

## SENATE BILL NO. 420—SENATOR WASHINGTON

MARCH 15, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing weapons. (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 weapons; authorizing a person who is not a resident of this state to carry a concealed firearm in this state under certain circumstances; revising the provisions governing the type of concealed firearm that the holder of a permit to carry a concealed firearm may carry; making various other changes to the provisions governing a permit to carry a concealed firearm; providing that certain police officers who are retiring must be allowed to purchase badges indicating that they are exempt from certain laws pertaining to concealed firearms and other weapons; 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  
2    the provisions set forth as sections 2, 3 and 4 of this act.
- 3    **Sec. 2. 1.** *To obtain approval from a sheriff to carry a firearm, an*  
4    *applicant for a permit must present to the sheriff a certificate or other*  
5    *documentation that:*
- 6    *(a) Identifies the make, model and caliber of the firearm for which*  
7    *approval is sought;*
- 8    *(b) Is issued by an instructor of a course in firearm safety which is*  
9    *approved by a sheriff pursuant to subparagraph (1) of paragraph (d) of*  
10   *subsection 2 of NRS 202.3657 or which is offered by a federal, state or*  
11   *local law enforcement agency, community college, university or national*  
12   *organization that certifies instructors in firearm safety; and*
- 13   *(c) Indicates that the applicant has demonstrated competence in the*  
14   *use of the firearm.*

1     2. A permittee may seek approval from the sheriff to carry a firearm  
2 for which approval was not sought in his application. To obtain approval  
3 from a sheriff for an additional firearm, the permittee must present to the  
4 sheriff a certificate or other documentation that:

5     (a) Identifies the make, model and caliber of the firearm for which  
6 approval is sought;

7     (b) Is issued by an instructor of a course in firearm safety which is  
8 approved by a sheriff pursuant to subparagraph (1) of paragraph (d) of  
9 subsection 2 of NRS 202.3657 or which is offered by a federal, state or  
10 local law enforcement agency, community college, university or national  
11 organization that certifies instructors in firearm safety; and

12     (c) Indicates that the permittee has demonstrated competence in the  
13 use of the firearm.

14     3. If a sheriff approves a firearm pursuant to this section, the sheriff  
15 shall forward the information provided in subsection 1 or 2 to the central  
16 repository for Nevada records of criminal history. Any information  
17 forwarded to the central repository for Nevada records of criminal  
18 history pursuant to this subsection must be maintained in accordance  
19 with the provisions governing confidentiality set forth in NRS 202.3662.

20     **Sec. 3. 1.** A person who is not a resident of this state and who  
21 possesses a permit to carry a concealed firearm that was issued by  
22 another state whose requirements for the issuance of that permit are  
23 substantially similar to the requirements set forth in NRS 202.3653 to  
24 202.369, inclusive, may carry a concealed firearm in this state in  
25 accordance with the requirements set forth in this section.

26     2. Except as otherwise provided in subsection 3, a person who is  
27 authorized to carry a concealed firearm pursuant to subsection 1 and  
28 who wishes to carry a concealed firearm in this state must:

29     (a) Report to the sheriff of the county in which he is present;

30     (b) Obtain from the sheriff a sticker to be affixed to his permit to carry  
31 a concealed firearm and a printed copy of the provisions of NRS  
32 202.3653 to 202.369, inclusive; and

33     (c) Pay to the sheriff a fee equal to the cost of providing the sticker  
34 and the printed copy of the provisions of NRS 202.3653 to 202.369,  
35 inclusive.

36     3. A person is not required to comply with the provisions of  
37 subsection 2 if the person:

38     (a) Is present in this state for a period of less than 72 hours; or

39     (b) Previously obtained a sticker and a printed copy of the provisions  
40 of NRS 202.3653 to 202.369, inclusive, pursuant to subsection 2 and has  
41 in his possession a valid permit to carry a concealed firearm that has the  
42 sticker affixed to the permit.

