



New Mexico

Department of Public Safety

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RE: NEW MEXICO UNABLE TO RECOGNIZE RECIPROCITY WITH IDAHO

As of the date of this letter, the New Mexico Department of Public Safety and the State of New Mexico are unable recognize reciprocity with the State of Idaho. To recognize reciprocity, New Mexico statute requires that a state's laws include "provisions at least as stringent as or substantially similar" to the those in the in the New Mexico Concealed Handgun Carry Act. *See* NMSA 1978 § 29-19-12(E)(1).

New Mexico regulations allow the Department of Public Safety to recognize reciprocity as follows:

10.8.2.29 NMAC

RECIPROCITY: The secretary or his designee shall have discretionary authority to afford transfer or reciprocity to a concealed handgun license issued by another state. Transfer or reciprocity may be granted if the other state:

- A. issues a license or permit with an expiration date printed on the license or permit; is available to verify the license or permit status for law enforcement purposes within three days of request;
- B. has disqualification, suspension and revocation requirements for a concealed handgun license or permit;
- C. requires that an applicant for a concealed handgun license or permit submit to a national criminal history records check;
- D. requires that an applicant not be prohibited from possessing firearms pursuant to federal or state law; and
- E. requires that an applicant satisfactorily complete a firearms safety program that covers deadly force issues, weapons care and maintenance, safe handling and storage of firearms and marksmanship.
- F. Each state which the department has afforded transfer or reciprocity shall be listed on the department's web page.

G. No reciprocity shall be afforded to a license issued by another state to a New Mexico resident.
[10.8.2.29 NMAC - Rp, 10.8.2.29 NMAC, 11-30-16]

While Idaho's laws meet the requirements for discretionary reciprocity in 10.8.2.29 NMAC, after thorough review of Idaho statutes and regulations, we have found that Idaho's permits are not equally as stringent or more stringent than New Mexico's concealed carry laws.

Specifically, New Mexico laws require that “The department shall deny a concealed handgun license to an applicant who has:

- (1) received a conditional discharge, a diversion or a deferment or has been convicted of, pled guilty to or entered a plea of nolo contendere to a misdemeanor offense involving a crime of violence within ten years immediately preceding the application;
- (2) been convicted of a misdemeanor offense involving driving while under the influence of intoxicating liquor or drugs within five years immediately preceding the application for a concealed handgun license;
- (3) been convicted of a misdemeanor offense involving the possession or abuse of a controlled substance within ten years immediately preceding the application; or
- (4) been convicted of a misdemeanor offense involving assault, battery or battery against a household member.”

However, Idaho’s laws appear to only prohibit issuance of a concealed handgun license when a person “Is formally charged with a crime punishable by imprisonment for a term exceeding one (1) year”, “Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding one (1) year”, or has “received a withheld judgment or suspended sentence for a crime punishable by imprisonment for a term exceeding one (1) year, unless the person has successfully completed probation.” Thus, New Mexico’s requirements are more stringent than Idaho’s in this respect.

Because of these key differences, unfortunately New Mexico is unable to recognize reciprocity with Idaho at this time on grounds that Idaho’s requirements are not as stringent or substantially similar to New Mexico’s requirements.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jason Bowie", with a large, stylized flourish at the end.

Jason Bowie
Cabinet Secretary
NMDPS