

ASSEMBLY BILL NO. 268—ASSEMBLYMEN SETTELMAYER, ALLEN, KIRKPATRICK, ARBERRY, ATKINSON, BEERS, BOBZIEN, CARPENTER, CHRISTENSEN, CLABORN, COBB, CONKLIN, DENIS, GANSERT, GERHARDT, GOEDHART, GOICOECHEA, GRADY, HARDY, HORNE, KOIVISTO, MABEY, MANENDO, MARVEL, MORTENSON, OCEGUERA, OHRENSCHALL, PARKS, PARNELL, SMITH, STEWART AND WEBER

MARCH 8, 2007

JOINT SPONSORS: SENATORS BEERS, CEGAVSKE, HARDY, HECK, LEE, AMODEI, MCGINNESS, NOLAN, RHODS, TOWNSEND AND WASHINGTON

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to permits to carry a concealed firearm. (BDR 15-826)

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 concealed firearms; requiring the Attorney General to designate permits to carry concealed firearms issued in other states to be valid in this State in certain circumstances; requiring the Attorney General to enter into agreements for the reciprocal recognition of permits to carry concealed firearms in certain circumstances; revising certain provisions relating to permits to carry concealed firearms issued in this State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law authorizes a resident of the State of Nevada to apply to the sheriff
- 2 of the county in which he resides or a nonresident to apply to the sheriff of any
- 3 county in this State for a permit to carry a concealed firearm in this State. (NRS
- 4 202.3657) **Section 2** of this bill requires the Attorney General to evaluate the laws
- 5 governing the issuance of permits to carry concealed firearms of other states
- 6 annually. **Section 2** requires the Attorney General to designate the permits issued in



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other states as valid in this State if the laws of the other state require the successful completion of a course in firearm safety and if it is possible to verify the validity of the permit on any day and at any time. **Section 2** also requires the Attorney General to enter into an agreement for the reciprocal recognition of permits to carry concealed firearms with another state if the other state requires such an agreement and if the permits issued by that state meet the requirements for validity in this State.

**Section 3** of this bill requires a nonresident who has a permit to carry a concealed firearm issued by another state which is valid in this State and who carries a concealed firearm in this State to carry the permit and proper identification whenever he carries a concealed firearm. **Section 3** also provides that a nonresident who does not comply with the provisions of this bill is subject to a civil penalty of \$25 for each violation.

Existing law requires a sheriff to issue a permit to carry a concealed firearm for one or more specific firearms. (NRS 202.3657) **Section 6** of this bill revises this provision so that a person may complete one application and obtain one permit to carry all firearms owned by him. The permit must list each category of firearm to which the permit pertains and the applicant must demonstrate competence with each category of firearm. The permit is then valid for any firearm within each category of firearm listed on the permit which is owned or obtained by the person.

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

**Section 1.** Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1. *On or before July 1 of each year, the Attorney General shall examine the laws governing the issuance of a permit to carry a concealed firearm of each state. The Attorney General shall designate a permit issued in another state to be valid in this State if:***

***(a) The laws of the other state require the successful completion of a course in firearm safety; and***

***(b) It is possible to verify that the permit issued in the other state is valid on any day and at any time, either electronically or by telephone.***

**2. *If the Attorney General determines that the laws of another state require an agreement for reciprocity of permits to carry a concealed firearm before a person issued a permit in this State may carry a concealed firearm in that state, the Attorney General shall enter into such an agreement with the other state if the provisions of subsection 1 are otherwise satisfied.***

**3. *The Attorney General shall prepare a list of those states whose permits are designated to be valid in this State pursuant to subsection 1 and provide the list to each law enforcement agency in this State. The list must also be made available to the public upon request.***



1     **Sec. 3. 1.** *A person who does not reside in this State and*  
2 *who carries a concealed firearm in this State pursuant to the*  
3 *provisions of section 2 of this act shall carry his permit to carry a*  
4 *concealed firearm from his state of residence together with proper*  
5 *identification whenever he is in actual possession of a concealed*  
6 *firearm. Such a person shall present the permit and proper*  
7 *identification to a peace officer upon request.*

8     **2.** *A person who violates the provisions of this section is*  
9 *subject to a civil penalty of \$25 for each violation.*

10    **Sec. 4.** NRS 202.253 is hereby amended to read as follows:

11    202.253 As used in NRS 202.253 to 202.369, inclusive ~~[2-]~~ ,  
12 *and sections 2 and 3 of this act, unless the context otherwise*  
13 *requires:*

14    1. "Explosive or incendiary device" means any explosive or  
15 incendiary material or substance that has been constructed, altered,  
16 packaged or arranged in such a manner that its ordinary use would  
17 cause destruction or injury to life or property.

