

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Sixth Session
June 1, 2011**

The Committee on Judiciary was called to order by Chairman William C. Horne at 10:20 a.m. on Wednesday, June 1, 2011, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman William C. Horne, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Steven Brooks
Assemblyman Richard Carrillo
Assemblyman Richard (Skip) Daly
Assemblywoman Olivia Diaz
Assemblywoman Marilyn Dondero Loop
Assemblyman Jason Frierson
Assemblyman Scott Hammond
Assemblyman Ira Hansen
Assemblyman Kelly Kite
Assemblyman Richard McArthur
Assemblyman Tick Segerblom
Assemblyman Mark Sherwood

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

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

STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Nick Anthony, Committee Counsel
Lenore Carfora-Nye, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

Amanda Collins, Private Citizen, Reno, Nevada
Thomas A. Collins, Private Citizen, Reno, Nevada
Kristin Erickson, Chief Deputy District Attorney, Washoe County
District Attorney
Anthony B. Wojcicki, Private Citizen, Sparks, Nevada
James Smack, Member, Stillwater Firearms Association
Lynn Chapman, Vice President, Nevada Families Association
Gregory Ross, Private Citizen, Reno, Nevada
Janine Hansen, President, Nevada Eagle Forum
Christopher Lively, representing Students for Concealed Carry on Campus
Ron Cuzze, President, Nevada State Law Enforcement Officers
Association
Don Turner, Private Citizen, Las Vegas, Nevada
Bob Irwin, Private Citizen, Las Vegas, Nevada
Michelle Jotz, representing Las Vegas Police Protective Association; and
Southern Nevada Conference of Police and Sheriffs
Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs'
Association
Tim Kuzanek, Captain, Governmental Affairs, Washoe County
Sheriff's Office
Ronald P. Dreher, Director, Governmental Affairs, Peace Officers
Research Association of Nevada
Daniel J. Klaich, Chancellor, Nevada System of Higher Education
Todd Renwick, Associate Director, University Police Services, University
of Nevada, Reno
Leah Wilds, Associate Professor, Political Science Department, University
of Nevada, Reno
Vicenta Montoya, Private Citizen, Las Vegas, Nevada
Sandy Seda, Assistant Director of Police Services/Assistant Chief of
Police, University of Nevada, Las Vegas
Aimee Riley, Private Citizen, Las Vegas, Nevada
Darryl Caraballo, Chief of Police, College of Southern Nevada

Gregory Brown, representing Nevada Faculty Alliance
James T. Richardson, representing Nevada Faculty Alliance
Rebecca Gasca, representing American Civil Liberties Union of Nevada

Chairman Horne:

[The roll was called.] Good morning, ladies and gentlemen. Welcome to the Assembly Committee on Judiciary. We have one bill on the agenda, which is Senate Bill 231 (1st Reprint). I am sorry for the delay. I would like to have some open discussion on this bill, but it will be respectful. Anyone who gets out of line will be asked to leave. We have floor session at 1 p.m.; therefore, if you find that testimony has been already provided, you can simply say "Me too." You do not have to reiterate the points that someone else has already made. With that being said, we will open the hearing on Senate Bill 231 (1st Reprint).

Senate Bill 231 (1st Reprint): Makes various changes relating to concealed firearms. (BDR 20-742)

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

I know that this Committee is aware of this bill. I know there have been people chasing votes on both sides. I have not come and asked any of you to vote for or against it. My goal is to ask you to get rid of your commitments to everyone you have made a commitment to. Please hear the bill the way you would like to hear the bill. Do not feel threatened by either side. Absorb the information, and make a decision based upon how you personally feel about this bill. If you have committed to certain people on my side, do not hold yourself to that commitment. This bill requires your own personal attention.

I am here today advocating for greater safety for our children and loved ones. I do that by asking this Committee to approve Senate Bill 231 (1st Reprint), which allows properly licensed concealed weapon permit holders to carry concealed weapons on our state college and university properties. This bill only applies to property within the Nevada System of Higher Education (NSHE). If I believed for one minute that allowing a concealed weapon permit holder to carry his weapon onto our college and university campuses would cause great risk or harm to our students, staff, or visitors, I would not support this bill. I would not even sponsor this bill. This bill is not about campus security. It is about personal security.

At the University of Nevada, Reno (UNR), or University of Nevada, Las Vegas (UNLV), there are approximately 17 officers available for duty rotation during day and night hours. There are currently approximately 17,000 students enrolled, which makes for 1 officer for every 1,000 students. The officers

cannot guarantee the protection of our students or prevent armed assaults. In all honesty, it is not fair to expect them to. I believe that not allowing guns on campus gives predators an easy access to potential victims. I argue that these are called defenseless victim zones or criminal empowerment zones. If I were going to commit a crime, I would look to go where I had the best opportunity to commit that crime. Most crimes with a gun are not for robbery purposes. These are acts perpetrated usually on younger vulnerable women. My goal is to see that nobody feels threatened or needs to carry a gun on campus. The people outside of the campus boundaries will know there could be somebody on campus with a gun. This should persuade them not to go onto campus to commit a crime, because they may get shot in the process. I would hope that nobody would ever carry a gun on campus, but the fact is that if some bad person had the slightest inclination to believe that he could be the victim, it would prevent him from proceeding.

I have talked to police officers about obtaining a concealed weapon permit. I live in North Las Vegas, which can be a tough area to live in. When a police officer stops someone with a concealed weapon, who verbally notifies the police officer he is carrying a concealed weapon (CCW), the first thing that goes through the police officer's mind is, "This is someone who is not an ex-felon." This person has proven to society that he is able to carry this weapon. In order to obtain the CCW permit, you must be at least 21 years of age, submit to an FBI criminal background check which may take up to 120 days, you must have your fingerprints taken, submit to a mental history evaluation, successfully complete an eight-hour course on CCW instruction proving firearm competency, and pay an application fee of \$100. People who do this sort of thing are not people who carry a gun with the intention of robbing someone. These are people who just want to protect themselves. If something happens to them, they can thwart the attack. They do not want to shoot anyone. Their goal is not to kill the perpetrator, but to protect themselves. They simply want personal protection.

The average age of a student at the University of Nevada, Reno is 24 years old. Those 18-year-old students who experience independence for the first time will not be carrying a concealed weapon legally. It would be illegal for anyone under the age of 21 to carry a gun. This bill does not change that requirement. Most students and faculty are aware that there are over 40,000 active permit holders in Nevada. Our families mix and mingle with these people all the time. They are law abiding citizens, and we do not fear for our safety. I go out in public and never even consider the fact that someone could point a gun at me. Interestingly enough, as a committee chairman such as yourself, there are people coming into this building who could be carrying a weapon. I do not feel threatened in this building, and we do many things that affect many of our

constituents. Some like our decisions and some do not. I do not feel the least bit threatened if someone with a CCW permit is sitting in my committee room. I know that person is not here to harm me.

I think sometimes something has happened in society where we look at colleges and we give those colleges to the staff and faculty. We say, "This is your college. You have a desk and can teach here." But in reality, those are public institutions for the general population. They are hired by us to educate us. There is no reason why, after we have taken these courses, these elite intellectuals should feel insecure. If I were angry at someone in the college system, I would not have to have a gun to say anything. There are a hundred thousand ways to inflict pain on someone. This gun is not there as a student-to-teacher equalizer for the student to achieve an "A" grade.

I had an interesting experience. I visited the John F. Kennedy School of Government at Harvard University around the time that 9/11 occurred. During that time, everyone was talking about adding a great deal of security around the campus. I was wondering why anyone would want to bomb Harvard. It did not make sense to me that anyone would want to do that. I raised my hand and asked the instructor, "What is your fear? Why do you think you need all of this extra security?" She looked at me quizzically and said, "You should understand, this is Harvard." I said, "Well, sure it is Harvard, but it could be UNLV or any other university. What makes Harvard so special?" She replied, "Whether you know it or not, Harvard is the intellectual magnet of our society. If somebody killed any of our teachers or bombed our faculty, there would be an intellectual loss to the whole country, possibly bringing the whole country down." I said, "You have got to be kidding me! Harvard is not the epicenter of America by any means." But sometimes intellectuals feel that they are a little bit different. Basically, they were people like us until they received degrees. I beg to differ that these college campuses are any different than anywhere else.

In college, students are trained to protect themselves in case of a situation. The procedures are as follows: A student is to lock the door and if there is a window, the students are to immediately move to the far side of the room away from the window. There is then a way that the students lay on top of each other so they cannot be seen by someone looking into the window. One of the students would then call 911. That is the protection allotted to a student in that classroom. I have to say that I believe that is no protection at all. It does not take much for a bad guy to kick down a door or shoot open a lock. The safety we have at those locations are the professionals that we hire.

Mr. Chairman, I will finish on that note because I do not want to get any more personal than that. I have offered an amendment and would hope that it has

been delivered to you. [Read from proposed amendment to Senate Bill 231 (R1) (Exhibit C).] I am here to tell you that we are talking about personal protection today. I have four daughters who are very beautiful girls both inside and out. When I am with them, I see guys looking at them. It bothers me, but I understand they are attractive. As a matter of fact, one of my daughters is currently Miss Clark County, and is running for Miss Nevada. I have lovely daughters and want to make sure that if my daughters felt the least bit threatened they would have a chance to protect themselves. I will finish with the following statement. I have known many people who have a CCW permit. Within the first 30 days, a person will go out and get a holster and carry the weapon. After a while, he decides it is getting heavy and does not want to carry it anymore, and decides to keep it in the car. Then he may think that someone could steal the car or steal the gun, and he decides to take the gun home. He takes it home and puts it in the safe. Then if he goes somewhere where he may require the extra protection, he takes it with him. If he goes to a state park or somewhere in the wild, he may take it. I do a lot of hiking and camping, but I do not have a CCW permit. When I weighed 270 pounds, I would look at guys wondering how I would take them down in a fight. Now, I just hope those big guys do not hit me anymore. If I had a bumper sticker, it would say, "I brake for tough guys." If I was involved in a situation, I would hope that if I could not control the situation, there would be someone else there who would yell, "Stop," and to help me out. With that, we are going to listen to your directions and speak to only what concerns the bill. We will ask your Committee to deliberate on this.

With me today are Tom Collins and Amanda Collins. Amanda Collins is a wonderful student from UNR. She happened to be in the wrong situation, 100 yards from the police substation at UNR, and was raped. She was a CCW permit holder, but was not allowed to carry the weapon on campus. It does not mean that night she would have been carrying it either, but the person that offended her may have thought about not doing that if he thought she may have had some protection with her. She was the first of three women savagely attacked. The last one was a dear lady who tore Nevada's heart out, Ms. Brianna Denison. The same person who started this crime with Ms. Collins ended with Ms. Denison. I would like you to hear her story. She will not try to make you feel guilty. She will simply explain to you how and what effect this all had on her. With that, I will turn it over to Tom and Amanda Collins.

Chairman Horne:

I have a technical question on section 4, regarding the prohibitions in the dormitories and public buildings. A student, who is 21 years of age with a CCW permit, is permitted to carry it on campus but not in his dorm. Where would the students store these weapons between their dorms and their classrooms?

Senator Lee:

We thought we could install security safes in the police substation, but we realized it would cause a fiscal note. The discussion became, what if one student does not want to be in the room with a person who carries a gun? If a student has a gun, they will have to figure out what to do with it. We are not going to offer security in this bill. If the Board of Regents wants to take that up and offer a place of security, it will be made available at that point. Currently, they will just not be able to bring the weapon into the dorm.

Chairman Horne:

The bill says it is permitted on the premises of a public building that is located on the property of a public school. When you say public school, do you mean the university system public school, or do you mean K-12 public school?

Senator Lee:

I appreciate getting this on the record. We mean community college and up. Once you have completed your education in the lower K-12 system, we are talking about only the community college and university system.

Chairman Horne:

I read that it says it is permitted in a public building, yet all the buildings are public. At UNR, the chemistry class is in a public building, and the mathematics hall, et cetera.

Senator Lee:

You would be allowed.

Chairman Horne:

You would be allowed, but this says, "A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building"

Senator Lee:

If you are reading it that way, that is the way the bill will be interpreted. We will add an amendment to the bill to correct that language.

Chairman Horne:

Are there any questions for the Senator? I see none. Would Tom and Amanda Collins please come forward?

