

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

**Seventy-Sixth Session  
February 28, 2011**

The Committee on Judiciary was called to order by Chairman William C. Horne at 9:02 a.m. on Monday, February 28, 2011, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/](http://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](mailto: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 Marilyn Dondero Loop  
Assemblyman Jason Frierson  
Assemblyman Ira Hansen  
Assemblyman Kelly Kite  
Assemblyman Richard McArthur  
Assemblyman Mark Sherwood

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Olivia Diaz (excused)  
Assemblyman Scott Hammond (excused)  
Assemblyman Tick Segerblom (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman David Bobzien, Washoe County Assembly District No. 24

**STAFF MEMBERS PRESENT:**

Dave Ziegler, Committee Policy Analyst  
Nick Anthony, Committee Counsel  
Julie Kellen, Committee Secretary  
Michael Smith, Committee Assistant

**OTHERS PRESENT:**

John Glatthar, A+ Firearms Training  
Johann Sprenger, Private Citizen, Reno, Nevada  
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Mike Murray, Private Citizen, Las Vegas, Nevada  
Don Turner, Private Citizen, Las Vegas, Nevada  
John Cahill, Private Citizen, Henderson, Nevada  
Glen Parshall, Private Citizen, Las Vegas, Nevada  
Janine Hansen, President, Nevada Eagle Forum  
John Wagner, State Chairman, Independent American Party  
J. L. Rhodes, Legislative Action Committee Chairman, Stillwater Firearms Association  
Ronald Dreher, Government Affairs Director, Peace Officers Research Association of Nevada  
Lynn Chapman, Vice President, Nevada Families Association  
Richard Brengman, Private Citizen, Gardnerville, Nevada  
Jeffrey Eveland, Private Citizen, Reno, Nevada  
Trevor Hayes, representing Nevada Press Association  
Rebecca Gasca, Legislative & Policy Director, American Civil Liberties Union of Nevada  
Larry Struve, Advocate, Religious Alliance in Nevada  
Lea Tauchen, Director of Government Affairs, Grocery and General Merchandise, Retail Association of Nevada  
Kristin Erickson, representing Nevada District Attorneys Association

**Chairman Horne:**

[Roll was called.] We have two bills on the agenda today: Assembly Bill 142 and Assembly Bill 143. We will begin with A.B. 143. We only have video conferencing down South for one hour. We are going to move at a rapid pace. If we have a lot of testimony that is identical, I ask that you state "me too." If you have signed in to speak, your name will be submitted on the record.

We have Assemblyman David Bobzien to present A.B. 143.

**Assembly Bill 143: Revises certain provisions concerning permits to carry concealed firearms. (BDR 15-118)**

**Assemblyman David Bobzien, Washoe County Assembly District No. 24:**

Thank you for the opportunity to present A.B. 143 this morning. I am joined this morning by Mr. John Glatthar, who is a firearms instructor from Sparks, Nevada, and Johann Sprenger, who is a constituent of mine. Johann is someone I used to work with at the university and have known for a long time. This is a constituent bill, and he pointed out some issues to me, and I have carried them forward in the form of this legislation.

This is a fairly straightforward bill, and it does two things. It cleans up what I would submit are some unnecessary complications in terms of how you qualify on firearms for a Conceal and Carry (CCW) permit, specifically the issue of semiautomatic handguns. Right now, the law considers two types of firearms for purposes of CCW, revolvers and semiautomatic firearms. When you qualify for a revolver, the law treats the revolver like a revolver regardless of make and model. However, when it comes to semiautomatic firearms, the law requires you to qualify on each and every semiautomatic you may have. I would submit that it is unnecessary because the similarities between semiautomatics are so insignificant among the different makes and models. Mr. Glatthar will go into that. He put together a video he sent to you earlier. All members of the Committee have a link to that if they want to get an actual demonstration of the issue we are talking about.

The second piece of this legislation deals with a public records situation that came about recently in response to a court decision. The law currently states the applicants for the CCWs and their records are not subject to public records requests. However, it has been discovered the permittees and all of their records are exposed. I would submit, as a safety issue for the holders of these permits, to have that information available to the public creates an unnecessary situation where permittees could be targeted, for example, and have their homes robbed because someone with bad intentions wanted to find firearms and figured out a CCW permittee would have some.

