photographs of uniforms; and

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

B. Employee termination: If the contract or employment of a private patrol employee terminates, the private patrol company must notify the department within thirty days from the date of termination of employment of the private patrol employee.

C. General liability insurance: A private patrol company shall file with the department a copy of a general liability certificate of insurance in the amount of one million dollars (\$10,000).

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.

[16.48.2.14 NMAC Re-pr & A, 16.48.2.14 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023]

16.48.2.15 QUALIFICATIONS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR A PRIVATE PATROL OPERATIONS MANAGER LICENSE:

A. Application requirements: Applicants for licensure as a private patrol operations manager must meet the qualifications and requirements described in Section 61-27B-12 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) employer business name and DBA if applicable;

(3) employer private patrol company license number;

(4) license number of the applicant's New Mexico private patrol operator license or level three security guard registration in good standing;

(5) successfully pass a jurisprudence examination to be administered by the department;

(6) a certificate of employment or contract with the private patrol company that the applicant is being licensed to manage; and

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

B. Certificate of employment: Under the Private Investigations Act a private patrol operations manager must be employed by, or provide services on a contract basis, to a private patrol company and be responsible for managing the daily operations of the private patrol company. A certificate of employment or contract must be completed and signed by an owner, director or officer of the New Mexico licensed private patrol company the applicant is or will be employed or contracted to manage.

[16.48.2.15 NMAC - Re-pr & A, 16.48.2.15 NMAC, 9/24/2008; A, 5/1/2010; A, 10/26/2021; A, 7/18/2023]

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

A. Application requirements: Applicants for licensure as a polygraph examiner must meet the qualifications and requirements described in Section 61-27B-13 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) pass a jurisprudence examination to be administered by the department;

(3) copy of certificate of completion or diploma from an accredited polygraph examiners course approved by the department;

(4) name and license number of probationary sponsor or documentation of probationary completion, if applicable;

(5) biometric criminal history background check; and

(6) non-refundable application fee as set forth in Section 16.48.5 NMAC.

B. Probationary status: Applicants who have not been licensed for a minimum of two years immediately prior to the date of application must complete a probationary operational competency period consisting of at least six (6) months, under the supervision of a New Mexico Licensed Polygraph Examiner. Upon successful completion of a written examination, a provisional license may be issued. During the probationary period:

(1) the polygraph examinations administered by the provisional licensee shall be reviewed for operational competency by a licensed polygraph examiner approved by the department to serve as a sponsor for the provisional licensee;

(2) the provisional licensee must conduct a minimum of 30 polygraph examinations, a minimum of five of which must be examinations, two of the “specific” examinations, and three of the “screening type” examinations must be performed in the presence of the sponsor, or recorded in their entirety for review by the sponsor. In the case of an applicant who conducts only “specific” examinations, a minimum of five “specific” examinations must be conducted in the presence of the sponsor, or recorded in their entirety for review by the sponsor.

(3) The sponsor must submit a progress report regarding the progress of the provisional licensee every 60 days on forms provided by the department.

(4) If an unsatisfactory report is submitted, the sponsor shall review the polygraph examinations administered by the provisional licensee for operational competency. Upon recommendation of the sponsor, the department may revoke the provisional license or take such action as it deems necessary to assure operational competency.

C. Non-probationary status: Applicants who have a current active license to practice polygraphy in another jurisdiction whose standards are equal to or greater than those in New Mexico for a minimum of two years immediately preceding the date of application, and no pending or formal disciplinary actions issued against the license in the last five years, are not required to complete the probationary period.

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.
[16.48.2.16 NMAC - Re-pr & A, 16.48.2.16 NMAC, 9/24/2008; A, 08/30/09; A, 5/1/2010; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023]

16.48.2.17 LEVEL ONE SECURITY GUARD APPLICANT QUALIFICATIONS AND EXPERIENCE REQUIREMENTS:

A. Application requirements: Applicants for licensure as a level one security guard must meet the qualifications and requirements described in Section 61-27B-16 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) successfully pass a jurisprudence examination to be administered by the department;

(3) certificate of completing a department approved level one training program;

(4) biometric criminal history background check;

(5) non-refundable registration fee as defined in 16.48.5 NMAC;

B. Level one 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. An eight-hour curriculum is the minimum training required and must be completed within twelve months prior to application for security guard level one registration. This rule adopts and hereby incorporates by reference the *Level One Training Curriculum* first edition 2020 approved by the advisory board on February 26, 2021, and with the same effective date of this rule.

C. 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.
[16.48.2.17 NMAC - Re-pr & A, 16.48.2.17 NMAC, 9/24/2008; A, 5/1/2010; A, 1/15/2015; A, 1/15/2019; A, 10/26/2021; A, 7/18/2023]

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, XX/XX/2025]

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]

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, XX/XX/2025**]

16.48.2.21 PSYCHOLOGICAL EVALUATION

A. Requirements: If an applicant elects to be firearm certified, it shall be necessary for each applicant to be examined 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, is able to administer the exam.

(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 (1) year old for certification purposes.

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

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

(5) Any examinee 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 examinee fails the evaluation, the department will make an electronic annotation in the candidate's file to ensure compliance with this rule.