Amanda Collins, Private Citizen, Reno, Nevada:

I would like to thank you for listening to how pertinent it is for S.B. 231 (R1) to be passed. There are about 13 other states currently attempting to pass similar legislation, and you are currently in a unique position to take part in allowing Nevada to be at the forefront of a critical piece of legislation. [Continued reading from prepared testimony ([Exhibit D](#)).]

Chairman Horne:

Thank you, Ms. Collins. I appreciate the courage you displayed to come here today and tell us your story. I know it cannot be easy. I am sorry that you had to live through it and relive your terror each time you tell the story. Are there any questions for Ms. Collins? Please go ahead, Mr. Collins.

Thomas A. Collins, Private Citizen, Reno, Nevada:

Thank you for this opportunity. It has been extremely difficult for me, as the father of a daughter who has been raped, to know how to prepare this brief statement. [Continued reading from prepared testimony ([Exhibit E](#)).]

Chairman Horne:

I know this is painful for you as well. I appreciate your courage to come to talk to us this morning. I also appreciate your patience in waiting for us to get started. Thank you very much. Are there any questions for Mr. Collins? There are none. I am going to call up Ms. Erickson.

Kristin Erickson, Chief Deputy District Attorney, Washoe County District Attorney:

We are in support of this legislation and just wanted to put that on record. Thank you.

Anthony B. Wojcicki, Private Citizen, Sparks, Nevada:

I am the owner of renoconcealedweapons.com, which is a concealed weapons training facility. I am here to answer any questions you may have and to provide insight about the training that people go through to obtain a CCW permit. I would like to provide you with some of my background so that you understand the quality of the instruction that they receive. I am the former head of investigations for the San Francisco office of Pinkerton's National Detective Agency. I am also a former Air Force security police officer, and a former professional bodyguard. I have provided protection for two kings,

a queen, several diplomats, and numerous celebrities whose names you would recognize immediately.

You should be in receipt of this document on your Nevada Electronic Legislative Information System (NELIS). This is an endorsement from a former chief marshal in Reno, who went through my program ([Exhibit F](#)). He went through the Nevada POST training, which is a peace officer's standard training. He was also an Alaska State Trooper for 24 years, and he felt that my firearm training was vastly superior to what he received at the state level.

My students are taught federal, state, and local laws as they apply to CCW permits, and as they apply to criminal activity and defending oneself. They are also taught Indian law, because Indian reservations do not accept Nevada permits. They are taught when they can use deadly force and what the criterion in the court system is for using it. In order to do so, the CCW permit holder must be in jeopardy at the moment he defends himself. Also, the opponent must have the ability to harm him with deadly force or grave bodily harm. In most instances, the mere presence of a gun or the threat of having a gun available to defend oneself will deter criminal action to begin with, which is valuable in society.

I also teach responsibility. My students are told that they are responsible for every shot they fire, and they must be sure of their target and what is behind it. My students must understand the capabilities of the ammunition they are using with regard to penetration. They are recommended to obtain FBI protocol ammunition so that they will not endanger an innocent bystander, who happens to be behind a criminal, if they should have to shoot. My students include law enforcement professionals, military professionals, executives, business owners, doctors, celebrities, a world champion fast-draw shooter, and an Olympic shooter. I have been doing this for more than 30 years and have never had a complaint. I will be happy to answer any questions you may have.

Chairman Horne:

The issue is not necessarily your level of expertise and experience, but the issue is the level and the type of training that CCW permit holders actually receive. For instance, what is the number of hours required in both classroom instruction and on the range?

Anthony B. Wojcicki:

The minimum amount of training for a first time CCW permit applicant consists of eight hours of instruction, and 30 rounds must be fired at ranges from three to seven yards, which are minimum standards. The instruction may require more than that. I am providing an advanced course this weekend for a former

military special forces officer. He will be firing at 60 yards, the same way the old FBI training was. The proof is in the pudding with regard to training. You do not hear about bad shootings with CCW permit holders. You hear about an occasional bad shooting with police officers such as Johannes Mehserle in Oakland, California, or Anthony Aston in Seattle, who was found guilty of the equivalent of second degree murder several years ago. I was part of the inquest.

Chairman Horne:

Let me interrupt you for a moment. I think the difference between the two is, although you may not hear about bad shootings with CCW permit holders, most of us rarely, if ever, will find ourselves in those types of situations. With police officers, it is their profession to actually go to those types of situations. It is my understanding that when you are in a potentially lethal situation, and you have to engage someone with a firearm and draw your weapon, situations change with that person. Law enforcement officers and military professionals go through far more training than just on the range. They learn how to deal with the increased heart rate, adrenaline, et cetera. Even those professionals cannot always ensure where the rounds go once discharged from their firearms. A CCW permit holder's training exists strictly on a firing range. Is that what you are telling me?

Anthony B. Wojcicki

No, sir, they get a great deal of training in the classroom, which is similar to what some police officers receive. In some cases the training goes above what police officers receive. My personal mentors were Bob Taubert, the senior instructor of FBI Special Operations and Research Unit (SOARU); Jeff Cooper, the greatest firearms instructor who ever lived; and Rex Applegate, who trained the Office of Strategic Services (OSS) in World War II. My students receive training that actually goes above and beyond what the police receive. There have been two shootings within the last ten years in northern Nevada by CCW permit holders. Both of them were good shootings. In one instance in Winnemucca, the individual who fired was credited with having saved lives and the law enforcement personnel who investigated the shooting said so immediately. The one here in Reno, the individual defended himself and District Attorney Dick Gammick declined to prosecute stating that it was a valid self-defense excusable homicide.

Assemblyman Carrillo:

Mr. Wojcicki, what would you say is the most important thing that you stress to any of your students taking your CCW permit class?

Anthony B. Wojcicki:

The answer would be safety and avoidance. If you have the opportunity to remove yourself from the situation and get the professionals there to assist, you should do so. If you cannot, there is no way out, and lives are in jeopardy, you must do the best you can to neutralize that threat.

Assemblyman Hansen:

I am a CCW permit holder myself. I believe an impression some may have, based on some of the discussions, is people like me come in with no background in guns. Actually, most of us have a firearms background before we come in to take the class. I think this is something that people should be made aware of. I doubt there are many people who have no background whatsoever with firearms. There may be some, but I doubt it is many.

Anthony B. Wojcicki:

You are absolutely correct. There are a few, and if you were to talk with an FBI instructor years ago, he would have told you that he would rather have somebody with no training than someone who has bad habits to break. I just taught a young lady who never fired a gun in her life. She completely aced the shooting course by following the instruction that I gave her and doing everything right. Every shot hit the target, and she learned to defend herself and her four daughters very well. I also helped her with creating a special safe room in her home.

Assemblyman Hansen:

Please refresh my memory. If I am in a situation where I have actually had to pull out my firearm, and the police show up while I am holding the bad guy, what are the correct procedures that I should follow once the police show up?

Anthony B. Wojcicki:

When I teach my class, I actually put my students through a scenario-based training exercise where we cover that very incident. My objective is hopefully they are on the cell phone before the police get there. When the police get there, if the CCW permit holder is holding a subject at gunpoint, he needs to point that out immediately to the police. The CCW permit holder will immediately point out the bad guy and inform the police officer that he is willing to complete a complaint report. The CCW permit holder should never do anything considered threatening in front of the officer. If someone is in a home defense situation and there is time beforehand, he should stay on the line with 911 until the police officers arrive. Before answering the door, he should set the gun down, and then proceed to point out the bad guy and where his gun is located. The police officers will take it from there.

Assemblyman Ohrenschall:

My concern is if someone is a CCW permit holder, and he brings his firearm onto campus, what about the danger of someone snapping? He will have his firearm available, and he could be involved in a boyfriend-girlfriend fight, or he could receive a bad grade that he felt was not warranted. How do you address those concerns?

Anthony B. Wojcicki:

It does not happen. There are 70 campuses nationwide that have concealed carry on their campuses right now. It never happens. Permit holders do not snap. Someone who goes through the process to obtain a permit is usually of pretty sound judgment. If the instructor thinks the student is not, he will not continue to teach him because the instructor does not want the liability of teaching someone like that to begin with. Anybody can snap, but it is not something that has happened. It is not something that is likely to happen.

Assemblyman Ohrenschall:

Currently to obtain the CCW permit, is there a mental health examination?

Anthony B. Wojcicki:

There is a background investigation. If someone was found to be mentally defective or confined to a mental institution, he would not be eligible for a CCW permit.

Chairman Horne:

I would like clarification regarding your statement that no CCW permit holder has misused his firearm. Are you saying that across the United States, no CCW permit holder has ever misused his firearm? I find that to be a tough statistic to accept.

Anthony B. Wojcicki:

I am not aware of a single one, and I study countless shooting scenarios. From memory, I can detail probably 100 different gunfights for you. I study everything I get my hands on. I taught in Florida, when the CCW law was instituted. I do not know of a single instance where a CCW permit holder has used a gun in a bad shooting ever. That does not mean they have not been caught, at some point, going somewhere that they should not have taken a weapon. It means there have been no bad shootings involving a CCW permit holder that I am aware of. I am sure if there was one, I would probably be aware of it.

Chairman Horne:

It is kind of different now from when I took my CCW class. I cannot recall if it was a bad shooting, but I can recall stories of CCW permit holders actually wielding their weapons in inappropriate ways.

Anthony B. Wojcicki:

That probably has happened, and they lose their permits when they act in such a manner.

Assemblyman Sherwood:

The concern you may be hearing is the association between guns and college. It makes you start thinking of Austin, Texas, and the situation with the high-powered rifle with a scope. Of the last half dozen shootings that you are aware of on campus, such as Virginia Tech, were any of those shootings CCW permit holders that "snapped"?

Anthony B. Wojcicki:

They were not. In the Virginia Tech shooting, had there been campus carry allowed, and had there been a few well-trained individuals around when this person went on campus in a deranged state and began shooting, there may have been many lives saved. It is a shame that was not the case. There is a student movement now trying to get that on Virginia Tech as we speak. The movement would like to see it at all college campuses.

Assemblywoman Diaz:

I am not very knowledgeable in the use of firearms. Let us say this law passes, I go through your course, I do the eight hours of instruction, and I complete the shooting range requirements. What is the guarantee, in a scenario where I am attacked, that I will be able to defend myself adequately? Is it 100 percent guaranteed that I will no longer suffer an assault or be put in a situation where I cannot defend myself? Can I feel 100 percent sure that taking this class and carrying my weapon that nothing will happen to me ever?

Anthony B. Wojcicki:

No, you cannot. However, the first thing that you will be told when you take the course is if you are mentally incapable of using deadly force to defend yourself, you probably should not carry a gun because it can be taken away and used against you. I tell my students that once you realize that you can mentally defend yourself if need be, this training goes a long way to instill confidence and the ability to defend yourself. It is incredibly empowering. I would love to have you as a student.

Assemblywoman Diaz:

Is this class enough? Do you use mock scenarios of someone who is bigger and stronger attacking? I am a female and if my attacker is a male . . .

Anthony B. Wojcicki:

Yes, I do. It is called disparity of force if there are numerous individuals and there is no way to defend yourself against them. If you tell them to stop, it is considered a situation of grave bodily harm and you do have a right to defend yourself if they do not stop. I go through a variety of advanced scenarios in my training. The students benefit from that and they know what to watch out for. They know to be concerned about sleepers or accomplices if they happen to walk into a robbery. It is a very thorough training. It is training based on situations where off-duty police officers have been killed.

Chairman Horne:

Is that level of training required in order to obtain a CCW permit?

Anthony B. Wojcicki:

Probably not with everybody, but it is a good idea. The better instructors provide it. There are two schools that notably go above and beyond the police training. Those schools are mine and Front Sight Firearms Training Institute is another.

James Smack, Member, Stillwater Firearms Association:

Our association is one of the largest, most active pro-firearm groups in the state. I am a resident of Churchill County and a CCW permit holder myself. It sounds like most of my points were already covered by Mr. Wojcicki, but I will briefly touch on a few things. I consider this to be a common sense bill. If the Second Amendment is allowed to stop at the edge of a college campus, what will happen with the other constitutional amendments at the edge of the college campuses? The First Amendment and Fourth Amendment are all exercised freely. Why not the ability to exercise our Second Amendment rights as well? Utah has had a similar law in effect for several years. I am certain if there were any type of incident at a college campus in Utah, we would have heard about it. There have not been any.

