

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-fourth Session  
March 21, 2007**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 9:21 a.m. on Wednesday, March 21, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Mark E. Amodei, Chair  
Senator Maurice E. Washington, Vice Chair  
Senator Mike McGinness  
Senator Dennis Nolan  
Senator Valerie Wiener  
Senator Steven A. Horsford

**COMMITTEE MEMBERS ABSENT:**

Senator Terry Care (Excused)

**GUEST LEGISLATORS PRESENT:**

Senator John J. Lee, Clark County Senatorial District No. 1

**STAFF MEMBERS PRESENT:**

Linda J. Eissmann, Committee Policy Analyst  
Brad Wilkinson, Chief Deputy Legislative Counsel  
Barbara Moss, Committee Secretary

**OTHERS PRESENT:**

John Cahill  
Arthur Dixon  
David K. Schumann, Nevada Committee for Full Statehood

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Lynn Chapman, Nevada Eagle Forum  
John L. Wagner, The Burke Consortium  
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Steve Robinson, Deputy Chief of Staff/Legislative Director, Office of the Governor  
Phillip A. Galeoto, Director, Department of Public Safety  
Ronald R. Cuzze, President, Nevada State Law Enforcement Officers' Association  
Raymond J. Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department  
Rocky Finseth, Nevada Land Title Association  
Dave Evans, Western Title Company, Incorporated  
Teresa B. McKee, Nevada Association of Realtors  
Cheryl Blomstrom, Nevada Consumer Financial Association

CHAIR AMODEI:

The hearing is opened on Senate Bill (S.B.) 237.

**SENATE BILL 237**: Revises certain provisions governing permits to carry concealed firearms. (BDR 15-47)

SENATOR JOHN J. LEE (Clark County Senatorial District No. 1):

I will read my prepared testimony ([Exhibit C](#)) in support of S.B. 237. To residents of Nevada carrying a gun is a right, but it is a privilege for out-of-state people to carry a gun within Nevada's borders. Vermont residents call themselves a true Second Amendment state wherein a person with good character can carry a gun. If a person passes a background check, he is qualified to carry a gun in Vermont. Although Nevada considers character important, the state also requires weapon proficiency.

Important elements of S.B. 237 are background check, training, ability to demonstrate proficiency and safety, and an understanding of firearm laws to obtain a carry concealed weapon (CCW) permit. If a person carries a gun into a bar, a federal building, the Nevada State Capitol or behaves badly with it, his CCW permit will be revoked.

There are 26,000 CCW permits in Nevada, with 15,000 in Clark County. In truth, a person buys a gun, takes a course, obtains a CCW permit and can legally carry a gun. Winter comes and the gun is hidden in his coat pocket. After a few months, he tires of carrying the gun and puts it in the glove compartment

of his vehicle where it remains for another few months. He then becomes concerned the gun will be stolen and puts it in his safe. Most people with a CCW permit do not carry the weapon all the time. When hunting in Utah or Arizona, the gun is taken in their motor home, which is the time most people carry their sidearm. People are comfortable unarmed in their hometown, but they want extra protection when they go to an unfamiliar place.

There are approximately 50,000 law enforcement officers in the United States, which is 1 officer for every 1,700 people. Officers are not tasked to take care of each individual person; they are present to protect the public. Some people take care of their own personal safety by obtaining a CCW permit to add more protection to their lives.

JOHN CAHILL:

I am a Nevada CCW permit holder, an instructor for CCW and support S.B. 237. Any gun provisions are standard and defining a gun through a serial number does not have useful purpose. My CCW permit lists six handguns. A person can qualify with any number of guns when obtaining a CCW permit. Adding another gun to the permit later costs another \$25 plus added paperwork. Three guns on my CCW permit are no longer active, which means I can add three more guns to my CCW permit.

The any gun provision, similar to Utah and Arizona, allows CCW permit holders to upgrade their equipment to newer, lighter-weight models, and not be required to go through the process of changing the serial number and firearm on the CCW permit.

Sixteen states recognize Nevada's CCW permit and 13 states recognize CCW permits of other states with no question; some states review Nevada's qualifications; some states specify a background records check and if met, recognize other states' CCW permits. If Nevada accepts reciprocity, 15 more states will recognize CCW permits from Nevada. In that event, 30 states would honor CCW permits of Nevada.

