

SENATE BILL NO. 420—SENATOR WASHINGTON

MARCH 15, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing permits to carry concealed firearms. (BDR 15-1243)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to concealed firearms; authorizing a person who is not a resident of this state to carry concealed firearms in this state under certain circumstances; authorizing the holder of a permit to carry a concealed firearm to carry not more than two concealed firearms of any type; eliminating the requirement that a person must not have been convicted of certain crimes relating to the threat or use of force or violence to obtain a permit to carry a concealed firearm; eliminating the requirement that an applicant include his social security number on his application for a permit to carry a concealed firearm; making other various changes to the provisions governing permits to carry concealed firearms; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 202 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. A person who is not a resident of this state and who possesses a***
4 ***permit to carry a concealed firearm that was issued by another state***
5 ***whose requirements for the issuance of that permit are substantially***
6 ***similar to the requirements set forth in NRS 202.3653 to 202.369,***
7 ***inclusive, may carry not more than two concealed firearms of any type in***
8 ***this state.***
9 ***2. The department shall, not later than July 1 of each year:***
10 ***(a) Examine the requirements for the issuance of a permit to carry a***
11 ***concealed firearm in each state and determine whether the requirements***
12 ***of each state are substantially similar to the requirements set forth in***
13 ***NRS 202.3653 to 202.369, inclusive;***

1 *(b) Prepare a list that includes each state whose requirements for the*
2 *issuance of a permit to carry a concealed firearm are substantially*
3 *similar to the requirements set forth in NRS 202.3653 to 202.369,*
4 *inclusive; and*

5 *(c) Provide a copy of the list prepared pursuant to paragraph (b) to*
6 *each law enforcement agency in this state.*

7 *3. The department shall, upon request, make the list prepared*
8 *pursuant to subsection 2 available to the members of the general public.*

9 **Sec. 2.** NRS 202.3653 is hereby amended to read as follows:

10 202.3653 As used in NRS 202.3653 to 202.369, inclusive, *and section*
11 *1 of this act*, unless the context otherwise requires:

12 1. "Concealed firearm" means a loaded or unloaded pistol, revolver or
13 other firearm which is carried upon a person in such a manner as not to be
14 discernible by ordinary observation.

15 2. "Department" means the department of motor vehicles and public
16 safety.

17 3. "Permit" means a permit to carry a concealed firearm issued
18 pursuant to the provisions of NRS 202.3653 to 202.369, inclusive.

19 **Sec. 3.** NRS 202.3657 is hereby amended to read as follows:

20 202.3657 1. Any person may apply to the sheriff of the county in
21 which he resides for a permit on a form prescribed by regulation of the
22 department. Application forms for permits must be furnished by the sheriff
23 of each county upon request.

24 2. Except as otherwise provided in this section, the sheriff shall issue a
25 permit for ~~no~~ *not* more than two ~~specific~~ firearms *of any type* to any
26 person who is qualified to possess a firearm under state and federal law,
27 who submits an application in accordance with the provisions of this
28 section and who:

29 (a) Is a resident of this state;

30 (b) Is 21 years of age or older;

31 (c) Is not prohibited from possessing a firearm pursuant to NRS
32 202.360; and

33 (d) Demonstrates competence with a firearm by presenting a certificate
34 or other documentation to the sheriff which shows that he:

35 (1) Successfully completed a course in firearm safety approved by a
36 sheriff in this state; or

37 (2) Successfully completed a course in firearm safety offered by a
38 federal, state or local law enforcement agency, community college,
39 university or national organization that certifies instructors in firearm
40 safety.

41 Such a course must include instruction in the ~~use of each firearm to which~~
42 ~~the application pertains and in the~~ laws of this state relating to the proper
43 use of a firearm. A sheriff may not approve a course in firearm safety

1 pursuant to subparagraph (1) unless he determines that the course meets
2 any standards that are established by the Nevada Sheriffs and Chiefs
3 Association, or if the Nevada Sheriffs and Chiefs Association ceases to
4 exist, its legal successor.

5 3. The sheriff shall deny an application or revoke a permit if he
6 determines that the applicant or permittee:

7 (a) Has an outstanding warrant for his arrest.

8 (b) Has been judicially declared incompetent or insane.

9 (c) Has been voluntarily or involuntarily admitted to a mental health
10 facility during the immediately preceding 5 years.

11 (d) Has habitually used intoxicating liquor or a controlled substance to
12 the extent that his normal faculties are impaired. For the purposes of this
13 paragraph, it is presumed that a person has so used intoxicating liquor or a
14 controlled substance if, during the immediately preceding 5 years, he has
15 been:

16 (1) Convicted of violating the provisions of NRS 484.379; or

17 (2) Committed for treatment pursuant to NRS 458.290 to 458.350,
18 inclusive.

19 ~~(e) Has been convicted of a crime involving the use or threatened use of~~
20 ~~force or violence punishable as a misdemeanor under the laws of this or any~~
21 ~~other state, or a territory or possession of the United States at any time~~
22 ~~during the immediately preceding 3 years.~~

23 ~~—(f)~~ Has been convicted of a felony in this state or under the laws of any
24 state, territory or possession of the United States.

25 ~~(g)~~ (f) Has been convicted of a crime involving domestic violence or
26 stalking, or is currently subject to a restraining order, injunction or other
27 order for protection against domestic violence.

28 ~~(h)~~ (g) Is currently on parole or probation from a conviction obtained
29 in this state or in any other state or territory or possession of the United
30 States.