Unless there are questions for me, I would like permission to proceed with the two other witnesses here with me this morning.

**Chairman Horne:**

Are there any questions for Assemblyman Bobzien?

**Assemblyman Hansen:**

Would this apply retroactively? I have a CCW, as does my wife. If this bill passes, would we have to go back and renew in any way? Will this apply to people who already have the permits?

**Assemblyman Bobzien:**

I do not believe so. I do know Mr. Frank Adams will also be testifying this morning, and he can probably speak to the specifics of how law enforcement will carry out these provisions. It is my understanding that would not be the situation.

**Chairman Horne:**

Are there any other questions? [There were none.]

Who will be up first?

**John Glatthar, A+ Firearms Training:**

I am the owner of A+ Firearms Training in Sparks. I would like to address both the semiautomatic and confidentiality elements of this bill. My primary focus is on the semiautomatic aspect.

The primary role of firearms instructors is to make people safer. That is my job. I have been an instructor for many years and have taught thousands of students, mostly CCW permit applicants. I have seen many thousands of handguns fired at the range. The problem with the current law as I see it is it does nothing to enhance public safety. There are now 48 states that issue CCW permits, and many of them have been doing it longer than we have in Nevada. We are the only state that has this curious requirement that CCW applicants be tested on each semiautomatic handgun if each handgun differs in make, model, or caliber. This requirement is burdensome and pointless because, for one thing, requiring a permit holder to make a special trip to a range to fire 30 rounds from a gun that operates in a nearly identical manner to the one they have already received training on is a terribly wasteful expenditure of fuel, time, effort, and ammunition. Not only must they make a special trip to the range to qualify, we instructors must make the trip to personally witness the qualification and sign off on the paperwork. After that, the applicant must make another special trip to the sheriff's office in order to get a new permit, oftentimes on a separate day.

How does this current requirement make anyone safer? The answer is it does not. It has never served that purpose. None of my students, or anyone I know in this industry, has ever seen any useful purpose for it. If we were at a range this moment, I could perform a brief demonstration for you using ten

semiautomatic pistols of different make, model, or caliber. You would see with your own eyes that once you have learned to safely operate one semiautomatic pistol, you should be able to operate any semiautomatic pistol. Why is that? It is because the basic operation is the same no matter what semiautomatic you are shooting. Since we cannot take a trip to the range, I have brought the range to you in the form of a six-minute YouTube video I made the other day. I sent it to the members of the Committee. I hope you have had a chance to watch it because it will open your eyes. To use an analogy, the Department of Motor Vehicles (DMV) does not require drivers to be retested when he or she buys a new vehicle. Why then should we retest CCW applicants for each new semiautomatic pistol when they have already been safely trained on that type of handgun? The solution is to pass A.B. 143. Let us restore some reason and logical thought to the CCW process and remove the burden to tens of thousands of Nevada CCW permit holders. We would really appreciate it.

Do I have time to address confidentiality?

**Chairman Horne:**

Yes, please.

**John Glatthar:**

As to the confidentiality issue, ask yourself why it was that *Nevada Revised Statutes* (NRS) 202.3662 was written in the first place. It was for the protection of the permit holders, and for their safety. The legislators reasoned it would not be prudent to have that information available to the public. Why is it one motorist cannot get information about another motorist from the DMV by a public records request using a license plate number? That is because the potential for abuse would be enormous, and most people recognize this. It is no different with CCW permit holders. The last thing anyone wants is for his or her name, address, and list of guns to be available to anyone who asks. What a powerful tool for the bad guys who are always looking for cash, drugs, and guns. I realize as of now only the names of the permit holders may be released but because the sacred barrier has been breached and a precedent has been set, the next step of getting the addresses and list of guns will be easier. In Washoe County, with just a name, I can access the Assessor's Parcel Maps website and get your physical address with just your name. I now know your name, where you live, and the fact you own at least one gun. If I were a career criminal, I would most definitely avail myself to this free information. If you did not know already, Nevada has a higher than national average rate of property crime, including home and vehicle burglaries. We do not need to help the bad guys, but we need to help protect the good guys. Let us pass A.B. 143 and write it up with triple armor plated language so it can never be penetrated again.