(6) The department may request a subsequent psychological evaluation of an individual licensed pursuant to the Private Investigations Act to re-evaluate the suitability of the individual in the interest of maintaining public safety,

B. Evaluation standards: The psychological evaluation shall consist of at least one of the following psychological assessment 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).
[16.48.2.21 NMAC – N, 7/18/2023]

16.48.2.22 CESSATION OF LICENSE BUSINESS: A registrant or licensee subject to the Private Investigations Act who ceases to do business as a registrant or licensee before the registration or license expiration date shall submit written notice of cancellation of the registration or license to the department within 30 days of cessation of such business.

[16.48.2.22 NMAC - Rn, 16.48.2.21 NMAC, 1/15/2019; A, 7/18/2023]

16.48.2.23 [RESERVED]

[16.48.2.23 NMAC - Rn, 16.48.2.22 NMAC, 1/15/2019; Repealed, 10/26/2021]

16.48.2.24 LIMITED EXEMPTION TO LICENSURE: An investigator licensed in another state may conduct business in New Mexico only under the circumstances indicated below:

A. the investigation must be initiated in the investigator's home state;

B. the investigator may spend no more than 30 days per case while conducting an investigation in another state; and

C. the investigator is prohibited from soliciting business while in New Mexico and from establishing a business or setting up residence while conducting an investigation in New Mexico.

[16.48.2.24 NMAC - Rn, 16.48.2.23 NMAC, 1/15/2019; A; 7/18/2023]

16.48.2.25 RECIPROCITY:

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

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

(1) be duly and currently licensed or registered, for at least one year, in at least one other state;

(2) have no history of disciplinary action within the last year against any professional license or registration;

(3) provide proof of having met education and experience requirements in the state of licensure similar to or better than those required in New Mexico.

[16.48.2.25 NMAC - Rn, 16.48.2.24, 1/15/2019; A, 2/8/2022; A, 7/18/2023]

16.48.2.26 INCOMPLETE INITIAL APPLICATIONS

A. Initial applications for any license or registration type will expire twelve months from the date the application is stamped “received” by the department.

B. The fingerprint background check required for initial application expires after ninety days from the date it is issued. If the applicant wants to continue with the application process, and the fingerprint background check has expired, the applicant will be required to submit a new fingerprint background check to continue the application process.

C. After the expiration of the 12 month period, applicant will be required to submit a new initial application.

[16.48.2.26 NMAC – N, 10/26/2021]

16.48.2.27 TERM: The term for initial licensure and registration shall be three years.

[16.48.2.27 NMAC - N, 2/8/2022]

HISTORY OF 16.48.2 NMAC:

Pre-NMAC History:

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

AG 68-1 (Rule No. IV), Private Patrol Operator Licenses, filed 4/3/1968.

AG 68-2 (Rule No. V), Private Investigator Licenses, filed 4/3/1968.

AG 69-2 (Rule No. VII), Private Investigators Licenses: Titles, filed 9/17/1969.

AG 70-2 (Rule No. VII), Private Investigators: Fictitious Names and Titles, filed 8/20/1970.

AG 69-3 (Rule No. VIII), Private Investigator Licenses: Interview of Applicant, filed 9/17/1969.

AG 70-3 (Rule No. VIII), Private Investigators: Interview of Applicant, filed 8/20/1970.

AG 70-5 (Rule No. X, Private Investigators: Alcohol Beverages, filed 8/20/1970.

AG 70-7 (Rule No. XII), Private Investigators: Deputy Sheriff Commissions, filed 11/19/1970.

AG 70-8 (Rule NO. XIII), Private Investigators: Cessation of Licensed Business, filed 11/19/1970.

NMLEA Rule #30, Bureau of Private Investigators: Rules and Regulations, filed 4/24/1981.

NMLEA B/PI Rule #1, Bureau of Private Investigators: Rules and Regulations, filed 11/4/1983.

NMLEA Rule #31, Bureau of Polygraphy: Rules and Regulations, filed 6/1/1981.

NMLEA Rule #31, Bureau of Polygraphy: Rules and Regulations, filed 5/27/1983.

NMPA Rule 92-3, Qualifications for Licensure, filed 8/17/1992.

NMPA Rule 92-6, Unauthorized Practice, filed 8/17/1992.

History of Repealed Material:

NMLEA B/PI Rule #1, Bureau of Private Investigators: Rules and Regulations (filed 11/4/1983); NMPA Rule 92-3, Qualifications for Licensure (filed 8/17/1992); and NMPA Rule 92-6, Unauthorized Practice (filed 8/17/1992) all repealed 03/07/08.

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

Other History:

Those applicable portions of NMLEA B/PI Rule #1, Bureau of Private Investigators: Rules and Regulations (filed 11/4/1983); NMPA Rule 92-3, Qualifications for Licensure (filed 8/17/1992); and NMPA Rule 92-6, Unauthorized Practice (filed 8/17/1992) renumbered, reformatted, and replaced by 16.48.2 NMAC, Requirements for Licensure, effective 3/07/2008.

16.48.2 NMAC, Requirements for Licensure (filed 3/7/2008) was replaced by 16.48.2 NMAC, Requirements for Licensure, effective 9/24/2008.