31 ~~(i)~~ (h) Has, within the immediately preceding 5 years, been subject to
32 any requirements imposed by a court of this state or of any other state or
33 territory or possession of the United States, as a condition to the court's:

34 (1) Withholding of the entry of judgment for his conviction of a
35 felony; or

36 (2) Suspension of his sentence for the conviction of a felony.

37 ~~(i)~~ (i) Has made a false statement on any application for a permit or
38 for the renewal of a permit.

39 4. The sheriff may deny an application or revoke a permit if he
40 receives a sworn affidavit stating articulable facts based upon personal
41 knowledge from any natural person who is 18 years of age or older that the
42 applicant or permittee has or may have committed an offense or engaged in
43 any other activity specified in subsection 3 which would preclude the

1 issuance of a permit to the applicant or require the revocation of a permit
2 pursuant to this section.

3 ~~5. If the sheriff receives notification submitted by a court or law~~
4 ~~enforcement agency of this or any other state, the United States or a~~
5 ~~territory or possession of the United States that a permittee or an applicant~~
6 ~~for a permit has been charged with a crime involving the use or threatened~~
7 ~~use of force or violence, the conviction for which would require the~~
8 ~~revocation of a permit or preclude the issuance of a permit to the applicant~~
9 ~~pursuant to this section, the sheriff shall suspend the person's permit or the~~
10 ~~processing of his application until the final disposition of the charges~~
11 ~~against him. If a permittee is acquitted of the charges against him, or if the~~
12 ~~charges are dropped, the sheriff shall restore his permit without imposing a~~
13 ~~fee.~~

14 ~~—6.1~~ An application submitted pursuant to this section must be
15 completed and signed under oath by the applicant. The applicant's
16 signature must be witnessed by an employee of the sheriff or notarized by a
17 notary public. The application must include:

18 (a) The name, address, place and date of birth, ~~[social security number,]~~
19 occupation and employer of the applicant and any other names used by the
20 applicant;

21 (b) A complete set of the applicant's fingerprints taken by the sheriff or
22 his agent;

23 (c) A front-view colored photograph of the applicant taken by the sheriff
24 or his agent;

25 (d) The applicant's driver's license number or identification card
26 number issued by the department;

27 (e) ~~[The make, model and caliber of each firearm to which the~~
28 ~~application pertains;~~

29 ~~—(f)~~ A nonrefundable fee in the amount necessary to obtain the report
30 required pursuant to subsection 1 of NRS 202.366; and

31 ~~(g)~~ (f) A nonrefundable fee set by the sheriff not to exceed \$60.

32 **Sec. 4.** NRS 202.366 is hereby amended to read as follows:

33 202.366 1. Upon receipt by a sheriff of an application for a permit,
34 the sheriff shall conduct an investigation of the applicant to determine if he
35 is eligible for a permit. In conducting the investigation, the sheriff shall
36 forward a complete set of the applicant's fingerprints to the Nevada
37 highway patrol division of the department and the Federal Bureau of
38 Investigation for a report concerning the criminal history of the applicant.
39 The sheriff shall issue a permit to the applicant unless he is not qualified to
40 possess a handgun under state or federal law or is not otherwise qualified to
41 obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the
42 regulations adopted pursuant thereto.

2. To assist the sheriff in conducting his investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the department. The permit must be ~~in substantially the following form:~~

~~NEVADA CONCEALED FIREARM PERMIT~~

~~County Permit Number.....
Expires..... Date of Birth.....
Height..... Weight.....
Name..... Address.....
City..... Zip.....
.....Photograph
Signature.....
Issued by.....
Date of Issue.....
Make, model and caliber of firearm authorized..... }~~

~~on a form provided by the department.~~

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of NRS 202.3653 to 202.369, inclusive, his date of birth shall be deemed to be on February 28.

Sec. 5. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in NRS 202.265 and this section, a permittee shall not carry a concealed firearm into:

- (a) Any facility of a law enforcement agency;
- (b) A prison, county or city jail or detention facility;
- (c) A courthouse or courtroom;
- (d) Any facility of a public or private school;
- (e) Any facility of a vocational or technical school, or of the University and Community College System of Nevada;
- (f) Any other building ~~owned or~~ occupied by the Federal Government, the state or a local government; or

1 (g) Any other place in which the carrying of a concealed firearm is
2 prohibited by state or federal law.

3 2. The provisions of this section do not prohibit a permittee who is a
4 judge from carrying a concealed firearm in the courthouse or courtroom in
5 which he presides or from authorizing other permittees to carry a concealed
6 firearm in his courtroom.

7 3. The provisions of this section are not applicable to an employee of
8 the facility identified in subsection 1 while on the premises of that facility.

9 4. The provisions of this section do not apply to a permittee who is a
10 prosecuting attorney of an agency or political subdivision of the United
11 States or of this state.

12 5. A violation of the provisions of subsection 1 is a misdemeanor.

13 **Sec. 6.** The department of motor vehicles and public safety shall
14 prepare the initial list required by section 1 of this act and provide a copy
15 of that list to each law enforcement agency in this state not later than
16 October 1, 1999.

17 **Sec. 7.** 1. The amendatory provisions of this act apply to any permit
18 to carry a concealed firearm in this state that is issued on or after October 1,
19 1999.

20 2. A person who has been issued a permit to carry a concealed firearm
21 in this state that expires after October 1, 1999, may carry not more than two
22 concealed firearms of any type.