**Chairman Horne:**

Are there any questions? [There were none.]

**Johann Sprenger, Private Citizen, Reno, Nevada:**

I became involved in this legislation through concern for my family. My daughter is a CCW permit holder and does carry her firearm when she feels it is necessary. The decision of the Supreme Court to open the records to the press, and just about anybody, has some unintended consequences. Those unintended consequences can affect both families and children. I became involved because I became concerned about my daughter and her vulnerability. It is not difficult to find the names and addresses and whether or not a person has at least one firearm. Most CCW permit holders that I am aware of are concerned about not having to use that weapon. They do not want to use it, and they are only willing to use it for protection of their family and themselves. That is basically why I am here to express my concern.

**Chairman Horne:**

Are there any questions? [There were none.]

Assemblyman Bobzien, do you have anyone else you had asked to come in support? If not, I am going to start down South since we only have an hour before we lose that video feed.

**Assemblyman Bobzien:**

If I might, I believe Frank Adams is here to testify. It might be good to bring him up next for a law enforcement perspective and to address any additional technical concerns the members of the Committee may have.

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

The registration and permitting processes for CCWs are the duty and responsibility of the sheriffs of each county. We experienced no difficulty when we went to revolvers. We used to have to register all revolvers and list all revolvers for which the person qualified. I believe we changed that in 2009, and we have experienced no problem with the changes. We have no problem with this semiautomatic issue. Concerns were voiced about the confidentiality of the records, and we do support that part of the bill.

I believe Assemblyman Hansen had a question, and I would be happy to answer any others as well.

**Chairman Horne:**

Assemblyman Hansen was wondering about the retroactivity of those who already have CCWs. Would they have to get a renewal? I assume if you

already have a revolver and semiautomatic on your CCW, then if this bill were to pass, it would apply to any revolvers or semiautomatics you do not presently have on the permit.

**Frank Adams:**

The way we handled it when we changed the revolver issue is if you had any revolver listed on your CCW permit, we accepted all revolvers. We will do the same thing with the semiautomatics. If you have a semiautomatic listed on your permit, we would accept all semiautomatics until such time you update your permit.

**Assemblyman Frierson:**

So I am clear, when you say we will "accept," is there anything the individual would have to do to make sure the other weapons were included, or would the other weapons automatically be included in that same category?

**Frank Adams:**

The only thing they would need is a revolver and a semiautomatic listed, and then any revolver and any semiautomatic could be carried until such time as the permit is updated or changed.

**Chairman Horne:**

I assume that would be any semiautomatic registered in a person's name. I could not borrow Assemblyman Frierson's semiautomatic and carry it, could I?

**Frank Adams:**

I do not have a problem with that. I think there is a section in the law that talks about ownership and possession. If you are in possession of a weapon and it is a semiautomatic pistol, as long as it is not stolen, we would not have a problem with that. I know many people share guns with each other, and I am not aware of that ever being a problem.

**Chairman Horne:**

Are there any other questions? [There were none.]

Let us go down South. I only have one person signed in to speak down South.

**Mike Murray, Private Citizen, Las Vegas, Nevada:**

By passing this change to the rules, it would be of great benefit to the citizens. Not only would they pay less for the initial permit since many places charge on a per gun qualification basis, and that is sometimes \$25 per gun, it would also simplify matters for the Las Vegas Metropolitan Police Department (Metro). They would no longer have to wonder what kind of firearm a person has. Is he

carrying the right one? It would simply be a revolver or semiautomatic. This would be a great benefit to both law enforcement and individual citizens. It would take some of the confusion out.

**Chairman Horne:**

Just to point out to the Committee, Mr. Murray, you do not speak for Metro, do you?

**Mike Murray:**

I do not speak for Metro.

**Chairman Horne:**

I do not have them signed in for or against. I do have Adam Stubbs from Metro signed in favor but not speaking.

I only have one person signed in to speak down South. If you have something different to say in support of A.B. 143, please proceed.