To obtain a CCW permit, one would have to be 21 years old. We are not talking about a lot of students carrying in the first place. However, there will be enough to perhaps cause someone to pause before they think about assaulting a student on campus. We fully support this bill as written and as passed by the Senate. We encourage your support for this bill today. I appreciate your time. I am available for questions.

Assemblywoman Dondero Loop:

I am the mother of three daughters, and I spent some time yesterday questioning many young women in the building and my daughters. I asked them what they all thought about this bill. I did not have one young lady, under the age of 33, state that they would want to carry a gun or be sitting next to someone with a gun. I have had lots of experience with guns, and I have been around them all of my life, yet I do not have a CCW permit. I wanted to make one comment. There is an Illinois campaign against gun violence, and there have been 286 people killed since 2007 by CCW permit holders. The victims have included law enforcement officers. There have been situations where those CCW permit holders have had violent gun antics. I am not saying that all do. I recognize the permit regimen and respect it for those people who choose to go through it. I think it is important to know that just because a person may carry one, it does not make someone the rational person that we hope he should be.

Chairman Horne:

It is 11:30 a.m., and I would like to move on with testimony. Let us open the table to whoever else wishes to testify in favor of the bill.

Lynn Chapman, Vice President, Nevada Families Association:

We are in support of this bill. I am a CCW permit holder, and it does give me more confidence. I have gone through all of the training. My whole family took a class which lasted a number of weeks. We learned about guns, and we wanted our daughter to learn about guns and gun safety. That was the reason why we took that class. When I took my CCW course, I was trained in many ways. I think it was a good class, and it turns out that I am a darn good shot.

I wanted to ask a question. Does a person who is over 21 years old and going to college have to ask permission to utilize his First Amendment rights of free speech or assembly? When will that happen? A person should not have to ask permission for his God-given rights. If we have liberties and do not assert them, we do not have liberties. Thank you.

Chairman Horne:

I do not know that anyone has lost his life exercising his First Amendment right, although someone exercising his Second Amendment right can cause unintended death. It is a little bit different, and many courts have ruled that the Second Amendment is not absolute. There are limitations on it, and that is what we are talking about here today. Where are the limitations, and where are we going to draw those lines?

Gregory Ross, Private Citizen, Reno, Nevada:

I am a student at the University of Nevada, Reno, and a CCW permit holder, and I strongly support this bill. I always carry my firearm wherever it is legal to do so. I often visit places after school. I live in Cold Springs and cannot drive all the way back. I wish I could bring my firearm with me, but because I park far off campus, it subjects me to possible thieving. Also, many times I have had classes late at night. Most students carry expensive equipment with them. Our calculators are worth over \$100 each, and we usually carry textbooks worth hundreds of dollars. I think it would be likely that we would be targeted, especially knowing that we are unarmed. I agree with most things that were already said. I did some research and although there are some who have abused their CCW permits, statistically, permit holders are much more unlikely to commit violent crimes. I have read this in books, and I have written a paper in my English class on the subject. I strongly support this bill.

Janine Hansen, President, Nevada Eagle Forum:

I am a CCW permit holder because my son encouraged me to do this. I have been so thankful that I have. During my last renewal training, I received extra training on self-defense. I have been very grateful for that because, as many of you know, every week I travel 325 miles back and forth to Elko. I have felt the need to have my weapon with me numerous times. I do always have it in my car when it is necessary. I feel confident in the training that I received. My instructor in Elko provided me with extra training, specifically in the area of self-defense because he felt it would be beneficial to me. I also want to say that I am the mother of two daughters and the grandmother of six. One of my daughters is under 30 years of age and she does have a gun. She has at times been in a situation where she was threatened with a gun by a former boyfriend, and she has been very happy to have the gun.

I would like to mention my own experience. When I attended school at UNR, I was a member of the Latter-day Saint Student Association (LDSSA). I was handing out pamphlets on campus at the student union building. Several of the basketball players showed up objecting to what we were doing. From then on, I was stalked around the campus by these students, which gave me great concern for my personal safety. I was not able to go anywhere by myself that semester. Had concealed carry been the law then, I certainly would have considered protecting myself through the opportunity, but it was not available at that time. Later on, when I attended Brigham Young University (BYU), I had a practice at 9 p.m. in a room in the basement of the fine arts building. After there were several rapes on campus, I became very concerned about going there. Afterward, I discontinued practicing even though I was taking music at the time, because I felt that I would have to go there undefended. I had no way to ensure my own safety. That was a long time ago, but I believe those issues

still do apply. Young women attending college are particularly vulnerable because they may be targeted.

This last year, I was asked to speak at Truckee Meadows Community College. I did not realize I was breaking a rule because I had my concealed weapon in my car. I had no way to leave it anywhere else because I was traveling from Elko. People who are legitimate CCW permit holders are placed in a position of violating the law because of this type of policy where the right to bear arms is not recognized on campus. In the *Constitution of the State of Nevada*, Article 1, Section 11, it says "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes." Our constitutional right to keep and bear arms includes security and defense, and it goes further than the Second Amendment does, which I think is an important recognition of the State of Nevada for our right for security and defense. I think it is a very important point. Rather than being fearful of law-abiding, honest citizens who have gone through the trouble of being trained, we should be more concerned about telling people that they do not need to worry about victimizing people on campus because they are there undefended. Certainly the police want to do the best job they can, but often they are not there and cannot be there when you need them the most. It is a true maxim that criminals prefer unarmed victims. If we want to protect our children, particularly our daughters and granddaughters, I encourage you to support this reasonable legislation which will provide people the opportunity to defend themselves. Thank you.

Chairman Horne:

Is there anyone else here wishing to testify in favor of S.B. 231 (R1)? I will now move down south for testimony.

Christopher Lively, representing Students for Concealed Carry on Campus:

I am a student and campus leader at the College of Southern Nevada (CSN). I am in transition to UNLV for the fall semester. I represent the organization known as Students for Concealed Carry on Campus. Before I begin my testimony, I would like to offer some brief rebuttals to some of the testimony previously provided and that have been posted on NELIS.

One person posted that they would like an amendment that excludes all venues with seating capacities over 1,000 persons because in one event a woman threatened to get a gun. I think he has exemplified to this Committee why we need this legislation. The threat clearly exists, and the threat is enough. There are also documents posted on NELIS that say university and college campuses are far safer than everywhere else. If you exclude one particular institution from everywhere else, you will come up with different statistics. Also, within the

last few days I performed a quick Google search, which I realize is not scientific. My search revealed that in the last 10 years, it has become very prominent in investigative reporting that university and college campuses are underreporting criminal activity in an effort to boost enrollment, especially from out-of-state enrollees. They do not want families to see the truth that in reality there are some very serious crimes committed on college campuses.

Some people are going to come before the Committee and say, "Why does it have to be a gun? Can someone use less than lethal force?" There are two forms that are less than lethal force that people like to recommend. The first form is a TASER. TASERs are very expensive. A firearm is far less expensive, and less cost prohibitive to the user. To use the TASER effectively, you must hit the person and take him down in one shot. If it does not penetrate the clothing, you must reload it, and it is far more complicated than it is to reload a pistol. The second method is pepper spray. I have seen people advertising PepperBlaster. I am a United States Army veteran and by the time I completed my service, I could disassemble my M16, with no gas mask on, in a confined chamber with military grade gas, and I was not under the influence of drugs. It was by pure training and pure willpower. Pepper spray is not a guarantee. If you come to a knife fight, expect to get cut. If you come to a gun fight, expect to get shot. It is just the harsh reality. I will now begin my testimony, which I will try to make as quickly as possible.

Chairman Horne:

You mean that was not your testimony? You are going to have to go very quickly through your testimony because we have a limited amount of time.

Christopher F. Lively:

Yes, I will try to go as quickly as possible. What do Christopher James Bishop, Brian Bluhm, and Ryan Clark all have in common? All three were victims of Seung-Hui Cho's violent, mass shooting rampage at Virginia Tech. [Continued reading from prepared testimony ([Exhibit G](#)).]

Chairman Horne:

I see no questions. Who is next?

Ron Cuzze, President, Nevada State Law Enforcement Officers' Association:

Not only do we support this bill, I would like to provide you with some facts that may not have come up yet. For years, I worked on the UNLV campus. I was a police officer and a detective there. I primarily worked the swing and graveyard shifts. I can tell you that there are more guns on that campus carried by cops than anyone else. At the beginning of each semester, the cops would come up to us. We had students there from North Las Vegas, Henderson,

Metro, et cetera. They always identified themselves as having their weapons on campus, and we liked that. If people do not understand guns, they are afraid of guns. People who are not familiar with guns are afraid of guns. Like the other gentleman just said, "Guns do not kill people. People kill people." The bottom line is that it is a choice. For the people who have CCW permits, it was their choice to go out and get it. It was their choice to submit to a background check and to get trained. I do not see why we should limit their choice on where they can carry their weapons. There is no more expectation of an incident occurring on campus than off campus. You just do not see it that often. There is a little bit more to the person who has a CCW permit. The person is knowledgeable about what they are doing.

The people who do these kinds of shootings, such as the situation involving the congresswoman down in Arizona, are mentally unbalanced. The CCW permit holders are continually trained. They must get relicensed and their mental abilities are always in question. I really wish the Committee would consider that fact as the driving factor instead of fear. Consider the training, experience, and what it would mean to people to be able to protect themselves. Thank you.

Don Turner, Private Citizen, Las Vegas, Nevada:

I am a past board member of the National Rifle Association (NRA), and a past board member of the National Shooting Sports Foundation (NSSF). I spent 30 years as a peace officer, and I taught advanced firearms at the Nevada Law Enforcement Academy. With respect to your time restraints, I will limit my comments to a request that the Committee move this bill to the floor for a vote. Thank you for your time.

Bob Irwin, Private Citizen, Las Vegas, Nevada:

Mr. Cahill was signed in but had to leave. He is a public official and he was called out. Although I did not check for or against on the sign-in sheet, I will speak in favor of the bill. I own The Gun Store on East Tropicana. We are a large training facility for CCW permit holders. I will address a few things, but I will make it short and sweet. You will hear some more testimony from people who do not want guns on campus. There is nothing in this bill which requires anyone to carry a gun on campus. It does not make them, but only allows for people who want to. Someone previously asked if carrying a gun on campus will guarantee her safety. Of course it will not. The question is can the police on campus guarantee the student's safety? The answer to that is also of course not. Philosophically, to take away a citizen's right to be able to defend himself is a huge undertaking for this Committee, if they do not choose to send this bill to the floor for a vote. I pointed out that I am an instructor of CCW permit holders. We are probably the largest in the state. I am not here to promote The Gun Store or its classes. Our class is free so I have no ax to grind,

and we have plenty of students. However, I will invite anyone here who is thinking about voting against the bill, to please come and take the class. It is free and it might change your opinion if you hear what the training is.

Another issue that was raised earlier addressed police reaction. It was said that when the police react, they shoot people, and civilians are also shooting people. The difference between those two is the police are required to react when danger threatens, and the police are required to go there.

Besides teaching CCW, I was the firearms instructor in 28 police academies in various community colleges, and am now at the College of Southern Nevada. I am aware of police use of force rules as I taught them for years. The police are required to intervene. To the civilians we train, we say the first step on the force continuum is, if danger threatens, they should run. Get out of the way and call the police. Their motives for shooting will come only if there is no help available and they have no other way out. All of the instructors train their students to get out of the way first. They are instructed to call the police and let them handle it. The police react differently, of course, because they cannot run. Had I taught differently in a police academy, I would not have taught for very long. There is a total difference between those two. I am urging you to pass this bill. I am available for questions should you have any.

Chairman Horne:

Police officers do respond differently. They are required to go to the scene, but I would like to make it clear that when the professionals go to these crime scenes, what they experience are things that a normal person does not experience in their lifetime. The normal person is unfamiliar with those conditions that happen to the body when put into that type of situation. Until someone is put into that situation, it is difficult to know how he will react. I am certain there will be some law enforcement officers who will tell you about their training and about certain instances that regularly occur on the streets in real life. Is there anyone else who wishes to testify in favor of S.B. 231 (R1)? I do not see any. Let us move back up to Carson City and open the floor to the opposition. We will start off with Michelle Jotz.

