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FIRST REPRINT

S.B. 20

SENATE BILL NO. 20—SENATOR WASHINGTON

PREFILED JANUARY 11, 2001

Referred to Committee on Judiciary

SUMMARY—Allows resident of another state to obtain permit to carry concealed firearm in this state. (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 firearms; allowing a person who is not a resident of this state to obtain a permit to carry a concealed firearm in this state; 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.** NRS 202.3657 is hereby amended to read as follows:
2 202.3657 1. Any person *who is a resident of this state* may apply to
3 the sheriff of the county in which he resides for a permit on a form
4 prescribed by regulation of the department. *Any person who is not a*
5 *resident of this state may apply to the sheriff of any county in this state*
6 *for a permit on a form prescribed by regulation of the department.*
7 Application forms for permits must be furnished by the sheriff of each
8 county upon request.
9 2. Except as otherwise provided in this section, the sheriff shall issue a
10 permit for no more than two specific firearms to any person who is
11 qualified to possess a firearm under state and federal law, who submits an
12 application in accordance with the provisions of this section and who:
13 (a) ~~Is a resident of this state;~~
14 ~~(b)~~ Is 21 years of age or older;
15 ~~(e)~~ (b) Is not prohibited from possessing a firearm pursuant to NRS
16 202.360; and
17 ~~(d)~~ (c) Demonstrates competence with a firearm by presenting a
18 certificate or other documentation to the sheriff which shows that he:
19 (1) Successfully completed a course in firearm safety approved by a
20 sheriff in this state; or



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

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

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

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

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

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

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

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

24 (2) Committed for treatment pursuant to NRS 458.290 to 458.350,
25 inclusive.

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

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

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

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

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

40 (1) Withholding of the entry of judgment for his conviction of a
41 felony; or

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

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

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



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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. An application submitted pursuant to this section must be completed
15 and signed under oath by the applicant. The applicant's signature must be
16 witnessed by an employee of the sheriff or notarized by a notary public.
17 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
24 sheriff or his agent;

25 (d) ~~the~~ *If the applicant is a resident of this state, the* applicant's
26 driver's license number or identification card number issued by the
27 department;

28 (e) *If the applicant is not a resident of this state, the applicant's*
29 *driver's license number or identification card number issued by another*
30 *state or jurisdiction;*

31 (f) The make, model and caliber of each firearm to which the
32 application pertains;

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

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

36 **Sec. 2.** NRS 202.366 is hereby amended to read as follows:

37 202.366 1. Upon receipt by a sheriff of an application for a permit,
38 the sheriff shall conduct an investigation of the applicant to determine if he
39 is eligible for a permit. In conducting the investigation, the sheriff shall
40 forward a complete set of the applicant's fingerprints to the central
41 repository for Nevada records of criminal history and the Federal Bureau
42 of Investigation for a report concerning the criminal history of the
43 applicant. The sheriff shall issue a permit to the applicant unless he is not
44 qualified to possess a handgun pursuant to state or federal law or is not
45 otherwise qualified to obtain a permit pursuant to NRS 202.3653 to
46 202.369, inclusive, or the regulations adopted pursuant thereto.

47 2. To assist the sheriff in conducting his investigation, any local law
48 enforcement agency, including the sheriff of any county, may voluntarily



1 submit to the sheriff a report or other information concerning the criminal
2 history of an applicant.
3 3. Within 120 days after a complete application for a permit is
4 submitted, the sheriff to whom the application is submitted shall grant or
5 deny the application. If the application is denied, the sheriff shall send the
6 applicant written notification setting forth the reasons for the denial. If the
7 application is granted, the sheriff shall provide the applicant with a permit
8 containing a colored photograph of the applicant and containing such other
9 information as may be prescribed by the department. The permit must be in
10 substantially the following form:

11
12 NEVADA CONCEALED FIREARM PERMIT

13
14 County Permit Number
15 Expires Date of Birth
16 Height Weight
17 Name Address
18 City Zip
19 Photograph

20 Signature
21 Issued by
22 Date of Issue
23 Make, model and caliber of firearm authorized

24 4. Unless suspended or revoked by the sheriff who issued the permit, a
25 permit expires :

26 *(a) If the permittee was a resident of this state at the time the permit*
27 *was issued, on the fifth anniversary of the permittee's birthday, measured*
28 *from the birthday nearest the date of issuance or renewal.*

29 *(b) If the permittee was not a resident of this state at the time the*
30 *permit was issued, on the third anniversary of the permittee's birthday,*
31 *measured from the birthday nearest the date of issuance or renewal.*

32 5. If the date of birth of a permittee is on February 29 in a leap year,
33 for the purposes of NRS 202.3653 to 202.369, inclusive, his date of birth
34 shall be deemed to be on February 28.

35 **Sec. 3.** NRS 202.3663 is hereby amended to read as follows:

36 202.3663 If an application for a permit is denied by a sheriff, the
37 applicant who submitted the application may seek a judicial review of the
38 denial by filing a petition in the district court for the county in which the
39 applicant ~~resides~~ *filed his application for a permit.* A judicial review
40 conducted pursuant to this section must be limited to a determination of
41 whether the denial was arbitrary, capricious or otherwise characterized by
42 an abuse of discretion and must be conducted in accordance with the
43 procedures set forth in chapter 233B of NRS for reviewing a final decision
44 of an agency.

