

ASSEMBLY BILL NO. 143—ASSEMBLYMEN BOBZIEN, SMITH,
GOICOECHEA, HORNE, OCEGUERA; CONKLIN, DALY,
ELLISON AND HARDY

FEBRUARY 11, 2011

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions concerning permits to
carry concealed firearms. (BDR 15-118)

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; revising provisions
concerning permits to carry concealed semiautomatic
firearms; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

Existing law provides that a qualified applicant for a permit to carry a
concealed firearm may obtain a permit for revolvers, for one or more specific
semiautomatic firearms, or for revolvers and one or more specific semiautomatic
firearms. (NRS 202.3657) If the application for a permit involves semiautomatic
firearms, the applicant must state the make, model and caliber of each
semiautomatic firearm for which the applicant is seeking to obtain a permit. (NRS
202.366) Additionally, to receive and renew a permit involving semiautomatic
firearms, an applicant or permittee must demonstrate competence with each
semiautomatic firearm to which the application pertains. (NRS 202.3657,
202.3677)

Existing law also provides that information in an application for a permit to
carry a concealed firearm and all information relating to the investigation of an
applicant for such a permit is confidential. (NRS 202.3662) However, the Nevada
Supreme Court recently held in *Reno Newspapers, Inc. v. Haley*, 126 Nev. Adv.
Op. 23, 234 P.3d 922 (2010), that the identity of a holder of a permit to carry a
concealed firearm and any postpermit records of investigation, suspension or
revocation are not confidential and are therefore public records.

Section 1 of this bill allows a qualified applicant for a permit to carry a
concealed firearm to obtain one permit for all semiautomatic firearms that the
applicant seeks to carry instead of being required to obtain a permit for each
specific semiautomatic firearm. **Sections 1 and 4** of this bill provide that an
applicant or permittee may demonstrate competence with semiautomatic firearms in
general rather than competence with each specific semiautomatic firearm. **Section 3**



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of this bill provides that the identity and any information acquired during the investigation of a holder of a permit to carry a concealed firearm are confidential, as are any records regarding the suspension, restoration or revocation of such a permit.

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

Section 1. 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 or she 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 revolvers, ~~{one or more specific}~~ **for** semiautomatic firearms, or for revolvers and ~~{one or more specific}~~ semiautomatic firearms, as applicable, to any person who is qualified to possess the firearm or firearms 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 revolvers, ~~{each specific}~~ semiautomatic ~~{firearm to which the application pertains,}~~ **firearms,** or revolvers and ~~{each such}~~ semiautomatic ~~{firearm,}~~ **firearms,** as applicable, by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(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 revolvers, ~~{each}~~ semiautomatic ~~{firearm to which the application pertains,}~~ **firearms,** or revolvers and ~~{each such}~~ semiautomatic ~~{firearm}~~ **firearms** and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and



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1 Chiefs' Association or, if the Nevada Sheriffs' and Chiefs'
2 Association ceases to exist, its legal successor.

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

5 (a) Has an outstanding warrant for his or her arrest.

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

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

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

14 (1) Convicted of violating the provisions of NRS 484C.110;
15 or

16 (2) Committed for treatment pursuant to NRS 458.290 to
17 458.350, inclusive.

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

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

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

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

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

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

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

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

40 4. The sheriff may deny an application or revoke a permit if the
41 sheriff receives a sworn affidavit stating articulable facts based upon
42 personal knowledge from any natural person who is 18 years of age
43 or older that the applicant or permittee has or may have committed
44 an offense or engaged in any other activity specified in subsection 3



1 which would preclude the issuance of a permit to the applicant or
2 require the revocation of a permit pursuant to this section.

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

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

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

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

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

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

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

32 (f) ~~The make, model and caliber of each semiautomatic firearm~~
33 ~~to which the application pertains, if any;~~ *Whether the application*
34 *pertains to semiautomatic firearms;*

35 (g) Whether the application pertains to revolvers;

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

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

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

40 202.366 1. Upon receipt by a sheriff of an application for a
41 permit, the sheriff shall conduct an investigation of the applicant to
42 determine if the applicant is eligible for a permit. In conducting the
43 investigation, the sheriff shall forward a complete set of the
44 applicant's fingerprints to the Central Repository for Nevada
45 Records of Criminal History for submission to the Federal Bureau



1 of Investigation for its report concerning the criminal history of the
2 applicant. The sheriff shall issue a permit to the applicant unless the
3 applicant is not qualified to possess a handgun pursuant to state or
4 federal law or is not otherwise qualified to obtain a permit pursuant
5 to NRS 202.3653 to 202.369, inclusive, or the regulations adopted
6 pursuant thereto.

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

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

20
21 NEVADA CONCEALED FIREARM PERMIT
22

23 County	Permit Number
24 Expires.....	Date of Birth.....
25 Height.....	Weight.....
26 Name	Address.....
27 City	Zip
28	Photograph

29 Signature

30 Issued by.....

31 Date of Issue.....

32 ~~{Make, model and caliber of each authorized semiautomatic~~
33 ~~firearm, if any}~~

34 **Semiautomatic firearms authorized..... Yes No**

35 **Revolvers authorized..... Yes No**
36

37 4. Unless suspended or revoked by the sheriff who issued the
38 permit, a permit expires 5 years after the date on which it is issued.

39 **Sec. 3.** NRS 202.3662 is hereby amended to read as follows:

40 202.3662 1. Except as otherwise provided in this section and
41 NRS 202.3665 and 239.0115:

42 (a) An application for a permit, and all information contained
43 within that application; ~~and~~

44 (b) All information provided to a sheriff or obtained by a sheriff
45 in the course of the investigation of an applicant ~~or~~ **or permittee;**



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(c) *The identity of the permittee; and*
(d) *Any records regarding the suspension, restoration or revocation of a permit,*

↪ are confidential.

2. Any records regarding an applicant or permittee may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution.

3. Statistical abstracts of data compiled by a sheriff regarding permits applied for or issued pursuant to NRS 202.3653 to 202.369, inclusive, including, but not limited to, the number of applications received and permits issued, may be released to any person.

Sec. 4. NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his or her 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 or her permit on or before the date of expiration of the 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 revolvers, with ~~{each}~~ semiautomatic ~~{firearm to which the application pertains,}~~ *firearms*, or with revolvers and ~~{each such}~~ semiautomatic ~~{firearm,}~~ *firearms*, as applicable, by successfully completing a course prescribed by the sheriff renewing the permit.