The question has been asked: If I carry a firearm under my CCW permit, am I allowed to carry a backup firearm if it is listed on my permit? I always thought a person could carry any firearm approved on the CCW permit and listed on the paperwork. I have been told northern Nevada does not list all handguns on the CCW permit, but they are listed on the application. Clark County requires

a CCW permit for individuals working armed security if they carry a concealed firearm. I have an armed security permit and belong to a group that performs high-end security and bodyguard work. A CCW permit is required to carry a concealed weapon even if a person has an armed-security card. In that circumstance, it is common for a person to carry one concealed firearm and a backup in the event one weapon fails or the person is disarmed.

ARTHUR DIXON:

I am in favor of S.B. 237 and worked with Senator Lee on the Advisory Committee for the Clark County Shooting Park. Reciprocity would be an asset. My only objection is the 120-day wait.

DAVID K. SCHUMANN (Nevada Committee for Full Statehood):

I support S.B. 237 and hold a CCW permit. University of Chicago law and economics professor John R. Lott, Jr., author of *More Guns, Less Crime*, using charts and data tables, demonstrated that carrying concealed weapons lowers crime. People carrying concealed weapons makes crooks uncertain who they can pick on with impunity. Professor Lott stated that crime lessened immediately after the CCW permit law was introduced and remained low. Senate Bill 237 is a good bill and will lower crime.

LYNN CHAPMAN (Nevada Eagle Forum):

We support S.B. 237. I have been married to the same man for 31 years. On our twenty-fourth wedding anniversary, my husband bought me a .38 caliber special revolver and I subsequently got a CCW permit. Statistics have shown that women need protection.

I distributed a bumper sticker proclaiming "No Guns, No Rights" ([Exhibit D](#)) created by Nevada Eagle Forum, which confirms it is important to have guns because they have kept us free. I also distributed "The Media Campaign Against Gun Ownership" from *The Phyllis Schlafly Report* ([Exhibit E](#)). I will read part of the report.

The chief reason America has remained a free country is the widespread private ownership of firearms. The individual ownership of guns made the American Revolution possible. The principal purpose of the Second Amendment was to maintain our freedom from government. It is an insult to our heritage to imply that the

Founding Fathers wrote the Second Amendment just to protect deer hunters.

What were people like in the days of our founding fathers? They were born, went to school, married, had children, worked hard and were law-abiding citizens. What is different about people today? Absolutely nothing. I do not think people of yesteryear worried about taking their guns across state lines and neither should we.

JOHN L. WAGNER (The Burke Consortium):

We are in favor of S.B. 237. Page 5, line 38 of S.B. 237 refers to photographs and we do not object to photographs. If the sheriff's department does not want to take photographs, a person can use a passport photograph.

How many people with a CCW permit have been arrested for gun crimes or any other crimes? I would guess the number is close to zero. How many people on the Committee have a CCW permit? Legislators would probably carry a concealed weapon into the Legislative Building with Legislative Counsel Bureau permission. If a person came into this Committee room with a gun, I would hope a Senator with a CCW permit and a gun would take care of the problem.

A newspaper reported a student in a Mississippi school was in a hallway with a gun and was subdued by teachers. The true story was the vice principal dashed out to his car, took his licensed gun that was locked in a gun case in the trunk, returned, drew down on the student, the student put down the gun and was then subdued by the teachers. That did not make the papers. At a Wal-Mart store in Phoenix, a man was beating up on his wife and was about to kill her. A private citizen took out his gun and shot the man. There are times when a private citizen with a CCW permit is a valuable asset to our community.

FRANK ADAMS (Executive Director, Nevada Sheriffs' and Chiefs' Association):

We support S.B. 237 with the amendments. We have heard the issue of reciprocity on a number of occasions. The Nevada Sheriffs' and Chiefs' Association opposed it in the past because there was no mechanism to assure people coming into Nevada with a CCW permit met the requirements set forth and established by the Legislature. Working with Senator Lee, we created some proposed amendments to S.B. 237 ([Exhibit F](#)).

On page 2, line 17 of S.B. 237, subsection 3 is added, which would allow persons with a CCW permit from a reciprocity state to bring a weapon into Nevada. If the person becomes a resident of Nevada, he would have to apply for a CCW permit. There were discussions whether the time frame should be 30 days as it is for a driver's license, or 60 days as it is with vehicle registration. We decided upon 60 days, although some sheriffs' agencies feel 30 days might be more appropriate. Subsection 3 would say:

When a person who possess a permit to carry a concealed firearm from another state that is recognized under this section becomes a resident of this state, that permit becomes invalid after sixty days. That person if they desire must apply through the sheriff of their county of residence for a permit to carry a concealed firearm. The sheriff may accept the weapons training certification from another state for permitting purposes.