Michelle Jotz, representing Las Vegas Police Protective Association; and Southern Nevada Conference of Police and Sheriffs:

I would like to start by saying that I have an immense amount of respect for Ms. Collins and the courage it took for her to provide her testimony after enduring what she did. Unfortunately, what I did not hear in her testimony is that she had applied with the college to carry a gun on campus. I did not hear that testimony, and I think that is important. I have concerns about the fact that the testimony provided by the CCW instructors is that people go through

an immense amount of training, when actually they only get eight hours. Police officers get six months of training before they hit the street. There is no comparison. It is not even close. Time after time, when I respond to a call, and there is a citizen with a gun, whether it is a CCW permit holder or not, he is under an immense amount of stress and his adrenaline is just rushing. When you tell him to drop the gun, he does not. That is my concern. When we have a situation such as Virginia Tech, and there are a bunch of students running around with firearms trying to protect themselves, they are not going to drop those guns. Innocent people will be hurt. With that being said, we are opposed to this bill. Thank you.

Chairman Horne:

If you come up on a scene as you described, it takes a moment to identify the good guys from the bad guys. Your training tells you that you must treat everyone as a threat, if they are not obvious police officers.

Michelle Jotz:

It is a concern and is something we must be aware of when we arrive on the scene. Even with our plainclothes officers, we must make sure they have some type of identification out. It is very difficult in a high-stress, dynamic situation to identify the good guy from the bad guy when they are not in uniform.

Assemblyman Hansen:

Innocent people are being hurt right now. We heard from a rape victim who was very close to a police station. Are you suggesting that if we allow more CCW permit holders to carry on university campuses that we will see an expansion in the number of innocent people who are being hurt?

Michelle Jotz:

I could not guarantee that. What I am saying is that there is the potential there.

Assemblyman Hansen:

Even with the eight-hour training you mentioned, the police are still unable to protect a rape victim on one of our campuses. I do not see the relationship between the right of somebody to carry a constitutionally protected weapon and how much police training you have received.

Michelle Jotz:

I am trying to say that the equation, from the CCW instructor's perspective, was that with eight hours of training someone could go out and handle every situation. One of the testifiers talked about scenario-based training. I took the CCW permit class before I became a police officer. There was no

scenario-based training in the class that I took, because it is not required. It is fantastic if he is going above and beyond, but that is not happening everywhere. Not everyone is getting this great training that the instructor was talking about.

Chairman Horne:

For clarification, going through the academy for the Las Vegas Metropolitan Police Department (Metro), can you describe the police academy training in comparison with the CCW training you previously received?

Michelle Jotz:

The CCW class I took was an eight-hour class. I think we spent a total of approximately two hours on the range firing less than 50 rounds of ammunition. The five months of academy training that I received has now lengthened. We spent 40 hours at the range. They now spend 80 hours at the range. It was intense shooting for the entire 40 hours, excluding a lunch hour. There is a significant amount of difference. In addition to that, we received additional scenario-based training with a firearms training simulator. With that training we are provided an actual suspect, and we have to draw our firearm and determine whether or not we should even pull the firearm. We have to determine how we should interact with various people. Students in the CCW classes are not receiving anything close to that type of training.

Assemblyman Sherwood:

I would not disagree with you, and I did not necessarily appreciate the testimony of someone exaggerating his own training. That is an insult to law enforcement, but that is not what this bill is about. I think we heard testimony from Mr. Irwin, who said, "Of course it is different." Ms. Collins did not want to engage and shoot everybody up in the parking garage. She wanted to prevent being sexually assaulted. If she had, we would not have heard the DNA testimony. Let us remember what the issue is. It has nothing to do with someone exaggerating how cool his credentials are. That is not what this is about.

Michelle Jotz:

I would like to address the fact that Ms. Collins did not say that she had applied to carry a firearm on campus. That is what the bill addresses.

Assemblyman Frierson:

I do not know if I misunderstood you while talking about the possibility of innocent people being injured. If I am a CCW permit holder, and I am on campus, there is an incident, and I am defending myself, the way I understood it was when law enforcement arrives, there is no way for them to know that

I am the good guy. By virtue of that and by no fault of the officer, I may be injured because there is no way the officer will know for sure that I was the good guy. Is that correct?

Michelle Jotz:

Yes, sir.

**Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

We are in opposition of S.B. 231 (R1). The majority of the college campuses are in Clark and Washoe Counties, many of which are within our jurisdiction. Sheriff Doug Gillespie believes that the authorization to carry a concealed weapon on college campuses should be left to the discretion of the administrator of that campus. If the administrator approves a request, we believe it should be honored. We disagree with every CCW permit carrier being allowed to carry on campus without permission from the administration.

I would like to mention some concerns to consider. As stated, we believe schools are intended to be an environment for learning. When a person next to you in a classroom is carrying a weapon, it will distract from the learning process. Proponents of this bill say that if students are armed, incidents such as what occurred at Virginia Tech can be stopped. The fact is, as you have heard, most CCW carriers receive little to no training in confronting armed suspects, specifically active-shooter suspects. Active shooters are usually armed with assault weapons or multiple weapons with high capacity rounds which makes them difficult to encounter, even for trained law enforcement teams. Since the Columbine High School incident in Colorado, officers have received extensive active-shooter training. Responding officers are now trained to enter a school with the intent to stop the threat. When multiple people inside of that school are armed, it makes it difficult to determine who the suspect is, and who an innocent person is. There have even been cases across the country where responding officers have accidentally shot and killed off-duty officers who they mistook as a suspect. In addition, there is always the possibility of one CCW permit holder in a shooting situation mistaking another CCW permit holder for the suspect and accidentally shooting an innocent person. Statistics have shown that every year, close to 10 percent of police officers who are killed in the line of duty are killed with their own weapons. Just because you are armed does not mean that you have the physical or mental ability to take action. It is possible the assailant may disarm the victim using the weapon against him. The proponents of the bill would like you to believe that just because a person may have a weapon, he can get to that weapon, using it to defend himself. In fact, as Senator Lee stated in his testimony, after carrying a weapon for a while, the majority of people feel the weapon is uncomfortable,

and they put the weapon in their car where they will not be able to get to it, or they stick it in a backpack or duffel bag. Backpacks or duffel bags tend to be set down in a cafeteria or classroom, which makes the likelihood that the weapon could be stolen a significant one.

Every year, approximately 1,500 people are killed by accidental discharge of a firearm. When people first purchase and start to carry a weapon, they carry it every day at first but then become lax. I have also heard the proponents of the bill claim that there is no difference between carrying a weapon to a mall or a public place than there is carrying it on campus. I would say this is not true. I would say that the student on campus is typically on the campus and in classrooms from early hours of the morning to late in the afternoon. It is not the same as going to a shopping mall with a weapon for few hours to shop. With all due respect to Mr. Collins, he stated that across the street in the sports bars we do not have shootings. I know in my jurisdictions, there have often been arguments in bars that led to shootings, so that is not a true fact in Clark County. Proponents of the bill will also say that armed students are a deterrent to crime. The truth is that criminals most often do not consider whether the victim may be armed or not. In fact, over the last few months, suspects have entered police stations in Detroit or Los Angeles and opened fire on police officers. If suspects are willing to do that, they will not take into consideration whether a student on campus is armed or not. I will also point out that over the last three years, violent crime in Clark County is down over 25 percent. Statistics show that the crime rate on college campuses is lower than it is off campus.

Ms. Dondero Loop brought up some statistics that she found on the Internet. A gentleman that testified earlier said that he has studied hundreds of shooting cases and saw no instances where CCW permit holders had committed a crime or used a weapon to take a life. In just 30 seconds on the Internet, I was able to uncover several websites with statistics regarding CCW permit holders who have used their weapons in shooting situations to commit murder. In fact, one of the websites listed that on January 20, 2010, Christopher Brian Speight, a 39-year-old man, shot and killed 11 people. The Associated Press said that he was a CCW permit holder. This was the second mass shooting in two years in the Virginia area.

Lastly, I would like to add, as Michelle stated, we complete 80 hours of training in the academy. In addition, we qualify quarterly during the year. We also have advanced survival training for officers. Earlier, it was insinuated that the amount of training that is provided by a CCW permit class is superior to the training that officers receive. I would say it is not true. Thank you.

Assemblyman Hansen:

Do you know how long the CCW permit program has been available in Nevada?

Chuck Callaway:

I do not know, sir. Frank Adams may have that information.

Assemblyman Hansen:

I am just curious because I know that law enforcement has opposed the concept, in general, from the beginning. I am wondering, since we have actually established the CCW permit program, have you seen an expansion in the number of gun crimes in Nevada? Or have you seen a reduction of gun crimes committed in Nevada?

Chuck Callaway:

Speaking for Metro, we do not oppose CCW permits. In fact, we process thousands of CCW permit requests yearly. We conduct the background investigations, and we have no problem with citizens exercising their Second Amendment rights in carrying a concealed weapon. We do not believe that college campuses are the place to do that because it is a learning environment. To address your other question, overall the violent crime rate in Clark County is actually down, including gun crimes involving CCW permit holders.

Assemblyman Hansen:

Since most people on college campuses obviously do not carry firearms, would you recommend the officers not carry firearms?

Chuck Callaway:

I believe that would be a policy issue for the administration of the campus. If the administration feels the campus police should not carry a firearm that would be their decision to make. It is not up to me to make that recommendation.

Assemblyman Carrillo:

You mentioned how students would not feel comfortable knowing that other students were carrying a concealed weapon. The whole purpose is that no one is supposed to know that you have it. A few of my colleagues here mentioned they have a CCW permit, but all in all, the whole purpose of having it is not allowing other people to know. If people are that careless carrying a weapon, they should not be carrying it. I believe that anyone who goes through the process to obtain a CCW permit is not just doing it because he wants to have it. He feels the reason is to protect himself or his loved ones.

Somebody had asked earlier what would happen in the case of the ex-lover that cheated on his girlfriend, leading to a heated moment in where he pulled his gun out. The person who went through the process to get that CCW permit will think twice before reacting. He will realize that there is a great deal of liability that goes along with it. As Mr. Wojcicki mentioned earlier, the second you pull that gun and shoot, you cannot put it back. It is the same difference for law enforcement. Officers cannot put those bullets back in the gun. A CCW permit holder realizes that and goes through measures to prevent an incident. A CCW permit holder does not carry his weapon 24/7. Weapons obviously cannot be carried in the Legislative Building because of the way the law is written. If you go to a bar, and you know you are going to put down six alcoholic beverages, where are you going to leave that gun? Are you going to leave it at home? Are you going to leave it in your vehicle?

I am not saying that everyone is perfect when it comes to CCW permits, but I want to hear some hard numbers to back up the claims. I am not sure if there is anyone present who can provide the numbers, but I would like to hear about the people who have had assaults while carrying a concealed weapon. Instead of just giving it a black eye, I want to hear some hard facts. My colleague has given some numbers about the whole process, but I do not see anything on record. If you can provide me with some information, I would really appreciate that.

Chuck Callaway:

To address your first point, I agree that the majority of CCW permit holders will have their gun hidden in a manner that nobody knows they are carrying it because that is the purpose. Not everyone who carries a concealed weapon is as careful. We have all seen the people with a fanny pack with a string hanging which makes it obvious that there is a gun inside of it. In a college environment, when two people are in a classroom together and someone knows the person sitting next to them is armed, whether the person tells them or they see the butt of the gun when the person stretches, it is not conducive to a learning environment. If I am in the classroom and there is a person with a weapon sitting next to me, I do not know if he has a CCW permit or not. If I catch a glimpse of a gun on a person, I will want to notify the school police that someone is armed. The police will respond which may cause another possible volatile situation.

With regard to the second part of your question, I do not have specific statistics showing the amount of assaults on college campuses, nor do I have the amount of CCW permit holders that have stopped assaults. You have said that we have come to the table and have tried to give this a black eye. That is not the case. I have come to the table to address our concerns and say that we feel the

decision should be left to the college administrators. You have not heard us providing numbers proving that this idea is bad. I did not hear the proponents of the bill providing numbers as to why this is good either. I think that the numbers may be out there. The college police may have specific statistics related to crime on campuses, although I do not have those numbers. My goal here today is to give the Committee the facts as we see them and express our concerns about people carrying weapons on campus.