1     **4. A person who carries a concealed firearm pursuant to this section**  
2 **is subject to the same legal restrictions and requirements imposed upon a**  
3 **person who has been issued a permit to carry a concealed firearm by a**  
4 **sheriff in this state.**

5     **Sec. 4. 1. The Nevada Sheriffs and Chiefs Association shall, not**  
6 **later than July 1 of each year:**

7     **(a) Examine the requirements for the issuance of a permit to carry a**  
8 **concealed firearm in each state and determine whether the requirements**  
9 **of each state are substantially similar to the requirements set forth in**  
10 **NRS 202.3653 to 202.369, inclusive;**

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

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

17     **2. The Nevada Sheriffs and Chiefs Association shall, upon request,**  
18 **make the list prepared pursuant to subsection 1 available to the general**  
19 **public.**

20     **3. If the Nevada Sheriffs and Chiefs Association ceases to exist, its**  
21 **legal successor shall perform the duties set forth in this section. If the**  
22 **legal successor to the Nevada Sheriffs and Chiefs Association ceases to**  
23 **exist or if there is no legal successor to the Nevada Sheriffs and Chiefs**  
24 **Association, the department shall perform the duties set forth in this**  
25 **section.**

26     **Sec. 5. NRS 202.3653 is hereby amended to read as follows:**

27     202.3653 As used in NRS 202.3653 to 202.369, inclusive, **and**  
28 **sections 2, 3 and 4 of this act**, unless the context otherwise requires:

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

32     2. "Department" means the department of motor vehicles and public  
33 safety.

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

36     **Sec. 6. NRS 202.3657 is hereby amended to read as follows:**

37     202.3657 1. Any person may apply to the sheriff of the county in  
38 which he resides for a permit on a form prescribed by regulation of the  
39 department. Application forms for permits must be furnished by the sheriff  
40 of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit ~~{for no more than two specific firearms}~~ to any person who is qualified to possess a firearm under state and federal law, who submits an application in accordance with the provisions of this section and who:

- (a) Is a resident of this state;
- (b) Is 21 years of age or older;
- (c) Is not prohibited from possessing a firearm pursuant to NRS 202.360;

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

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

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

Such a course must include instruction in the use of ~~{each firearm to which the application pertains}~~ **a firearm** and in the laws of this state relating to the ~~{proper}~~ use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs and Chiefs Association, or if the Nevada Sheriffs and Chiefs Association ceases to exist, its legal successor.

3. ***A permit issued by a sheriff pursuant to subsection 2 allows a permittee to carry any firearm that the permittee has been approved to carry by the sheriff pursuant to section 2 of this act.***

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

- (a) Has an outstanding warrant for his arrest.
- (b) Has been judicially declared incompetent or insane.
- (c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

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

- (1) Convicted of violating the provisions of NRS 484.379; or
- (2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

1 (e) Has been convicted of a crime involving the use or threatened use of  
2 force or violence punishable as a misdemeanor under the laws of this or any  
3 other state, or a territory or possession of the United States at any time  
4 during the immediately preceding ~~3~~ 5 years.

5 (f) Has been convicted of a felony in this state or under the laws of any  
6 state, territory or possession of the United States.

7 (g) Has been convicted of a crime involving domestic violence or  
8 stalking, or is currently subject to a restraining order, injunction or other  
9 order for protection against domestic violence.

10 (h) Is currently on parole or probation from a conviction obtained in this  
11 state or in any other state or territory or possession of the United States.

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

15 (1) Withholding of the entry of judgment for his conviction of a  
16 felony; or

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

18 (j) Has made a false statement on any application for a permit or for the  
19 renewal of a permit.

20 ~~4~~ 5. The sheriff may deny an application or revoke a permit if he  
21 receives a sworn affidavit stating articulable facts based upon personal  
22 knowledge from any natural person who is 18 years of age or older that the  
23 applicant or permittee has or may have committed an offense or engaged in  
24 any other activity specified in subsection ~~3~~ 4 which would preclude the  
25 issuance of a permit to the applicant or require the revocation of a permit  
26 pursuant to this section.

27 ~~5~~ 6. If the sheriff receives notification submitted by a court or law  
28 enforcement agency of this or any other state, the United States or a territory  
29 or possession of the United States that a permittee or an applicant for a  
30 permit has been charged with a crime involving the use or threatened use of  
31 force or violence, the conviction for which would require the revocation of a  
32 permit or preclude the issuance of a permit to the applicant pursuant to this  
33 section, the sheriff shall suspend the person's permit or the processing of his  
34 application until the final disposition of the charges against him. If a  
35 permittee is acquitted of the charges against him, or if the charges are  
36 dropped, the sheriff shall restore his permit without imposing a fee.