The amendment on page 2, line 23 of S.B. 237 would add an additional clause to paragraph (a), subsection 1, section 3 which would require a reciprocity state to have a 24-hour-a-day database that would allow Nevada's law enforcement officers to determine whether the out-of-state CCW permit is valid. The following statement would be added at end of subsection 1:

In order for a state to meet the requirements of this section, that state must have an online database of valid permit holders that is available to law enforcement twenty four hours a day through a national law enforcement telecommunications system.

CHAIR AMODEI:

Would Nevada comply if the situation were reversed?

MR. ADAMS:

Yes, Nevada has an online system available 24 hours a day which allows other states to check the validity of our CCW permits.

Sheriffs are doing background checks and would like input regarding which states are recognized for reciprocity. On page 2, line 28 of S.B. 237, [Exhibit F](#) proposes the list of reciprocity states become final after concurring with the Nevada Sheriffs' and Chiefs' Association. The Sheriff's Department would do

the background check through the Office of the Attorney General after which it would be validated by the Nevada Sheriffs' and Chiefs' Association.

Page 5, line 38 of S.B. 237 eliminated the photograph; however, after discussion with Senator Lee, it was decided to retain it for identification purposes and fraud prevention.

The Nevada Sheriffs' and Chiefs' Association supports S.B. 237 with the aforementioned amendments.

SENATOR WASHINGTON:

Has the technology just become available?

MR. ADAMS:

Law enforcement teletype or communication systems have been in existence and the technology is catching up. There are databases to ascertain whether a person has a valid driver's license, warrants, temporary restraining orders and a valid CCW permit.

SENATOR MCGINNESS:

Some jurisdictions had a problem with 60 days. Do they now agree with 60 days, or will they enforce 30 days?

MR. ADAMS:

If S.B. 237 passes, we will enforce the law. Jurisdictions would prefer 30 days, but 60 days was negotiated with Senator Lee.

STEVE ROBINSON (Deputy Chief of Staff/Legislative Director, Office of the Governor):

Governor Gibbons lends his support to S.B. 237 with the suggested amendments. He is a strong supporter of the Second Amendment and the carrying of concealed weapons. The Governor believes the Second Amendment works and the citizens of Nevada are safer because of it. Reciprocity will help neighboring states and residents.

SENATOR WIENER:

There is a provision for three categories: revolver, semiautomatic or both. How have CCW permits been handled in the past with regard to categorizing firearms? Will an officer stopping an out-of-state person know whether there is

a reciprocity agreement with that state? What happens if it is a state with which Nevada does not have a reciprocity agreement?

MR. ADAMS:

A person who wants to qualify for a CCW permit must bring the gun in. It could be a revolver with little round chambers or a semiautomatic with a clip. The person must qualify and list each weapon. Driving a stick shift or automatic is like shooting a revolver or a semiautomatic pistol—if you can drive a stick shift, you can drive any model or make of stick shift. Categories make it simpler. A person who is proficient when qualifying with a semiautomatic pistol or revolver may choose to carry either and whatever they carry will be accepted.

The automated data file would inform us whether a state has reciprocity and a person has a valid CCW permit. If it is not a reciprocity state, the out-of-state person would fall under the same gun laws as any other citizen.

PHILLIP A. GALEOTO (Director, Department of Public Safety):

We support S.B. 237 and work closely with Senator Lee and the Sheriffs' and Chiefs' Association to make certain, on a state level, that the Department of Public Safety is able to implement it as cost effectively as possible. I am confident we will be able to successfully accomplish it. From the point of view of state law enforcement, the 24-hour accessible database is elemental to the success of this law. I recommend the amendments be included.

SENATOR HORSFORD:

Is the 24-hour-a-day database updated regularly with accurate information on CCW permits?

MR. GALEOTO:

The database is simple to maintain. If S.B. 237 passes, a determination will be made as to which states qualify and they will be listed, along with CCW permit holders. The Attorney General and I will continuously update the data to ensure other state laws were not challenged or changed in the interim, and the Nevada Sheriffs' and Chiefs' Association will be provided the information.