Chairman Horne:

I see Mr. Klaich in the audience, and although you did not sign up to testify, we may want to hear from you later.

Assemblyman Brooks:

Can you tell me how many other states have similar laws that would allow for campus carry?

Chuck Callaway:

I have heard there are several other states, but I do not have the exact number of those states. Most likely, one of the proponents to the bill will have that information.

Assemblyman Brooks:

Several would mean 3 or 4 out of 52 states.

Chuck Callaway:

I do not have that exact number. Senator Lee or his people may have the numbers.

Assemblyman Ohrenschall:

My question is in regard to Metro's experience with the CCW permit holders currently in Clark County. Do you feel that overall the private citizens, who are CCW permit holders, have caused more problems for law enforcement officers in a situation where law enforcement shows up and is not able to recognize the good guy from the bad guy? Or, do you think they have been able to prevent more crimes against themselves or others? In other words, do you think it has been positive or negative? Do you feel the same problems that you are worried about on college campuses have arisen in the general population in Clark County?

Chuck Callaway:

By and large, the majority of CCW permit holders that we encounter are good and honest citizens. They let us know they are armed when encountered, and make every attempt to do things the right way. We have had cases where we

have encountered CCW permit holders that are not doing what they are supposed to be doing and are breaking the law. We have had to confiscate weapons, and we have had to revoke permits on occasion. I do not believe this issue is about the integrity of the CCW permit holders. I believe the issue is about a conducive learning environment for students on our college campuses and the administrators of those campuses to have the authority to issue a permit if they feel there is a need. If someone on the campus is obviously being stalked or they have a restraining order against a person, and the administrator believes the person should be allowed to carry a weapon, we are fine with that. We just do not believe that it should be beyond the control of the administrator of the campus.

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association:

Mr. Callaway has done an eloquent job of covering most of the points that I was going to make. To say this is a controversial bill is to put it lightly. Even members within my own association have mixed feelings on this. We do realize that on the Senate side there were some amendments that addressed some of the issues we were concerned about, such as athletic events, concerts, tailgate parties, and dormitories. I think those have been resolved through the amendments, although it may cause some logistical problems on campus which are up to the campuses to deal with. Like Mr. Callaway said, our biggest issue is that it removes the authority of administration to determine what is best for their facility on campus and the interest of the students. That is where we come in opposition to the bill. I find it interesting that we are here today both for and against this bill, but the one group that is most instrumental in pushing it is the National Rifle Association, and they have not been to the table to answer some of the hard questions that have been posed. I find that curious. We believe that when the Legislature passed the law dealing with CCW permits, it was good policy, and we believe that policy should be retained. To confirm what Ms. Dondero Loop said, there are people with CCW permits who cause problems. The last officer in Nevada killed in the line of duty was Deputy Ian Deutch. He was killed by an individual that held a CCW permit. Thank you.

Assemblyman Hansen:

For the record, Carolyn Herbertson from the National Rifle Association (NRA) was here but had to leave early because her mother is in the hospital.

Assemblyman Carrillo:

In the last part of your testimony, you mentioned an officer who was killed in the line of duty. You say the individual who killed the officer had a CCW permit. Can you give me some circumstances on that situation?

Frank Adams:

That situation occurred about a year ago in Pahrump, Nevada. The individual was involved in a domestic dispute with his wife. He was chasing her with a vehicle throughout town. While he tried to approach her, the officers arrived. He grabbed an assault rifle from his vehicle and shot the officer. He had a background check, and he had gone through the training. He knew what it was to shoot an individual. The assailant felt that he had to shoot the officer, and the officer died in about seven seconds.

Tim Kuzanek, Captain, Governmental Affairs, Washoe County Sheriff's Office:

As my colleagues from the south have pointed out, our position is simply that the administrators who are entrusted with developing curriculums and programs on their campuses should be allowed to retain the ability to determine what is best for their campuses. That is why we oppose this particular bill.

In the interest of time, I would like to address a few things that came up earlier. At the Washoe County Sheriff's Office, law enforcement officers at the academy level receive 88 hours training in firearms. They also receive ongoing situational awareness training which deals with when to shoot or not to shoot. In addition, the trainees are provided weapons retention training, which occurs in defensive tactics. In response to the question of crime rates in Washoe County, the violent crime rate is also down, just as it is in Las Vegas. It is actually consistent with violent crime rates in a number of different jurisdictions throughout the United States. Lastly, the Washoe County Sheriff does not oppose CCW permits. He does not oppose anything having to do with CCW permits. What he does support is the ability for university and college administrators to make a decision that they deem appropriate for their campuses. With that, I will end my testimony.

Ronald P. Dreher, Director, Governmental Affairs, Peace Officers Research Association of Nevada:

We are in support of sections 1 and 5, specifically the portions relating to CCW training. We have problems with other areas in sections 3, 4, and 5. As Mr. Adams and other officers have testified, our concern is that you already have a system in place that provides a lawful way to have CCW permit holders on campuses. First and foremost, before I go on, I would like to extend our deepest sympathies to Ms. Collins and her family for what they went through. I am a retired Reno Police Department major crimes detective. I have worked some of the most horrific crimes in our city. I have sat in front of this Committee over the years testifying on behalf of victims' rights, and I will continue to do so. What Ms. Collins has gone through is a horrific crime. You also have to understand that when an individual wants to take someone out, all

the weapons in the world will not stop that. They will do what they have to do because that is what crooks do. That is the problem.

The most important thing about this bill was something that Ms. Hansen talked about earlier. She mentioned the *Constitution of the State of Nevada*, and she talked about "lawfully," which is already current language in the bill. A university's president has the right to grant permission when a person with a CCW permit requests permission to carry on campus. There is nothing wrong with that. It is just like coming into this building as a retired law enforcement officer. I have a right to carry in here; yet, there is a policy preventing that. When I go to the district courthouse in Washoe County, and I want to pack my weapon, I cannot. In my hand is a handcuff key. There is a policy in Washoe County that says that I cannot take this key into the courthouse. I have been stopped, and the key has been taken away from me. It is the same thing everywhere. It is a protection. There are procedures to have the president of the university know who is packing. With all due respect to Senator Lee, there is nothing really wrong with much of this bill because it is current language in the law. If you had the procedure in place for someone to say, "Mr. University President, you have a right to articulate why a person should not be armed. You also have a right to notify the university's police chief." There are procedures and there are ways to make this happen to provide the protection both sides want, which is what this body is all about. That is why I am bringing it forward to this Committee. There is a procedure that we can reach a compromise on. If we did not do anything else in the next six days of this session, there is already a system in place that provides the procedure already in law to make this happen.

In closing, I would like to add a couple of things. When I graduated from the police academy, I was in total uniform and was in a police car watching two individuals running down the street in Reno. I got out of the police car, and one of the men began to pull out a gun. He knew I was armed because I had my gun by my side. In two seconds, he saw my gun and he dropped his. Thank God for that because one of us was going to go down, and it would have been that man. There was another off-duty incident, involving another police officer who was working at the time at ShopKo in Reno. The officer was off duty and working as store security. A person stole some cigarettes, came out of the store, confronted the officer, shot at him, and when the officer pulled the gun out and took the assailant down, everyone questioned him because his badge was not obvious. They did not believe he was a policeman. The third incident occurred in San Francisco. I was on a training mission there, in an off-duty capacity, and was in an unmarked vehicle which was a jeep. A car full of people who had just stolen a vehicle rammed into the rear of my car. I was armed and came out of the vehicle with a gun and said, "La policia, la policia."

They stopped, and we took them down. The very next thing that I did, which is not going to happen on campus, was to put the gun away because I had control of the situation. I knew if I kept that gun out, I was going to be shot.

Ms. Jotz talked a little bit about it, but I will guarantee you this. There have been critical incidents in Tucson, at Virginia Tech, and Columbine. Picture yourself now as a CCW permit holder on the campus of UNR, taking a gun out to take someone down who has already threatened and perhaps shot other people. When that person pulls the gun out and the police arrive, he is in a position that is so volatile that it cannot be imagined. When that happens, the police will order the person to put the gun down. If the person does not put the gun down, shots will be fired. Not just then, but it will continue, and there will be other people shot. That is life, and that is reality. The rest of what I heard today has been mild theory. I have been involved directly in those situations and can tell you it is an adrenaline high. In these types of situations, even police officers cannot hit the target. There was a situation in Sparks where an officer was confronted, shot, and killed by someone laying in ambush. The officers who returned fire missed, with probably over 30 rounds of ammunition, while shooting at the individual. These are known factors, and I feel sorry for Ms. Collins, but she was approached from behind. She was taken down and had things done to her that were just horrific. Having a CCW permit, and having a gun on her . . . As you already heard her say, he had a gun, and he took her out. We do not want that to happen and that is the problem. Mr. Chairman, you have a situation in place. I would ask you all not to necessarily oppose this bill, but if you need to correct it, there are avenues to do so.

I would like to add one final thing because there is something in the bill that bothers me. You cannot take the gun on campus, and you cannot carry it in a dorm. What are you supposed to do with the gun? When I go to the courthouse in Reno, there is an evidence locker for me to store my gun. Are you going to put lockers in all of the dorms? Are you going to put them in all of the classrooms? Are you going to make people keep the weapons in their cars? That is what is wrong with this bill. It sounds good on the surface, and there are procedures in place already. In its present state, the bill contains many problems. That is the concern I have tried to share with all of you.

Assemblyman Sherwood:

Is it your testimony that had Ms. Collins applied, she would have received permission to carry her weapon and everything would have been fine?

Ronald P. Dreher:

Mr. Sherwood, I do not know. If she had applied, it may have been. There has to be some kind of process.

Assemblyman Sherwood:

Right, but it has to be a process where you are not denied your right to do this. Your issue was that we want to know how many guns are on campus and who is packing. Great, but you do not know if there is a system in place. If I am the administrator, and I am against guns, and I think it is not the right time for any number of reasons, I will suspend . . . What I mean is that there is not a system in place. Are you saying there should be a system in place, or are you saying there is a system in place and we are just not aware of it?

Ronald P. Dreher:

Current language says there is a system in place for that to occur. It is already in law.

Assemblyman Sherwood:

But, it may or may not occur.

Ronald P. Dreher:

It is the same in this building, the Washoe County Courthouse, the Federal Building and U.S. Courthouse, and every other place.

Assemblyman Sherwood:

It is just discretion currently.

Ronald P. Dreher:

Yes.

Assemblyman Hansen:

What it really boils down to is do we believe that having guns privately, and secretly in some cases, acts as a deterrent to crime? You mentioned Columbine, Virginia Tech, and other shootings. The consistent thing in all of the aforementioned scenarios is that all of those areas are gun-free zones, which is where all of these horrible shootings have occurred. My thinking is that while it is true that in Ms. Collins' particular case, it may not have been in her ability to pull a gun and shoot the guy, the very fact that somebody on campus could have had a gun may have been a deterrent for an assailant. If someone at Columbine or Virginia Tech could have had a gun, it may have acted as a deterrent to these crimes occurring in the first place. Just the very fact that there may be university students who could potentially be packing

hardware is going to stop some crimes from occurring in the first place. I would like your thoughts on that.

Ronald P. Dreher:

That is exactly what is currently in law. The president of the university can allow it to happen. As a law enforcement officer, I have the right to carry on campus. Is anyone else going to know I am a law enforcement officer when I enter the university?

Assemblyman Hansen:

The campus administrator has the right to say no.

Chairman Horne:

As Mr. Dreher says, there is a procedure in place, and that is the difference. There is a question on whether or not that procedure provides that administrator the discretion on who they grant that to, but there is a procedure to allow persons with CCW permits on college campuses to carry on that campus.

Assemblyman Daly:

I have been listening to both sides of the testimony. I am not sold for some of the reasons given on either side. I come from a position that you have the right to bear arms. I also recognize that there are limitations on all rights in various ways. We have the right to not be illegally searched, but that can be overridden by a warrant. We have the right to free speech, but that has certain restrictions as well. It is the same thing with carrying a weapon. There are restrictions and lines drawn for a purpose. Taking all of the emotion out of it, I believe that people should be able to carry if they are legally able to. With all of the arguments on the campus, Walmart, Costco, Target, et cetera, I believe we still need to clarify certain issues. I think we still need to clarify the definition of the campus. There should be language in the bill that says that if I am at a satellite venue at a high school, it is a high school, and I do not get to carry a weapon. We still need to clarify the difference between a sporting event and some other concert or event that may be on campus. We need to address the interaction of tailgating where alcohol may be involved. Just to say the cops are the only ones who should have guns, cops are like lawyers, they are a pain except for when you need one. I am hoping we can clarify some of those issues.