**Don Turner, Private Citizen, Las Vegas, Nevada:**

I am involved with shooting sports. I am on the National Association of Shooting Ranges. I am testifying particularly to the part of the bill dealing with confidentiality. I think people who are issued a CCW permit should be guaranteed the same privileges you are when you get a driver's license and register your vehicle. Our information should not be public record available on demand by anybody.

**John Cahill, Private Citizen, Henderson, Nevada:**

I am speaking as a Nevada and Utah certified concealed weapons instructor. I am in support of the bill, especially the confidentiality part but also the part about any semiautomatic. As a firearms owner, I like to see what the newest gadget is that is out in the latest firearm and might better suit my need to carry. There is a commercial aspect to any semiautomatic because if something comes out and it seems to be just right for me, I will buy the gun and ammunition, practice, buy a holster, and spend money on that gun. Right now, unless you are also going to spend the time and money to get recertified and sit in the office to wait to get that gun on your permit, you are more likely not to make the purchase. That may be practical in an economic sense, but it is also fun to spend the money on something new and go practice to make sure it works. You check all of your magazines and different brands of ammunition. I think there is a commercial aspect to this, and I encourage passage of this bill.

I would like to thank the Nevada Sheriffs' and Chiefs' Association for support on this bill. I liked hearing what Frank Adams had to say about ownership and



whether or not that is an issue. Certainly, husband and wife may share a firearm, and the question might come up as to who bought the gun and who owns it. That could happen anywhere in the state. I was very encouraged by his testimony.

**Chairman Horne:**

Are there any questions? [There were none.]

**Glen Parshall, Private Citizen, Las Vegas, Nevada:**

My wife and I are both certified firearms instructors for Nevada, Utah, and Florida. I speak in favor of both portions of the bill. I can tell you that out of the hundreds and hundreds of people we take to the range every year for certification, we can tell right away whether or not a person will be able to shoot a Glock 17 pistol and a Glock 19 pistol. Currently, you have to qualify with both because they are technically different, even though it is a minor difference. It is a repetitious kind of thing.

**Chairman Horne:**

Are there any questions? [There were none.]

We will move back up North to Carson. There are several people signed in wishing to speak.

**Janine Hansen, President, Nevada Eagle Forum:**

We have worked since the early 1990s in improving Nevada's CCW laws. In fact, in the early 1990s, we brought over 6,000 signatures to start the process of Nevada having a CCW law. We are very much in favor of this one. One of the great things about Nevada and our *Constitution* is our right to keep and bear arms. The *Nevada Constitution* 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." It is a wonderful constitutional provision that Nevada has, and it is even better than the federal provision.

I want to mention, with the issue of confidentiality, years ago this became a huge issue in the CCW debates. That is because we wanted to make sure those names of people who have CCW permits, like I do, were kept private and confidential. It can be a de facto gun registration if their names are made public. As you have heard previously, it can make them targets and subject to identity theft, among other problems. This was a big controversy in one of the previous sessions. We did come to an agreement with the police and others that those names would indeed be kept confidential. I think this bill reasserts that basic principle which had been established long ago in the process of CCW laws. The confidentiality would be maintained, and I think that is

particularly important. We know, as Professor John Lott has said, more guns equals less crime. When there are more CCW permits and more guns legally in a particular community, there is less crime. We are certainly in favor of that. As I drive every week between Elko and Carson, I am happy I have a CCW because circumstances can happen in the middle of the night. Hopefully I will never have to use a gun, but I am glad I have been trained and am prepared to do that. We support the section on semiautomatics, as well.

We appreciate those who have brought this forward, and it has been a long process of almost 20 years to bring forth Nevada's CCW laws, and we are glad they are improving all the time.

**Chairman Horne:**

Are there any questions? [There were none.]

**John Wagner, State Chairman, Independent American Party:**

I support the bill and everything that has been said so far. I would like to point out there is a similar bill going through the Senate.

**Chairman Horne:**

We are here to talk about the bill before us.

**John Wagner:**

I hope the bill before us passes before the one in the Senate.

