

Amendment No. 165

Senate Amendment to Senate Bill No. 237

(BDR 15-47)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

BFG/KEL



Date: 4/16/2007

S.B. No. 237—Revises certain provisions governing permits to carry concealed firearms. (BDR 15-47)



SENATE BILL NO. 237—SENATORS LEE, HARDY AND BEERS

MARCH 7, 2007

JOINT SPONSOR: ASSEMBLYMAN SETTELMEYER

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions governing permits to carry concealed firearms. (BDR 15-47)

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 concealed firearms; authorizing a person who holds a permit to carry a concealed firearm issued by another state to carry a concealed firearm in this State under certain circumstances; revising various other provisions governing permits to carry concealed firearms; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a person who is not a resident of the State of Nevada to apply to the sheriff of any county in this State for a permit to carry a concealed firearm in this State. (NRS 202.3657) **Section 2** of this bill allows a person who is not a resident of this State to carry a concealed firearm in this State if the person has a permit to carry a concealed firearm issued by ~~another state and the Department of Public Safety has determined that the requirements for the issuance of a permit in that state are substantially similar to or more stringent than the requirements of this State.~~

~~Section 3 of this bill requires the Department to determine, on or before July 1 of each year, whether the requirements for the issuance of a permit to carry a concealed firearm in each state are substantially similar to or more stringent than the requirements of this State.~~ **a state included in the list prepared by the Department of Public Safety pursuant to section 3 of this bill. In addition, a person who becomes a resident of this State and who possesses a permit issued by a state whose permits are recognized in this State may not carry a concealed firearm unless the person has been issued a permit from the sheriff of the county in which he resides within 60 days of becoming a resident of this State.**

Section 3 of this bill requires the Department to prepare a list of states which have been determined, on or before July 1 of each year: (1) to have requirements for the issuance of a permit to carry a concealed firearm that are substantially similar to or more stringent than the requirements of this State; and (2) to have an electronic database which identifies each individual who holds a valid permit to carry a concealed firearm issued by the state and which a law enforcement officer of this State may access at any time. A state must not be included in the list unless the Nevada Sheriffs' and Chiefs' Association agrees with the Department that the state should be included in the list.

Under existing law, a person may obtain a permit to carry in a concealed manner one or more firearms of a specific make, model and caliber if the person meets certain requirements.

(NRS 202.3657, 202.366) **Section 4** of this bill creates three categories of firearms, which consist of a category of revolvers, a category of semiautomatic firearms and a category of both revolvers and semiautomatic firearms. Under **section 5** of this bill, a person may obtain a permit to carry in a concealed manner any firearm in one of the three categories if the person meets certain requirements.

~~[Existing law requires an applicant for a permit to carry a concealed firearm to include with the application for the permit a photograph of the applicant. (NRS 202.3657) The permit issued to the applicant must contain this photograph. (NRS 202.366) Section 5 of this bill removes the requirement that an application for a permit include a photograph of the applicant. Section 6 of this bill removes the requirement that the permit contain the photograph of the applicant.]~~

Existing law provides for the expiration of a permit to carry a concealed firearm. If the holder of the permit is a resident of this State, the permit expires on the fifth anniversary of the birthday of the holder which is nearest to the date of issuance or renewal. If the holder is a resident of another state, the permit expires on the third anniversary of the birthday of the holder which is nearest to the date of issuance or renewal. (NRS 202.366) **Section 6** of this bill provides that all permits to carry a concealed firearm expire 5 years after the date of issuance.

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. ~~[A] Except as otherwise provided in subsection 2, a person ~~who is not a resident of this State and~~ who possesses a permit to carry a concealed firearm that was issued by ~~another~~ a state included in the list prepared pursuant to section 3 of this act may carry a concealed firearm in this State in accordance with the requirements set forth in NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act.~~ [if the Department has determined that the requirements for the issuance of a permit to carry a concealed firearm in that state are substantially similar to or more stringent than the requirements set forth in NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act.]

2. A person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to section 3 of this act may not carry a concealed firearm in this State if the person:

(a) Becomes a resident of this State; and
(b) Has not been issued a permit from the sheriff of the county in which he resides within 60 days after becoming a resident of this State.

3. A person who carries a concealed firearm pursuant to this section is subject to the same legal restrictions and requirements imposed upon a person who has been issued a permit by a sheriff in this State.