The process that is in place has restrictions. I do not have to go to the university president to engage in free speech. There is no real reason to say you cannot carry a gun other than they do not want guns on the campus. That is just not good enough. If we can clean up those other issues, I believe we can move forward. All those things you guys have brought up, about what a person does when they have gone through the training, only means they have taken

that risk along with all the rest of us in society, because we allow people to have that right. We take that risk every day when we get up.

Ronald P. Dreher:

Mr. Daly's comments are nothing more than I have already testified to. This body may make provisions to provide the due process of the CCW permit holders to the president of the university, through the police, so that we know who is packing and who is not packing. If someone is exposing a gun in class, and there is a cop sitting behind him, the first thing the cop is going to do is key in on that person to make sure all is in order. How do we take what is currently in law and expand it further to make for less discretion for the president of the university. Whatever this body decides to do, the president should be able to express why certain students should not be armed on campus. Most importantly, as it trickles down to law enforcement, the law enforcement body should be made aware of who is armed and who is not, just as this body does. That language could be put into the bill.

Assemblyman Frierson:

With the passion and emotions surrounding this issue, it is important to note that this is not about demonizing law-abiding CCW permit holders and suggesting that the position on this is that they are bad actors. Additionally, this is not about demonizing the people who are concerned about campus safety and the atmosphere that this may potentially create. I do not blame the people who are concerned about whether or not there is a process; however, today was the first time I heard someone has had his request to carry on campus approved since the earlier discussed incident. If that has actually happened, there is a process which has worked. Will it work for other individuals? We do not know, because it is not proper for us to know. I hope at some point we can clarify that the process is in place and has actually worked. If it was a process that never worked or was never approved, I would think it would be a waste of time. If there is a process that actually has been used, approving a carry on campus request, I would like some clarification.

Daniel J. Klaich, Chancellor, Nevada System of Higher Education:

If you would like the data as to what has occurred at the campuses, this may be an appropriate time to have Chief Renwick up here. I think he may be able to do a better job than I could.

Chairman Horne:

Yes. First I would like to ask you to comment on the procedures for someone who is a CCW permit holder. If the CCW permit holder is requesting permission to carry his firearm on campus, can you explain the procedure to do so?

Daniel J. Klaich:

It is not what I intended to speak on, but I will respond to the question. There is a process. A person should apply to the president of the university. Permission is seldom granted. I believe it has been allowed perhaps once or twice.

It is difficult for me to be here today. I cannot remember a time in my life that I did not know Tom Collins. Tom and I have older brothers, and we have shared paper routes. I cannot imagine the horror his family endured. I cannot say anything that can even come close to the testimony that he and his daughter gave.

I would like to touch on a slightly different angle which I hope you do not find trivial or demeaning to the testimony you have heard thus far. It may be the only angle of this that I am qualified to testify on. There is no question in my mind that the current law is constitutional, and I hope we can move by that. My second point is that I think it is clear the law has recognized that certain public places and buildings are simply not appropriate for carrying guns, such as this building, courthouses, and public universities. What concerns me is the fact that this law is on the national radar, and it will attract national attention. I will tell you from an educator's standpoint, it will place Nevada significantly outside the mainstream of higher education. It is tough to recruit and retain the best faculty as it is. We have had a very difficult time with this economic depression, and we are losing faculty. I have to tell you that this will not help, and it will make recruiting and retaining our best faculty even more difficult.

The other point I would like to mention, as Mr. Dreher indicated in his testimony, there is a fiscal note or burden to this legislation. I think it should be recognized. Whether it is for lockers in dorms or making sure that certain events are appropriately policed, not permitting concealed weapons, there is a cost. I believe you have a process for that as well, and I would hope that it will be taken into account.

Chairman Horne:

I see you submitted an unsolicited fiscal note. Did you submit it on the Senate side?

Daniel J. Klaich:

Yes, I did.

Chairman Horne:

The sponsor of the bill is aware if it as well?

Daniel J. Klaich:

Yes, sir.

Chairman Horne:

Is it for creating these security measures?

Daniel J. Klaich:

It is potentially for policing the events that are carved out in the amendment.

Assemblyman Ohrenschall:

My question for Chancellor Klaich has to do with the process. We heard the horrible story that Ms. Collins told. I am wondering if perhaps she did not apply to carry her firearm on campus because the process is not clear enough. Is it written down? Would someone have to go to see the president to find out how to apply? I am wondering if that keeps someone like Ms. Collins from applying.

Daniel J. Klaich:

Mr. Ohrenschall, Chief Renwick can answer that question.

Todd Renwick, Associate Director, University Police Services, University of Nevada, Reno

Before I begin, I would like to apologize that Director Adam Garcia could not be here today as he is traveling. I would also like to remind you that he is in opposition to this bill.

The procedure that someone would have to go through to have a concealed weapon on campus is to obtain presidential approval. Typically, a person will call our office and we advise the person to submit a letter of request to the president. Once the letter is submitted, we take a look at his circumstances, and most often will interview the applicant. We then provide the information to the president for a decision.

Assemblyman Ohrenschall:

Is this a uniform policy on all campuses, or does it vary?

Todd Renwick:

I cannot speak for the other campuses. I can only tell you how we handle it. We recommend a letter be submitted to the president. In turn, we receive the letter from the president directing us to research the matter by interviewing the applicant. We then submit the information to him for approval.

Assemblyman Ohrenschall:

Chancellor Klaich, if this bill does not pass, do you or the Board of Regents currently have the authority to clarify this process, making it uniform among all of the campuses, and allowing people who would like to carry their weapon to know the procedure?

Daniel J. Klaich:

Yes, we would.

Assemblyman Sherwood:

Whenever we hear testimony, I am always leery of blanket statements like we heard earlier. I also heard all faculty are terrified of being on a campus with CCW permit holders, and that gives me pause. The people that I am more concerned about are the students in Nevada. The testimony I heard from Ms. Collins is that she wanted to have a concealed weapon on campus. Most students do not. Mr. Collins said that he wished he sent her to another school.

Chairman Horne:

Is there a question there, Mr. Sherwood?

Assemblyman Sherwood:

My question is about the students and what they want.

Daniel J. Klaich:

I can only respond with the information that I have. There has not been a massive outpouring of requests from students to support this bill. As a matter of fact, I have spoken with Mr. Collins and I understand what his desires are, but there has been no contact from any other student in the system asking me to support this legislation because of students' desires or fears.

Assemblyman Sherwood:

It only makes sense because when only one or two requests are granted, of course not. I have grave reservations in giving someone with a philosophical bent discretion to decide this. If gun rights are not good, let us say that gun rights are not good. But if gun rights are good, let us pass this law.

Chairman Horne:

Let me rescue you a little bit, Mr. Klaich. I remind the Committee that one of the mandates of all of our schools is not only to educate, but to protect all people on campus, both teachers and students. It may not be a philosophical bent necessarily that someone is against or for guns. The administration needs to take a position on whether or not this is a good policy. The administration

must decide if it will make the campus safer or less safe. I will not go so far as to say that just because the university may be against the policy that means the university is anti-guns. I do not know if that is necessarily true and is an unfair statement.

Assemblyman Hansen:

You were just pointing out that we already heard testimony that the faculty opposes this concept. We are going to leave this vital decision, which is a Second Amendment right, to the discretion of people who, by their own testimony, oppose the idea. I have a real problem with that. I also think it is ironic that we passed the law this year taking away the right of campus administrators to determine where people could or could not smoke on campus, but we will turn around and provide them the right to determine where or where not you can practice your Second Amendment right.

Chairman Horne:

What is your question, Mr. Hansen?

Assemblyman Hansen:

My question is why is it that we have suddenly found that the campus administrators are so brilliant in determining whether or not somebody can carry a gun, but we felt they were not wise enough to determine where you can or cannot smoke?

Assemblyman Carrillo:

You said that you seldom provide permission to carry concealed weapons on campus. What is the number of students who are currently allowed to carry on campus?

Daniel J. Klaich:

Chief Renwick may know better, but we did some quick surveys after the Senate hearing. Of the requests processed from UNLV, CSN, and UNR, I believe fewer than five have been granted.

Assemblyman Carrillo:

What are the criteria for making the decision? How many have you turned away?

Daniel J. Klaich:

I do not know how many have applied, and I do not want to tell you that I know because I do not. I will provide the information to the Committee by the end of the day.

Assemblyman Carrillo:

Is it ultimately the officer's decision, or is it a joint decision between the police and the administration?

Daniel J. Klaich:

It would be the campus president's decision. I would say it would be largely subjective with respect to procedures.

Assemblyman Carrillo:

I would really like to receive that information for the record.

Daniel J. Klaich:

I will get the information and will supply it to Mr. Horne by the end of the day.

Chairman Horne:

Chief Renwick, do you have any additional comments before you go?

Todd Renwick:

Yes, thank you, although my professional colleagues have touched on most of the points. I do want to say that we are proponents of the Second Amendment for the constitutional right to bear arms. That is not what we are trying to take away. We are trying to keep some protections on campus for not only students, but for faculty, staff, and other members of the institution, when it relates to academic freedom. I am sure you will hear some testimony shortly from a faculty member who teaches a controversial subject. People in the classroom can get very heated over certain topics. We do not want people in fear while not allowing them to exercise free speech.

The other issue of concern we have is about the storage and securing of weapons. I know that Senator Lee submitted the amendment and commented that it will be up to the institution to make the policies and procedures on where the weapons would be stored. That burden will fall back on the institution. We cannot assume the right decisions will be made by students by not bringing the weapons or securing the weapons in a secure place. In order to take that monkey off our backs, we will need to put in some implementations.

I would also like to remind people about the dynamics of our university populations. We have a great deal of K-12 population on campus throughout the year. The Washoe County School District is on campus with first grade through third grade. We also have a fairly large population of young adults under the age of 15 who enroll into the KIDS University over the summer. Those are issues of concern for us as well. The other issue with the Davidson Academy of Nevada being located at the university is that there are young

gifted and talented students under the age of 18, and they are walking around campus attending classes that are held outside of their building.

Assemblyman Hammond:

I have a question about the dorms. Since UNLV is considered a commuter campus, I suspect many of the students who are in the dorms are under the age of 21. Can you provide some statistics on that? The issue of where to store the guns has been brought up several times. I do not know how much of an issue it will be because many of them are under the age of 21 and will move off campus before they are 21.

Todd Renwick:

You are absolutely right. A good majority of the dorm population is under the age of 21. However, we do have many of-age students residing in the dorms. We will have to come up with some sort of accommodation for those students.

Assemblyman Hammond:

Another thing to consider is, of the students who are over 21, how many of them are CCW permit holders? I am not sure the scope of the problem is that large.

Todd Renwick:

It is unknown. However, the problem still goes back to some security concerns we would have with large-scale special events, such as football games. There may be people showing up with weapons. Do we send people back to their cars? Do you provide a storage locker for them? Do we man it with someone to be sure the person is taking back his own weapon?

Assemblyman Hammond:

If the person shows up with a weapon, knowing he is not allowed to have a weapon, it would be up to him to leave and do with it what he needs to do. I appreciate your answer. Thank you.

Chairman Horne:

Are fraternity and sorority houses considered on campus or off campus? Although they may be geographically off-campus property, would they be considered as on campus?

Todd Renwick:

Just about every sorority or fraternity we have is located off campus. The members sign a living group agreement which includes them as part of campus.

Leah Wilds, Associate Professor, Political Science Department, University of Nevada, Reno:

I have been at UNR for 22 years. I have served as chair of the Political Science Department. I have served as the director of its three graduate programs. I have served two terms as chair of the UNR Faculty Senate. I have served as president of the UNR Chapter of the Nevada Faculty Alliance. I am currently secretary of the Nevada Faculty Alliance State Board of Directors, and I am also currently a member of the UNR Faculty Senate. I am adamantly opposed to passage of this bill. I would like to point out that I am not speaking as a representative of either the UNR Senate or the Nevada Faculty Alliance. I am speaking on behalf of myself, as a faculty member, and on behalf of those hundreds of faculty members who stand with me in opposition to this bill. [Continued reading from prepared testimony ([Exhibit H](#)).]