SENATOR HORSFORD:

Will law enforcement officers have access to the database?



MR. ADAMS:

Yes, law enforcement officers will have access to the database by sending the information via radio or computer to the repository which will confirm a valid Nevada CCW permit. The same process will be used with regard to states with online systems that meet Nevada's requirements. A CCW permit is sometimes invalidated due to domestic violence or other problems.

SENATOR HORSFORD:

If an out-of-state person is unaware if his state has a database, but knows there is reciprocity between Nevada and his state, what happens if he carries his concealed weapon into Nevada?

MR. ADAMS:

If a person holds a CCW permit from a state that is not recognized by Nevada, he falls under the same concealed weapons laws as any other citizen without a CCW permit. If a person carries a concealed weapon in Nevada without a CCW permit, it is against the law and he can be arrested.

SENATOR HORSFORD:

Do people need to investigate the matter before entering Nevada?

MR. ADAMS:

Yes, a person must check the gun laws in other states when carrying a concealed weapon. If I am going to Colorado with a Nevada CCW permit, I check the gun laws of Arizona and Utah to ascertain whether those states recognize Nevada's CCW permit. If they do not, I put my unloaded gun in the trunk of my vehicle and lock it up until I reach a state that allows reciprocity with Nevada.

SENATOR HORSFORD:

Is it an understood and recognized practice that will not later be caught up in ambiguity?

MR. ADAMS:

That is correct. The Internet provides gun laws in every state and which ones have reciprocity with Nevada.

SENATOR WIENER:

How many states have a reciprocity agreement with Nevada?

MR. ADAMS:

Fourteen states have a reciprocity agreement with Nevada and the information is available to law enforcement.

SENATOR WIENER:

That would be one of the requirements to satisfy our law.

MR. ADAMS:

That is correct. We would ascertain whether the laws of the 14 states are similar or more stringent than Nevada, and states with databases would be reviewed through the Office of the Attorney General and the Nevada Sheriffs' and Chiefs' Association.

SENATOR WASHINGTON:

How does Nevada compare with other states regarding conceal and carry versus brandishing a firearm?

MR. ADAMS:

A CCW permit gives a person the authority to carry a weapon concealed on his person, such as in his boot, underneath his coat, or in his pocket. Anything other than carrying a concealed weapon, such as brandishing, threatening or being rowdy in a bar, is violation of the law.

SENATOR WASHINGTON:

There are concerns about people in rural communities having firearms in the back window of their pickup trucks, as well as a holster strapped to their leg when walking into public buildings or facilities. Is that considered brandishing a firearm?

MR. ADAMS:

Nevadans have the right to carry an unconcealed weapon wherever there are no restrictions against it. When a weapon is under cover, CCW permit laws come into effect.

MR. GALEOTO:

There are crimes against persons versus crimes against the state. A CCW permit violation is not considered a crime against a person. Brandishing and other activities with a gun are crimes against a person on which law enforcement must take action because they directly threaten the community.

RONALD R. CUZZE (President, Nevada State Law Enforcement Officers' Association):

We support S.B. 237 and the amendments proposed by the Nevada Sheriffs' and Chiefs' Association. How many people with CCW permits are arrested for weapons crimes? In my years with parole and probation as well as ten years as a university police officer, I never took a weapon from a CCW permit holder.

A law was passed several years ago which allowed retired and active duty law enforcement officers to carry their concealed weapons across state lines. In the future, would Nevada be able to put a list of retired state and local officers from Nevada in the database?

RAYMOND J. FLYNN (Assistant Sheriff, Las Vegas Metropolitan Police Department):

We support S.B. 237 as amended by the Nevada Sheriffs' and Chiefs' Association.

CHAIR AMODEI:

Mr. Cuzze, the staff will confer with Senator Lee and others regarding your question and the issue will be dealt with in the April 4 Committee work session.

The hearing is closed on S.B. 237 and opened on S.B. 217.

**SENATE BILL 217**: Revises the provisions governing deeds of trust and the sale of real property after default. (BDR 9-742)

ROCKY FINSETH (Nevada Land Title Association):

I am here on behalf of the Nevada Land Title Association. Dave Evans has accompanied me and will address S.B. 217.

DAVE EVANS (Western Title Company, Incorporated):

I am also present on behalf of the Nevada Land Title Association. Senate Bill 217 is a housekeeping bill brought forth by Senator Dean A. Rhoads.