**J. L. Rhodes, Legislative Action Committee Chairman, Stillwater Firearms Association:**

I can be pretty brief. [Submitted letter of support ([Exhibit C](#)).] I want to thank Assemblyman Bobzien for bringing forth this bill. It is a wonderful bill. The previous testimony in support has been right on the money. We have discussed this issue in our organization and with hundreds of people, including the CCW students we have trained and our members. We ended 2010 with 820-some members. We have discussed this at length with prominent attorneys as well. I can say I want to support the previous testimony, and I urge you to pass this bill.

**Chairman Horne:**

Are there any questions? [There were none.]

**Ronald Dreher, Government Affairs Director, Peace Officers Research Association of Nevada:**

For all of the reasons mentioned before me, we support this bill.

**Lynn Chapman, Vice President, Nevada Families Association:**

This bill is about our liberties. If we look back to see what our founding fathers said about guns, "Divine providence is given to every individual the means of self-defense." That was said by George Mason, the coauthor of the *Bill of Rights*. George Washington, our first president said, "A free people ought to be armed." This is about our liberties, and we have to keep that in mind. I remember Janine's brother, Dan, used to say, "He has liberties who dare to assert them." I am asserting my liberties right now by being before you and asking you to please vote yes on A.B. 143. I am also a CCW holder, and I would rather not have everybody in the world know. It would be nice not to have my address out there in the newspaper. For my own safety and my family's safety, it would be nice to have a little confidentiality.

**Chairman Horne:**

Are there any questions? [There were none.]

Is there anyone else in Carson City wishing to testify in favor of A.B. 143?

**Richard Brengman, Private Citizen, Gardnerville, Nevada:**

I want to make a quick point. As the law currently stands, a person could be cited for carrying a Springfield rather than a Colt, if a Colt is what is specified on the person's permit. There are probably 50 companies making Colt 1911s. The guns are absolutely identical except for brand name. There are similar situations with many other common guns, for example the Browning Hi Power is made in 13 countries under who knows how many names. I strongly support this bill, and I support the privacy provisions.

**Chairman Horne:**

Is there anyone else testifying in favor of A.B. 143?

**Jeffrey Eveland, Private Citizen, Reno, Nevada:**

I have the honor of being represented by Assemblyman Bobzien. I want to speak to some of the burdensome aspects of the law as it is currently written. I found a Savage pistol, which I had always been interested in. It was first marketed in 1907. When I purchased it, I could not carry it until I qualified with it and then it could be put on my permit. I have two 1911's, which are .45 caliber automatics and the service pistol carried by older veterans. They are made by around 50 manufacturers. I own two and I can only legally carry one because it is on my permit. I also have one I legally cannot carry because it is not on my permit. These are virtually identical pistols. I also have a model 92 Taurus, and that is virtually the same as the current service pistol, but mine is manufactured by Taurus. Therefore, if I purchase a Beretta, I cannot legally carry it even though the pistols are identical. I think whether I can handle a

firearm or not was conclusively demonstrated by the military nearly 50 years ago.

I am concerned about the burdensome quality of the current law as it is administered. I have been known to purchase a pistol because it appealed to me that day, but I cannot legally carry it until I have it put on my permit. With the different weather conditions we experience in northern Nevada, there are times you cannot carry a large pistol without it being obvious you are carrying a firearm. I am no more or less a threat to society whether that pistol is on my permit that day.

**Chairman Horne:**

Are there any questions? [There were none.]

We will move to the opposition. Is there anyone signed in down South opposed to A.B. 143? [There were none.]

We will move up here to Carson. Mr. Hayes, you may come up to the table.

**Trevor Hayes, representing Nevada Press Association:**

We are opposed to the sections relating to confidentiality. We take no position on the sections relating to registering multiple semiautomatics.