Assemblyman Hammond:

Dr. Wilds, I appreciate your commentary and personal stories. I, too, have been teaching at UNLV in the Political Science Department for the last 12 years. What you described has happened to me a few times. I have had some angry students in my classroom or in the office. However, in the situations that you have painted here, I cannot think of a single one where . . . You said concealed weapon, but there are people who do not have CCW permits and bring guns on campus illegally. In any of the situations you painted, there would be no preventing any of those people from having illegal guns on campus. For me, when I work Saturday nights, Wednesday nights, or Saturday mornings, when there is hardly anyone on campus, there are particular places on the campus at UNLV where I feel safer when I am walking around with some sort of protection, and I am very careful. I approach certain places from certain angles so that I am not walking right into something. Nothing you have said here today necessarily says that a CCW permit holder is going to go berserk. It could be any one of those students, and I have had some pretty angry students. They calm down. It is just the nature of the discussion, and we allow the discussion to go freely. I just do not see anything where this particular bill would threaten you any more or less than what you already have in your career.

Leah Wilds:

It is true that anyone with a gun may have reached the conclusion that this particular person was a direct and personal threat to me, and may have been willing to take out his or her gun and use it on an innocent young man who was overreacting to events in class that day. It could have been due to a severe and emotional trauma he had gone through over the weekend. I agree it could be anybody. I heard people say earlier that this was more than likely never going to occur. I offer this up as a possibility of the kind of situation that may arise where an innocent young man could be harmed.

Assemblyman Hansen:

Is it your testimony that the majority of the faculty there opposes allowing students to have firearms on the campus?

Leah Wilds:

I cannot speak for the entire faculty. I do know that there are several hundred of us on all of the campuses. I have not taken a poll, but I can provide my personal take on it. Having been involved in campus politics for a long time, I would suspect that more than half oppose it.

Assemblyman Hansen:

Would you be opposed to allowing the campus administrator to approve carrying a concealed weapon on campus?

Leah Wilds:

I believe that law is already in place.

Assemblyman Hansen:

Do you support that?

Leah Wilds:

Until recently, I have not thought about it one way or the other. If that is the policy, I support it.

Chairman Horne:

We will now move down south. Is there anyone wishing to testify in opposition to S.B. 231 (R1)?

Vicenta Montoya, Private Citizen, Las Vegas, Nevada:

I am the Chair of Si Se Puede Latino Democratic Caucus. I am a former student, and I had been a teacher at the College of Southern Nevada. I am the parent of a student who has recently graduated from the University of Hawaii, and I oppose this bill. This is not an issue of Second Amendment rights. The Supreme Court has been very clear in a recently decided case. There are certain areas that are protected, including where you are right now in this particular body. There are reasonable restrictions. The Supreme Court concluded that in the case of *District of Columbia v. Heller*, 554 U.S. 570 (2008). In its decision, the Court said, "Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on long standing prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places, such as schools and government buildings, or laws imposing conditions and qualifications on the

commercial sale of arms." I oppose this because universities and college campuses are sensitive areas. This bill does not make me feel safer. It makes me feel less safe. I am very aware of what took place with the Costco incident. That individual had a CCW permit. Because he was seen with a gun by a clerk, it was called in. As an individual, I have no idea, when I see a weapon or believe there is a weapon, whether or not that person has a CCW permit or not. I do not know the mental stability of that individual. As a professor on campus, it would concern me if I were to detect that someone had a gun in my classroom. As a student, I would be concerned. I feel very sorry for Ms. Collins, but there is nothing to indicate that if she had a weapon that day, based on what she testified to, and being attacked from behind, that she could have defended herself.

A study was done by the International Association of Campus Law Enforcement officers specifically related to carrying weapons on campus. The study concluded that there was no credible statistical evidence demonstrating that laws allowing the carrying of concealed weapons reduce crime. In fact, the evidence suggests that permissive concealed carrying weapons generally will increase crime. The use of a gun in self-defense appears to be a rare occurrence. For example, out of the 30,694 Americans who died as a result of a firearm in 2005, only 147 were killed by firearms in a justifiable homicide. However, 55 percent of those people killed in 2005 were by suicide.

I do not know how many of you have gone to college, but I remember my campus days included a lot of drinking and drug usage. What happens when you have persons who are in possession of concealed weapons engaging in normal campus activities which include having parties and drinking? How will this lead to other incidents? I have concerns about that. If the policy is for safety, there are very specific things that can be done. When my daughter attended the University of Hawaii, there was an on-campus policy that if a student called security, the student could be accompanied to her car. My daughter would be on campus at midnight and later sometimes. She would be able to call and be accompanied off the campus. There are measures that can be taken to ensure the safety of people. You are not going to be able to guarantee that safety, but there are measures that are less restrictive.

As a professor, I would not want a student in my classroom to have a Second Amendment solution because of my First Amendment right, or the First Amendment right of other students in the classroom. These are volatile times. When you allow weapons in the state building and in your chamber, then maybe it is time to allow weapons on campus. I do not believe that time is now. I believe those sensitive institutions, such as your chambers,

courtrooms, and institutions of learning should not have concealed weapons on campus. This does not increase the safety.

I remember when I was living in San Francisco. Dan White went into City Hall with his concealed weapon and killed Mayor Moscone and Harvey Milk. Just because you have a CCW permit does not necessarily mean that you will always be a law-abiding citizen. Unlike Mr. Hansen's broad declaration of people he says are in opposition to this, I am not afraid of guns. I was raised with guns. My family used guns to go shooting every year in deer and elk hunting. I am very familiar with weapons, but I also know that this should not take place on our college campuses. It was recently voted down in Arizona, and 26 states do not allow concealed weapons on campus. There are 23 states that allow by permission. Someone on the Committee said, "We are not so concerned about professors," but I feel you should be. With the way our budget has been devastated for higher education, how many professors want to remain here for economic reasons? We do not need another reason for students carrying weapons in the classroom. There is something to the quality of life we want to have here in the state of Nevada. Why do we continually have to be outside of the mainstream? We have not yet developed into a state that values education. I will reiterate that this is not a Second Amendment issue. Second Amendment rights continue to be protected. We still need to have sensitive areas protected. Thank you very much.

**Sandy Seda, Assistant Director of Police Services/Assistant Chief of Police,
University of Nevada, Las Vegas:**

My boss, Chief Elique, could not be here today, and he has asked me to share some comments. We have been very fortunate because many of the opponents have been clear and articulate in explaining why they are against this bill. I want to say on behalf of Chief Elique, our president, Dr. Neal Smatresk, and the president of Nevada State College, Lesley DiMare, we are against this bill. We hope you do not seriously consider the significant departure from public policy that has been in place and which is currently working. We have students in the audience. Chief Elique's comments are on the record from the Senate Judiciary Committee hearing. I will turn it over now to the students who have been waiting since 8 a.m.

Aimee Riley, Private Citizen, Las Vegas, Nevada:

I am the Student Body President of the College of Southern Nevada (CSN). I am also a student. I have been taking an informal survey of students at CSN and other institutions of higher education in Nevada. Overwhelmingly, students are horrified at this idea. The students are terrified of the prospect of having students near to them with weapons. It is a terrifying prospect. Students much prefer having the law enforcement officials to be the only ones on campus

with guns. This is a very dangerous issue. Something that Ms. Montoya referred to was the opportunity to have a police escort to one's car. This is something that CSN offers to its students. In fact, I was just talking with Chief Caraballo, our police chief, and he makes sure we have police representation on the campus, especially at night when classes let out. It is a great deterrent when that police presence is there. I think this is the way we should continue to go and not allowing for students to carry guns on campus. It is not a good idea, and I strongly oppose S.B. 231 (R1).

Darryl Caraballo, Chief of Police, College of Southern Nevada:

On behalf of myself, and our college president, Dr. Michael Richards, we are in opposition of the bill. I echo the comments of all the other law enforcement personnel who have testified today. Most of the good points have already been made. There is one additional point I would like to make. We have three child care facilities at our campuses, which is a big safety concern for me as well as all of the students, staff, and faculty. It seems like the amendments made to the bill left the child care facilities open on the Nevada System of Higher Education properties. As the Chairman stated earlier with regard to clarification of public buildings, I would ask that some clarification be provided about the child care facilities. These kids are all over the campuses, and we have many other facilities that they visit throughout the campus. They are not just secluded to the daycare facility. We are in opposition, and please take all of our points into consideration. Thank you.

Gregory Brown, representing Nevada Faculty Alliance:

I would like to call the attention of the Committee members to three exhibits that we submitted. The first exhibit is an article written by two UNLV criminologists ([Exhibit I](#)) which draws upon the research that shows the overwhelming proportion of crime on campus is against property and not persons. Also, there is a statement ([Exhibit J](#)) from a CSN student, Justin McAfee, who was here but had to leave. This exhibit draws upon national data that shows how substantially lower the rates of violent crimes are on college campuses than in the general population. What this suggests is that campuses should not be thought of as criminal empowerment zones as described earlier. These are not places that violent criminals choose to commit crimes as evidenced by the fact that violent crime rates are much lower than in the general public. I would also like to draw your attention to the letter from the organization that represents the families of the Virginia Tech student victims and survivors ([Exhibit K](#)). That organization has been nationally opposed to bills such as these. They are opposed to this bill, and the reason why is that the task force appointed by the Governor of Virginia to study the Virginia Tech tragedy made its highest recommendation as limited access to firearms on campus the best way to prevent comparable incidents.

I also want to clarify the positions of faculty, as there were suggestions made earlier that faculty were taking a knee-jerk position. I served on the Campus Affairs Committee which worked with our Public Safety Director on developing new hostile shooter policies, training procedures for public safety officers, and public information campaigns for our faculty and staff. We take campus security and the security of our students extremely seriously. These are not knee-jerk positions. We are deeply engaged with these issues. Therefore, I would like to suggest that some of the questions that were asked by Assemblyman Daly were good questions. What are the procedures? What is the campus? These are the things that need to be studied and thought through carefully. It is extremely difficult for the Legislature to do that with only six days left to the session. The appropriate body that could help determine what spaces on campus may or may not be restricted would be the Board of Regents, which works closely with the presidents. They could set some of those policies.

The vocabulary used in Justice Scalia's decision in *District of Columbia v. Heller* on sensitive places is not to suggest that college campuses are too sensitive in an emotional sense. It is that they are too sensitive in a public security sense. They are difficult places to police. This is the reason why the Virginia State Supreme Court, in a decision issued in January 2011, in the case of *DiGiacinto v. Rector and Visitors of George Mason University*, 281 Va.127 (2011), upheld a complete ban on guns on the campus which is consistent with not only the Second Amendment but other state statutes that are much more restrictive in that state than our state's statutes are. The reason why is because of the diversity of populations and activities on a college campus ranging from dormitories, gymnasium facilities, football games, and concerts.

I drop off my son at the Lynn Bennet Early Childhood Education Center (LBECEC). We have an elementary school on our campus. The students move to a playground which is adjacent to the Boyd School of Law, which many of you are familiar with. This means the definition of a campus is extremely complicated. It cannot be done with a one size fits all blanket policy. Therefore, I would urge you to consider simply instructing the Board of Regents to clarify, for the purposes of this policy, what is a campus, and to consider instructing the Board of Regents to clarify to students, faculty, staff, or visitors who are CCW permit holders how they may go about seeking the authorization if they feel it is necessary. This does not seem to me to be a case where one size fits all, and the end of the legislative session is not the best way to handle the issue.

Assemblyman Hammond:

Are you suggesting, based on your testimony, that you do not know what campus is right now?

Gregory Brown:

Sir, I am suggesting that the when we talk about what a campus is, in law, the term "Property of Nevada System of Higher Education" is used. We have other statutes that say, for instance, that a K-12 elementary school or a preschool would not be places where a CCW permit holder could carry his weapon. In fact, you do not know where that line is drawn. The parking lot for the LBECEC is a parking lot that is a campus parking lot. Faculty, staff, and students park there as well as parents dropping off their children. Where the campus begins and the daycare facility begins, in terms of this specific statute, seems to require some study. Similarly, what exactly is meant by an arena or a field house, which are terms used in the law? There are issues that need to be studied. I have provided a letter from the UNLV Performing Arts Center ([Exhibit L](#)) suggesting that this may need to be considered. All of these examples require some careful thought which is a very difficult thing to do with six days left to session.