*Nevada Revised Statute* 107.080 addresses the requirements regarding deeds of trust and the sale of real property after default. The statute also discusses how a sale may be declared void if the trustee or other person authorized to make the sale does not substantially comply with the requirements. During the interim, our underwriters realized there was a large loophole left in the statute

for purposes of issuing title insurance on properties following these types of foreclosures. We worked with Senator Rhoads to clean up the loophole in the statute.

Section 1 of S.B. 217 provides for a sale of real property to be declared void within 30 days after the date of the sale and action must be commenced in the county where the sale took place. Fifteen days after commencing the action, notice of the action must be recorded in the office of the county recorder. It was basically left open-ended that after a foreclosure sale, the trustee, for an indefinite amount of time, could consider the sale void and ineffective for any violation. Therefore, it was open-ended and the underwriters were having difficulty knowing when they could rely on a foreclosure sale to insure based upon it.

The change in the statute will bring clarity and closure for the parties involved in these types of sales. From the title companies' perspective, a party cannot commence an action many years after the sale has taken place.

The Nevada Association of Realtors, represented by Teresa B. McKee, supports S.B. 217 and has a proposed amendment. The Nevada Association of Realtors worked with realtors on the amendment and supports the proposal.

TERESA B. MCKEE (Nevada Association of Realtors):

We support S.B. 217. From the perspective of realtors, we look at the protection of property owners and rights. We offer two proposed amendments to S.B. 217 ([Exhibit G](#)), in which there is an attempt to balance the need for finality of the transaction for purchaser and title company with protection of interest holders on both original property owner and purchaser. If the trustee of the sale substantially complies with the provision of the section, finality of the transfer should be insured within a short period of time. This amendment is offered to shorten the time period for an action to be commenced from 30 days reduced to 15 days, and for notice of lis pendens from a period of 15 days to 5 days. Foreclosure is a lengthy process with lots of notice. If that is provided, there is no reason this should not be shortened to 15 days and 5 days.

The second amendment is more important because it would protect an interest holder who is not properly notified of a foreclosure sale. In my experience as an attorney, I have seen in bankruptcy court one interest holder out of five or ten on a property who did not receive proper notice of a foreclosure. If you do not

receive notice of a foreclosure, the time lines should not apply to you. There should only be finality after you receive proper notice. Paragraph (d) is added to subsection 5 which says if proper notice is not given, the action taken pursuant to paragraph (b) must take place within 30 days after the date of notice and lis pendens pursuant to paragraph (c) must be recorded within 20 days of actual notice.

SENATOR MCGINNESS:

Are the days concurrent or working days?

Ms. McKEE:

It is not specified, but it could be calendar days.

SENATOR MCGINNESS:

What is the standard practice?

MR. EVANS:

Senate Bill 217 describes days in calendar days; therefore, to keep it consistent with the rest of the bill, we will keep it calendar days.

SENATOR MCGINNESS:

Fifteen days does not bother me, but five days would be Friday through Wednesday, which would only give people three working days to get it done. Whatever is standard is fine.

BRAD WILKINSON (Chief Deputy Legislative Counsel):

For the period of time in which actions have to be filed, if not specified, the standard practice would be business days and weekends or nonjudicial days would not be counted. Therefore, five days would actually be seven or eight days.

CHERYL BLOMSTROM (Nevada Consumer Financial Association):

We support S.B. 217 and the amendment.

CHAIR AMODEI:

The hearing is closed on S.B. 217 and opened for introduction of Bill Draft Request (BDR) 1-1356.

**BILL DRAFT REQUEST 1-1356**: Authorizes the appointment of masters in justice court under certain circumstances. (Later introduced as [Senate Bill 435](#).)

SENATOR MCGINNESS MOVED TO INTRODUCE BDR 1-1356.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARE AND NOLAN WERE ABSENT FOR THE VOTE.)

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CHAIR AMODEI:

The hearing is opened on S.B. 202.

**SENATE BILL 202**: Makes various changes relating to domestic relations.  
(BDR 11-215)

The hearing is closed on S.B. 202.

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There being no further business to come before the Committee, the meeting is adjourned at 10:17 a.m.

RESPECTFULLY SUBMITTED:

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Barbara Moss,  
Committee Secretary

APPROVED BY:

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Senator Mark E. Amodei, Chair

DATE: \_\_\_\_\_