18    2. "Firearm" means any device designed to be used as a  
19 weapon from which a projectile may be expelled through the barrel  
20 by the force of any explosion or other form of combustion.

21    3. "Firearm capable of being concealed upon the person"  
22 applies to and includes , *without limitation*, all firearms having a  
23 barrel less than 12 inches in length.

24    4. "Motor vehicle" means every vehicle that is self-propelled.

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

26    202.3653 As used in NRS 202.3653 to 202.369, inclusive, *and*  
27 *sections 2 and 3 of this act*, unless the context otherwise requires:

28    1. *"Category of firearm" means a revolver or semiautomatic*  
29 *firearm.*

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

33    ~~[2-]~~ 3. "Department" means the Department of Public Safety.

34    ~~[3-]~~ 4. "Permit" means a permit to carry a concealed firearm  
35 issued pursuant to the provisions of NRS 202.3653 to 202.369,  
36 inclusive ~~[1-]~~ , *and sections 2 and 3 of this act.*

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

38    202.3657 1. Any person who is a resident of this State may  
39 apply to the sheriff of the county in which he resides for a permit on  
40 a form prescribed by regulation of the Department. Any person who  
41 is not a resident of this State may apply to the sheriff of any county  
42 in this State for a permit on a form prescribed by regulation of the  
43 Department. Application forms for permits must be furnished by the  
44 sheriff of each county upon request.



2. *An applicant for a permit may submit one application and obtain one permit to carry all firearms owned by him. The applicant must not be required to list and identify each firearm owned by him on the application. A permit must list each category of firearm to which the permit pertains and is valid for any firearm within each such category which is owned or thereafter obtained by the person to whom the permit is issued.*

3. Except as otherwise provided in this section, the sheriff shall issue a permit ~~[for one or more specific firearms]~~ *to carry a concealed firearm* to any person who is qualified to possess each *category of firearm specified in the application* under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

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

(c) Demonstrates competence with each *category of firearm specified in the application* 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 *category of firearm* to which the application pertains and in the laws of this State relating to the use of *such* 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.]~~ 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.

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

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

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

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

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

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

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

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

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

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

~~[6-]~~ 7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The



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applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include ~~[a]~~, *without limitation*:

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

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

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

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

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

(f) ~~[The make, model and caliber of each]~~ *Each category of* firearm to which the application pertains;

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

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

**Sec. 7.** NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his permit, the permittee must complete and submit to the sheriff who issued the permit an application for renewal of the permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657; and

(c) Be accompanied by a nonrefundable fee of \$25.

➔ If a permittee fails to renew his permit on or before the date of expiration of his permit, the application for renewal must include, *without limitation*, an additional nonrefundable late fee of \$15.

3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with ~~[a]~~ *each category of* firearm *to which the permit pertains* by successfully completing a course prescribed by the sheriff renewing the permit.

**Sec. 8.** NRS 202.3683 is hereby amended to read as follows:

202.3683 The State or any political subdivision of the State, the Department, a sheriff, law enforcement agency, firearm safety or training instructor or any other person who, in good faith and without gross negligence, acts pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, *and sections 2 and 3 of this act* is immune from civil liability for those acts. Such acts include, ~~[but are not limited to,]~~ *without limitation*, the receipt, review or



1 investigation of an application for a permit, the certification of a  
2 retired law enforcement officer, or the issuance, denial, suspension,  
3 revocation or renewal of a permit.

4 **Sec. 9.** NRS 202.369 is hereby amended to read as follows:

5 202.369 The Department may adopt such regulations as are  
6 necessary to carry out the provisions of NRS 202.3653 to 202.369,  
7 inclusive ~~H~~, *and sections 2 and 3 of this act.*