Assemblyman Hammond:

With all due respect, this is not something that has come up in the last six days. This bill has been around since the beginning of this session. Many of us have been looking at this. Perhaps the parking lot is a sticky situation, but I believe there are federal laws that would supersede the need to define that. I also believe we are now allowed to be within a certain number of feet. There has been testimony in the Senate for many weeks now and many of us have been discussing it. I do not think this is the last second. Thank you.

Chairman Horne:

Are there any other questions? I see none, sir. Thank you very much. I appreciate your testimony and patience. Is there anyone else to testify in opposition?

Aimee Riley:

I neglected to mention earlier that there were several students here who wanted to testify in opposition but had to leave. The students will be submitting their testimonies via email, and one of them already submitted his testimony through NELIS.

Chairman Horne:

As a reminder, I have already had my secretary compile the email lists that have come in, and they will become part of the official record. For those of you who

do not get an opportunity to testify or have had to leave, we will make your email part of the record either in favor or opposition of S.B. 231 (R1). Is there anyone else in opposition? Is there anyone who is neutral?

James T. Richardson, representing Nevada Faculty Alliance:

The Nevada Faculty Alliance has chapters on eight campuses. This issue has been discussed for a long time and the reaction was immediate and unanimous among our state board members from all eight campuses in opposition to the bill for a number of reasons, some of which have been stated. I will be brief, but I did want to point out, for the record, that I am from Texas. I had the distinct feeling as I grew up in Texas that a person was required to own a gun. I happen to own three of them; therefore, I am not one of those intellectuals who does not like guns. I was a bit surprised this morning to see that Texas was one of the states added to the list that has shelved efforts to pass such legislation. Such legislation failed in Florida and was vetoed in Arizona. This morning, a totally Republican controlled legislature in Texas decided not to proceed with a similar bill.

I would just make two other quick points. I think the definitional issues that Assemblyman Daly has raised and others have commented on are very problematic. There are times, in the summer, on the UNR campus, where I happen to be a professor, when there are more middle and high school students than there are college students. They are everywhere. We do that to promote kids coming on campus, motivating them to attend the university once they graduate from high school. We also have the Davidson Academy and preschools. I think there is a very serious issue. What is meant by the provision on page 4, line 32 of the amendment that says, ". . . On the premises of a public building that is located on the property of a public school." That does not do it, folks. We have public schools located on our campuses, and we have daycare centers. A lot of definitional work must be done before this bill could be made to work at all.

I would also remind you of a point that Chancellor Klaich made, which is the fiscal note. A fiscal note was submitted on the Senate side, and that is why it went to the Senate Committee on Finance, which passed it out without recommendation. There is a fiscal note for over \$400,000, which is not peanuts in the atmosphere in which we find ourselves. Some of the amendments that Senator Lee offered, in a good faith effort, to correct some of the serious problems in the bill make the fiscal note out of date. I do not know how you regulate where you can carry on a campus that consists of public schools and daycare centers. I do not know what you would do about the dormitory problem, but you have to do something. I get the distinct impression that the only place a CCW holder can carry weapons is in the classroom, and

some areas on campus that are not close to any of the daycare centers or public schools. It has been the public policy of this body and the Board of Regents to integrate public schools with our system of higher education. With that, I will close and suggest that this bill needs a lot of work if you are serious about passing it. In its current form it does not work, and the fiscal note should make it prohibitive. We are suffering huge budget cuts even with the deal being announced this afternoon. We do not need to have to spend hundreds of thousands of dollars trying to make this bill work. I urge you not to pass it, as it needs more study.

Bob Irwin:

I would like to make one more comment if that is allowed.

Chairman Horne:

We are moving on to neutral right now. Then we will have to close the hearing.

Rebecca Gasca, representing American Civil Liberties Union of Nevada:

I am the Legislative Policy Director for the American Civil Liberties Union (ACLU) of Nevada. We are here in a neutral position on this bill. As members of this Committee already know, the ACLU came out in support of the Second Amendment individual right to bear arms. That came on the heels of the *District of Columbia v. Heller* case as well as the explicit language in the *Constitution of the State of Nevada*. Given the late hour, I am not going to read you my statement in the summation of the *District of Columbia v. Heller* case as well as *McDonald v. Chicago*. Suffice it to say it is important to recognize that the Supreme Court has said that the Second Amendment is incorporated by the due process clause in the Fourteenth Amendment and applies to this state.

One thing we have not discussed yet today is *Nordyke v. King*, which is a Ninth Circuit Court of Appeals Case from 1999 which deals with a gun show on county property. It is an interesting case which has been heard by the Ninth Circuit three times, including en banc after sua sponte call for a vote. It even went through to the California Supreme Court on a certified question. Following the *District of Columbia v. Heller* sensitive places decision, it has gone back to the Ninth Circuit. After the panel's next decision, it could very well return to another en banc decision going up to the Supreme Court. That may be the next big case of the Supreme Court that we see in regard to the Second Amendment. The standing decision in that case is important. It is a rejection of the rational basis test in a Second Amendment context. For those members of the Committee who are not lawyers, a rational basis test is the lowest level of scrutiny that the courts apply when engaging in judicial review. This test requires that the governmental action be rationally related to a legitimate government interest. Under this review, the legitimate interest does not have to

be the government's actual interest but rather the court can merely hypothesize a legitimate interest served by the challenged action. This was rejected by the court and a higher level of scrutiny is needed in order to decide whether or not a certain law is constitutional. In this case, we see that there is explicit allowance by *Nevada Revised Statutes* to allow for discretion by individual actors of the university system.

I think it is important to note that, constitutionally speaking, the Board of Regents does have some autonomy in the state's *Constitution*, which is something else that has not been discussed today. Unfortunately, we believe that the Board of Regents and the Nevada System of Higher Education has so far failed in that regard with respect to due process of individual permit holders. In the Senate committee hearing, we heard testimony from individuals who said that they applied for a permit and were outright rejected for carrying on campus but were not told the reasons why. Clearly that undermines the due process rights of those individuals. That lack of due process is problematic. We do not believe that the justification for claiming that a complete ban with unfettered discretion on the part of the university officials for exceptions on carrying firearms everywhere and at all times on college campuses, even in the trunk of one's car, meets the exact scrutiny as required by the Ninth Circuit. Because of that, we believe that the existing restriction is overbroad and unsustainable under the applicable intermediate scrutiny as applied by the Ninth Circuit. I think the more interesting question is what is a sensitive place? That is coming to the core of what you have at your table today. That as well as the policy of removing the ability of NSHE to create discretionary criteria and whether or not that can or should be applied to whole or parts of the university campus. The fact that campuses contain classrooms, dormitories, preschools, et cetera, has already been discussed.

We appreciate the bill's sponsor for bringing forth an amendment to carve out exceptions. Having not been able to review the amendment with our legal department, I cannot comment on it right now. I can say that from our prospective, this much is clear. School officials cannot have unguided discretion in this area, and the government is not powerless to limit or allow the carrying of guns on certain pieces of public property. However, in doing so, it must meet the standard of showing the need for a particular restriction and how such restriction does not create an undue burden on Second Amendment rights. A complete ban with unfettered discretion to allow this exception, as is in place right now, cannot meet that standard. Thank you very much.

Chairman Horne:

Thank you, Ms. Gasca. Are there any questions? I see none. Is there anyone else in the neutral position?

Senator Lee:

Thank you, Chairman Horne and members of the Committee. I cannot think of a place in Nevada that is more important to be today than here discussing these constitutional rights as Americans. You have been in the center of it today.

I would like to answer a few of the questions heard today. For one question, the answer is no, no, no. Hundreds of people have asked, for various reasons, if they may carry their concealed weapon in school. The answer is no, you cannot. That system does not work. I can tell you that when Amanda Collins came up to our table, we learned that as far as she has been told, she is currently the only person at that university who is allowed to carry a weapon. She also had to sign a contract stating she would not tell others that she was allowed to do that. Because of our authority here, we can determine that information.

This bill is about personal safety. When we get back to the issue, it is a personal safety issue to each and every one of you. We have a problem in this country. There is a pornography sickness, there are people who are filled with this sickness. We have to stop it, and it is not the student that sits next to you or the teacher. We have to stop these sexual hunters from entering our colleges and attacking these young girls. We need to remove the threshold of the defenseless victim zone. I would ask you, if you were being attacked, how would you feel? It is a sad thing to know that you sometimes do not have the ability to protect yourself. I agree that late at night there are many classes that dismiss. We have wonderful university systems that can offer a shuttle service to get someone to his car. Then the shuttle returns to pick up someone else. If you do not have the opportunity to wait the twenty minutes for the security guard to come and get you, what other choice do you have? Do you take the chance and walk across the dark compound into the dark parking lot? Or, do you wait? If you have to get home, instinct tells you wait but responsibility tells you to get home to your family. We heard today about working this out. It is not a new issue. We have had time in the Senate and the Assembly Committee on Ways and Means. We have had time to work this out. You will see today, there is nothing to work out. There were no amendments offered. There is no opportunity for compromise on these issues. The only matters that will ever be discussed on this issue, when we leave this room today, are being discussed now. This is a closed issue, and if this bill fails, there will not be those discussions. Mr. Chairman, you are an able chairman, and I appreciate the time. I know this issue has been an emotional drain on your Committee. I do appreciate the Committee members now making the personal decision based upon their hearts and emotions. If you are committed to someone, uncommit and make this your decision today. Thank you very much.

Chairman Horne:

Thank you, Senator. I want to thank everyone who has been here since early this morning. I am going to close the hearing on Senate Bill 231 (R1), and bring it back to the Committee. Again, thank you, everyone. As a reminder, all of your emails will be made part of the record. With no other business being brought before this Committee, we are adjourned [at 1:44 p.m.].

[Exhibits not discussed include written testimony from Don Turner ([Exhibit M](#)); letter from Carolyn Herbertson, National Rifle Association ([Exhibit N](#)); letter from J. L. Rhodes, Stillwater Firearms Association, with attachments ([Exhibit O](#)); letter from J. Clark, Charleston Neighborhood Preservation ([Exhibit P](#)); letter from Truckee Meadows Community College Police Department ([Exhibit Q](#)); and Mock-Up, Proposed Amendment 7300 to Senate Bill 231 (1st Reprint), which is ([Exhibit R](#)).]

RESPECTFULLY SUBMITTED:

Lenore Carfora-Nye
Committee Secretary

APPROVED BY:

Assemblyman William C. Horne, Chairman

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Committee on Judiciary</u>			
Date: <u>June 1, 2011</u>		Time of Meeting: <u>10:20 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 231 (R1)	C	Senator John J. Lee	Proposed Amendment
S.B. 231 (R1)	D	Amanda Collins	Prepared Testimony
S.B. 231 (R1)	E	Thomas A. Collins	Prepared Testimony
S.B. 231 (R1)	F	Anthony B. Wojcicki	Letter from Gary J. LaMotte
S.B. 231 (R1)	G	Christopher F. Lively	Prepared Testimony
S.B. 231 (R1)	H	Leah Wilds	Prepared Testimony
S.B. 231 (R1)	I	Gregory Brown	"Why SB-231 is bad public policy"
S.B. 231 (R1)	J	Gregory Brown	"NSHE students opposes SB 231"
S.B. 231 (R1)	K	Gregory Brown	Letter from Lori Hass
S.B. 231 (R1)	L	Gregory Brown	Written Testimony from Shaun Franklin-Sewell
S.B. 231 (R1)	M	Don Turner	Written Testimony

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S.B. 231 (R1)	N	Carolyn Herbertson	Letter dated May 31, 2011
S.B. 231 (R1)	O	J. L. Rhodes, Stillwater Firearms Association	Written Testimony with attachments
S.B. 231 (R1)	P	June Ingram, President, Charleston Neighborhood Preservation	Letter dated June 1, 2011
S.B. 231 (R1)	Q	Randy Flocchini, Truckee Meadows Community College	Letter dated March 17, 2011
S.B. 231 (R1)	R	Senator John J. Lee	Mock up – Proposed Amendment