

SENATE BILL NO. 20—SENATOR WASHINGTON

PREFILED JANUARY 11, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing weapons. (BDR 15-12)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 peace officers must be allowed to purchase badges indicating that they are honorably retired and therefore exempt from certain laws pertaining to 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 this section, NRS
24 202.3653 to 202.369, inclusive, and sections 2 and 4 of this act may carry
25 a concealed firearm in this state in accordance with the requirements set
26 forth in this section.

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

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

31 (b) Obtain from the sheriff a sticker to be affixed to his permit to carry
32 a concealed firearm and a printed copy of the provisions of this section,
33 NRS 202.3653 to 202.369, inclusive, and sections 2 and 4 of this act; and

34 (c) Pay to the sheriff a fee equal to the cost of providing the sticker
35 and the printed copy of the provisions of this section, NRS 202.3653 to
36 202.369, inclusive, and sections 2 and 4 of this act.

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

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

40 (b) Previously obtained a sticker and a printed copy of the provisions
41 of this section, NRS 202.3653 to 202.369, inclusive, and sections 2 and 4
42 of this act pursuant to subsection 2 and has in his possession a valid
43 permit to carry a concealed firearm that has the sticker affixed to the
44 permit.

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



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

3 **(a) Examine the requirements for the issuance of a permit to carry a**
4 **concealed firearm in each state and determine whether the requirements**
5 **of each state are substantially similar to the requirements set forth in this**
6 **section, NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this**
7 **act;**

8 **(b) Prepare a list that includes each state whose requirements for the**
9 **issuance of a permit to carry a concealed firearm are substantially**
10 **similar to the requirements set forth in this section, NRS 202.3653 to**
11 **202.369, inclusive, and sections 2 and 3 of this act; and**

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

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

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

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

24 202.3653 As used in NRS 202.3653 to 202.369, inclusive, **and**
25 **sections 2, 3 and 4 of this act**, unless the context otherwise requires:

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

29 2. "Department" means the department of motor vehicles and public
30 safety.

31 3. "Permit" means a permit to carry a concealed firearm issued
32 pursuant to the provisions of NRS 202.3653 to 202.369, inclusive ~~+~~, **and**
33 **sections 2, 3 and 4 of this act.**

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

35 202.3657 1. Any person may apply to the sheriff of the county in
36 which he resides for a permit on a form prescribed by regulation of the
37 department. Application forms for permits must be furnished by the sheriff
38 of each county upon request.

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

43 (a) Is a resident of this state;

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

45 (c) Is not prohibited from possessing a firearm pursuant to NRS
46 202.360; and

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



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

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

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

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

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

- 19 (a) Has an outstanding warrant for his arrest.
20 (b) Has been judicially declared incompetent or insane.
21 (c) Has been voluntarily or involuntarily admitted to a mental health
22 facility during the immediately preceding 5 years.
23 (d) Has habitually used intoxicating liquor or a controlled substance to
24 the extent that his normal faculties are impaired. For the purposes of this
25 paragraph, it is presumed that a person has so used intoxicating liquor or a
26 controlled substance if, during the immediately preceding 5 years, he has
27 been:

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

29 (2) Committed for treatment pursuant to NRS 458.290 to 458.350,
30 inclusive.

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

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

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

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

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

45 (1) Withholding of the entry of judgment for his conviction of a
46 felony; or

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

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



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1 ~~{4-}~~ 5. The sheriff may deny an application or revoke a permit if he
2 receives a sworn affidavit stating articulable facts based upon personal
3 knowledge from any natural person who is 18 years of age or older that the
4 applicant or permittee has or may have committed an offense or engaged in
5 any other activity specified in subsection ~~{3-}~~ 4 which would preclude the
6 issuance of a permit to the applicant or require the revocation of a permit
7 pursuant to this section.

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

19 ~~{6-}~~ 7. An application submitted pursuant to this section must be
20 completed and signed under oath by the applicant. The applicant's
21 signature must be witnessed by an employee of the sheriff or notarized by a
22 notary public. The application must include:

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

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

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

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

32 (e) The make, model and caliber of each firearm ~~to which the~~
33 ~~application pertains;~~ ***that the applicant wishes to receive approval to***
34 ***carry;***

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

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

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

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

42 202.366 1. Upon receipt by a sheriff of an application for a permit,
43 the sheriff shall conduct an investigation of the applicant to determine if he
44 is eligible for a permit. In conducting the investigation, the sheriff shall
45 forward a complete set of the applicant's fingerprints to the central
46 repository for Nevada records of criminal history and the Federal Bureau
47 of Investigation for a report concerning the criminal history of the
48 applicant. The sheriff shall issue a permit to the applicant unless he is not
49 qualified to possess a handgun pursuant to state or federal law or is not



1 otherwise qualified to obtain a permit pursuant to NRS 202.3653 to
2 202.369, inclusive, **and sections 2, 3 and 4 of this act** or the regulations
3 adopted pursuant thereto.

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

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

16 NEVADA CONCEALED FIREARM PERMIT

17
18 County..... Permit Number.....
19 Expires..... Date of Birth.....
20 Height..... Weight.....
21 Name..... Address.....
22 City..... Zip.....
23 Photograph
24 Signature.....
25 Issued by.....
26 Date of Issue.....
27 Make, model and caliber of firearm authorized.....]

28 that:

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

35 4. Unless suspended or revoked by the sheriff who issued the permit, a
36 permit expires on the fifth anniversary of the permittee's birthday,
37 measured from the birthday nearest the date of issuance or renewal. If the
38 date of birth of a permittee is on February 29 in a leap year, for the
39 purposes of NRS 202.3653 to 202.369, inclusive, **and sections 2, 3 and 4**
40 **of this act**, his date of birth shall be deemed to be on February 28.

41 **Sec. 8.** Chapter 289 of NRS is hereby amended by adding thereto a
42 new section to read as follows:

43 1. *Except as otherwise provided in subsection 2, if a peace officer*
44 *who has at least 10 years of service retires pursuant to chapter 286 of*
45 *NRS, he must be allowed to purchase from his former employer a badge*
46 *indicating that he is honorably retired. The former employer shall charge*
47 *a peace officer who purchases a badge pursuant to this section a fee*
48 *equal to the cost of providing the badge.*



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

4 **Sec. 9.** The Nevada Sheriffs and Chiefs Association shall prepare the
5 initial list required by section 4 of this act and provide a copy of that list to
6 each law enforcement agency in this state not later than October 1, 2001.

7 **Sec. 10.** A person who has a permit to carry a concealed firearm in
8 this state that was issued before October 1, 2001, and who wishes to carry
9 any firearm that is not listed on his current permit must:

10 1. Obtain approval for each such firearm from the sheriff of the county
11 in which he resides in the manner provided in section 2 of this act;

12 2. Obtain from the sheriff a new permit that complies with the
13 provisions of NRS 202.366, as amended by this act; and

14 3. Pay to the sheriff the fee prescribed for obtaining a duplicate permit
15 pursuant to NRS 202.367, unless he is renewing his permit pursuant to
16 NRS 202.3677, in which case he must pay the fee prescribed for renewal of
17 a permit pursuant to NRS 202.3677.

