

ASSEMBLY BILL NO. 121—ASSEMBLYMEN PIERCE, PARKS,
CONKLIN, OHRENSCHALL, ANDERSON, ATKINSON,
BUCKLEY, DENIS, LESLIE, MUNFORD AND PERKINS

FEBRUARY 23, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing permits to carry
concealed firearms. (BDR 15-317)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; revising the provisions governing the
circumstances under which a sheriff must deny an
application for a permit to carry a concealed firearm or
must revoke such permit; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires a sheriff to deny an application for a permit to carry a
2 concealed firearm or to revoke such permit when the applicant or permittee is found
3 to have habitually used alcohol or drugs. A person is presumed to have habitually
4 used alcohol or drugs if, during the past 5 years, the person has been convicted of
5 driving under the influence or has been assigned by a court to a program of
6 treatment for the abuse of alcohol or drugs. (NRS 202.3657)
7 This bill creates a presumption that a person has habitually used alcohol or
8 drugs if the person has been convicted, during the past 5 years, of possessing a
9 firearm while under the influence of alcohol or drugs.

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
2 follows:
3 202.3657 1. Any person who is a resident of this State may
4 apply to the sheriff of the county in which he resides for a permit on
5 a form prescribed by regulation of the Department. Any person who



1 is not a resident of this State may apply to the sheriff of any county
2 in this State for a permit on a form prescribed by regulation of the
3 Department. Application forms for permits must be furnished by the
4 sheriff of each county upon request.

5 2. Except as otherwise provided in this section, the sheriff shall
6 issue a permit for one or more specific firearms to any person who is
7 qualified to possess each firearm under state and federal law, who
8 submits an application in accordance with the provisions of this
9 section and who:

10 (a) Is 21 years of age or older;

11 (b) Is not prohibited from possessing a firearm pursuant to NRS
12 202.360; and

13 (c) Demonstrates competence with each firearm by presenting a
14 certificate or other documentation to the sheriff which shows that
15 he:

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

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

22 ➤ Such a course must include instruction in the use of each firearm
23 to which the application pertains and in the laws of this State
24 relating to the use of a firearm. A sheriff may not approve a course
25 in firearm safety pursuant to subparagraph (1) unless he determines
26 that the course meets any standards that are established by the
27 Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs'
28 and Chiefs' Association ceases to exist, its legal successor.

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

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

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

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

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

40 (1) ***Convicted of violating the provisions of NRS 202.257;***

41 ***(2) Convicted of violating the provisions of NRS 484.379; or***

42 ***(2) (3) Committed for treatment pursuant to NRS 458.290***
43 ***to 458.350, inclusive.***



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

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

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

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

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

18 (1) Withholding of the entry of judgment for his conviction
19 of a felony; or

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

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

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

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

42 6. An application submitted pursuant to this section must be
43 completed and signed under oath by the applicant. The applicant's
44 signature must be witnessed by an employee of the sheriff or
45 notarized by a notary public. The application must include:



- 1 (a) The name, address, place and date of birth, social security
2 number, occupation and employer of the applicant and any other
3 names used by the applicant;
- 4 (b) A complete set of the applicant's fingerprints taken by the
5 sheriff or his agent;
- 6 (c) A front-view colored photograph of the applicant taken by
7 the sheriff or his agent;
- 8 (d) If the applicant is a resident of this State, the driver's license
9 number or identification card number of the applicant issued by the
10 Department of Motor Vehicles;
- 11 (e) If the applicant is not a resident of this State, the driver's
12 license number or identification card number of the applicant issued
13 by another state or jurisdiction;
- 14 (f) The make, model and caliber of each firearm to which the
15 application pertains;
- 16 (g) A nonrefundable fee in the amount necessary to obtain the
17 report required pursuant to subsection 1 of NRS 202.366; and
- 18 (h) A nonrefundable fee set by the sheriff not to exceed \$60.