37 ~~6~~ 7. An application submitted pursuant to this section must be  
38 completed and signed under oath by the applicant. The applicant's signature  
39 must be witnessed by an employee of the sheriff or notarized by a notary  
40 public. The application must include:

1 (a) The name, address, place and date of birth, social security number,  
2 occupation and employer of the applicant and any other names used by the  
3 applicant;

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

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

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

10 (e) The make, model and caliber of each firearm ~~{to which the~~  
11 ~~application pertains;}~~ *that the applicant wishes to receive approval to*  
12 *carry;*

13 (f) *For each firearm described in paragraph (e), a certificate or other*  
14 *documentation that complies with the requirements of subsection 1 of*  
15 *section 2 of this act;*

16 (g) A nonrefundable fee in the amount necessary to obtain the report  
17 required pursuant to subsection 1 of NRS 202.366; and

18 ~~{(g)}~~ (h) A nonrefundable fee set by the sheriff not to exceed \$60.

19 **Sec. 7.** NRS 202.366 is hereby amended to read as follows:

20 202.366 1. Upon receipt by a sheriff of an application for a permit,  
21 the sheriff shall conduct an investigation of the applicant to determine if he  
22 is eligible for a permit. In conducting the investigation, the sheriff shall  
23 forward a complete set of the applicant's fingerprints to the ~~{Nevada~~  
24 ~~highway patrol division of the department}~~ *central repository for Nevada*  
25 *records of criminal history* and the Federal Bureau of Investigation for a  
26 report concerning the criminal history of the applicant. The sheriff shall  
27 issue a permit to the applicant unless he is not qualified to possess a  
28 handgun under state or federal law or is not otherwise qualified to obtain a  
29 permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations  
30 adopted pursuant thereto.

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

35 3. Within 120 days after a complete application for a permit is  
36 submitted, the sheriff to whom the application is submitted shall grant or  
37 deny the application. If the application is denied, the sheriff shall send the  
38 applicant written notification setting forth the reasons for the denial. If the  
39 application is granted, the sheriff shall provide the applicant with a permit  
40 ~~{containing a colored photograph of the applicant and containing such other~~  
41 ~~information as may be prescribed by the department. The permit must be in~~  
42 ~~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 ..... }

that:

- (a) Includes a color photograph of the applicant;
- (b) Contains any information that is required by the department or by an ordinance of the county in which the permit is issued;
- (c) Prominently displays in bold type the phrase "STATE OF NEVADA CONCEALED FIREARM PERMIT"; and
- (d) Does not include the social security number of the applicant.

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. 8.** Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. Except as otherwise provided in subsection 2, if a police officer who has at least 10 years of service retires pursuant to this chapter, he must be allowed to purchase from his former employer a badge indicating that he is honorably retired. The former employer shall charge a police officer who purchases a badge pursuant to this section a fee equal to the cost of providing the badge.**

**2. The provisions of this section do not apply to a police officer who was discharged for cause or who resigned before the final disposition of allegations of serious misconduct.**

**Sec. 9.** The Nevada Sheriffs and Chiefs Association shall prepare the initial list required by section 4 of this act and provide a copy of that list to each law enforcement agency in this state not later than October 1, 1999.

**Sec. 10.** A person who has a permit to carry a concealed firearm in this state that was issued before October 1, 1999, and who wishes to carry any firearm that is not listed on his current permit must:

- 1     1. Obtain approval for each such firearm from the sheriff of the county
- 2     in which he resides in the manner provided in section 2 of this act;
- 3     2. Obtain from the sheriff a new permit that complies with the
- 4     provisions of NRS 202.366, as amended by this act; and
- 5     3. Pay to the sheriff the fee prescribed for obtaining a duplicate permit
- 6     pursuant to NRS 202.367, unless he is renewing his permit pursuant to
- 7     NRS 202.3677, in which case he must pay the fee prescribed for renewal of
- 8     a permit pursuant to NRS 202.3677.

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