Sec. 3. 1. On or before July 1 of each year, the Department shall:

(a) Examine the requirements for the issuance of a permit to carry a concealed firearm in each state and determine whether the requirements of each state are substantially similar to or more stringent than the requirements set forth in NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act. ~~[.]~~

(b) Determine whether each state has an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm issued by that state and which a law enforcement officer in this State may access at all times through a national law enforcement telecommunications system.

(c) Prepare a list of states ~~whose requirements for the issuance of a permit to carry a concealed firearm are substantially similar to or more stringent than~~

~~the requirements set forth in NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act; and~~

~~(c) that meet the requirements of paragraphs (a) and (b). A state must not be included in the list unless the Nevada Sheriffs' and Chiefs' Association agrees with the Department that the state should be included in the list.~~

~~(d) Provide a copy of the list prepared pursuant to paragraph ~~((b))~~ (c) to each law enforcement agency in this State.~~

2. The Department shall, upon request, make the list prepared pursuant to subsection 1 available to the public.

Sec. 4. NRS 202.3653 is hereby amended to read as follows:

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

1. "Category of firearm" means a category of revolvers, a category of semiautomatic firearms or a category of both revolvers and semiautomatic firearms. As used in this subsection, the term:

(a) "Revolver" means a firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired. The term includes, without limitation, a single or double derringer.

(b) "Semiautomatic firearm" means a firearm which:

(1) Uses the energy of the explosive in a fixed cartridge to extract a fired cartridge and chamber a fresh cartridge with each single pull of the trigger; and

(2) Requires the release of the trigger and another pull of the trigger for each successive shot.

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

~~2.~~ 3. "Department" means the Department of Public Safety.

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

Sec. 5. NRS 202.3657 is hereby amended to read as follows:

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

2. Except as otherwise provided in this section, the sheriff shall issue a permit for ~~one or more specific firearms~~ *a category of firearm* to any person who is qualified to possess ~~each~~ *the category of* firearm *to which the application pertains* 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~~ *the category of* firearm *to which the application pertains* 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.

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

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

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

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

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

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

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

18 (2) Committed for treatment pursuant to NRS 458.290 to 458.350,
19 inclusive.

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

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

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

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

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

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

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

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

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

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

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

(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]~~

(g) ~~The~~ 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. 6. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, the sheriff shall conduct an investigation of the applicant to determine if he is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The sheriff shall issue a permit to the applicant unless he is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act, or the regulations adopted pursuant thereto.

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

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

NEVADA CONCEALED FIREARM PERMIT

County	Permit Number
Expires	Date of Birth
Height	Weight
Name	Address
City	Zip

Photograph

Signature.....
 Issued by.....
 Date of Issue.....
~~[Make, model and caliber of each authorized]~~ *Authorized category of*
 firearm

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires ~~12~~ months after the date of issuance or renewal.

~~—(a) If the permittee was a resident of this State at the time the permit was issued, on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal.~~

~~—(b) If the permittee was not a resident of this State at the time the permit was issued, on the third anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal.~~

~~—5. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of NRS 202.3653 to 202.369, inclusive, his date of birth shall be deemed to be on February 28.~~ *5 years after the date on which it is issued.*

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 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 ~~the~~ *the category of firearm to which the application pertains* by successfully completing a course prescribed by the sheriff renewing the permit.

Sec. 8. NRS 202.3687 is hereby amended to read as follows:

202.3687 1. The provisions of NRS 202.3653 to 202.369, inclusive, *and sections 2 and 3 of this act* do not prohibit a sheriff from issuing a temporary permit ~~to carry a concealed firearm.~~ A temporary permit may include, but is not limited to, provisions specifying the period for which the permit is valid.

2. Each sheriff who issues a permit pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, *and sections 2 and 3 of this act* shall provide such information concerning the permit and the person to whom it is issued to the Central Repository for Nevada Records of Criminal History.

Sec. 9. The Department of Public Safety shall prepare the initial list required by section 3 of this act and provide a copy of that list to each law enforcement agency in this State not later than October 1, 2007.

Sec. 10. The amendatory provisions of sections 5 and 6 of this act apply to a permit to carry a concealed firearm that is issued on or after October 1, 2007.