I learned here today that the dangers of having this information public are so great that four people identified themselves as holders of CCW permits. Openness is the only way we can make sure there is fairness in this process. Another reason we should have these open is what if I were at work and saw a coworker have a gun, or I was at the park with my kids and saw someone with a gun, I should be able to check the name and see if that person is legally able to carry this weapon. I would know the person was trained and it is permissible for that person to have a gun. Many people pointed out they do not want a public record to reflect the address of the permit holder. However, the law as it stands now does not provide the address, merely the name. Pretty much anything that is licensed in the state, including health permits for restaurants, massage licenses, gaming, or liquor are all public, open records information. How can the public scrutinize the process to ensure there is not favoritism by a particular sheriff or discrimination? By having this information available, we can ensure there is fairness. How can we ensure there are no felons placed on the list? I am sure most of the sheriffs do a diligent job; however, there are errors made, and many times it is the public who looks through public records and point out errors made by the government. If we do not have that opportunity, we are leaving the government to police itself and not have the ability to have the citizens do the same.

It was pointed out by some of the people in favor that this is a safety issue. If someone knows where a person lives, a gun could be stolen. I am not criminal and do not have great insight into the criminal mind, but I would think if a criminal were to go through the trouble of looking this up, those would probably be the houses they would avoid. I would probably target houses where they did not carry weapons.

**Chairman Horne:**

You pointed out that four persons voluntarily stated they had CCW permits. That is a right they exercise and not someone stating that information for them. They chose to say whether they had a CCW or not. One gentleman chose to say what particular type of firearm, but that was his choice. It was not in the newspapers or some media outlet that chose to tell the public what they had. That goes to my second comment on the address. There was a statement put in the press that certain elected officials had CCWs, and our addresses are out there. The newspaper did two things, identified only certain citizens, and in doing so, revealed those persons and their addresses. It is easy to find addresses of elected officials. We must provide that information when we decide to run for office. I think your arguments for not having confidentiality fall flat, in my opinion.

**Assemblyman Sherwood:**

The thing I always think of in Assembly Judiciary is precedence. *Nevada Revised Statutes* 244.364 talks about counties that are 400,000 or more in population, which are Clark and Washoe Counties. Presently, persons in those counties must register guns. One part of the population wants to register guns, and another subset wants CCW permits. Is the gun registration information available to the press right now? Do you have access for those two counties of who has a registered gun?

**Trevor Hayes:**

I am not aware of that.

**Assemblyman Sherwood:**

It would seem to me there is already a precedent established that we do not share that information publicly for persons legally having guns. Why would we discriminate? When you talk about fairness, you are discriminating against one class of folks who have guns. That seems pretty unprecedented.

**Trevor Hayes:**

I am not aware of whether that information is available. I cannot respond to it.

**Assemblyman Carrillo:**

Somebody had referenced something about the license plate issue. Say you drive down the street and see a license plate of someone who did something that was not legal, and you felt like you had to report that person. They may have upset you to the point where you want to follow them home and look up their phone number later. Sometimes it is one of those passionate things where they might go to the resident, not worrying if they have a weapon or not. However, that might be the case, and for example, I might bring my gun because I know he has guns. Maybe you can address this. Why can we not search for the license plate number on Google and know where they live? You now know their personal information.

**Trevor Hayes:**

I am glad you brought up the DMV issue, as I failed to address that. I had it in my notes. There is a large difference between the CCW issue and the DMV issue. A license plate is already an identifying characteristic. If I see someone driving erratically or in a dangerous way, I can get his license plate number and call the police with that to identify him. If I see someone walking through my neighborhood and a concealed weapon happens to fall out, I have no way to identify or confirm that person is law abiding or let the police know the name of the person.

Mr. Chairman, you are correct that these people voluntarily gave that information. I brought that up to point to the issue of safety. It was pointed out by multiple witnesses that it is unsafe to identify. However, these four people demonstrated without hesitation they do not have a safety issue with it. There is no safety issue with letting people know the name of someone who has a CCW.

**Chairman Horne:**

Are there any other questions for Mr. Hayes?

**Assemblyman Brooks:**

I think I beg to differ with your assessment. I think it does breach their confidentiality. It does bring a sense of risk for an owner of a CCW, and particularly in the ways the gentleman discussed with us earlier when you know the individual's name and can find out where he lives. I think the way it was done in the newspaper was unacceptable, particularly for our elected officials. It provided information the officials may not have wanted other people to know. That was the purpose of getting a CCW permit. I disagree with you on that.

**Chairman Horne:**

Are there any other questions? [There were none.]

Is there anyone else signed in opposition to A.B. 143? [There were none.]

Is there anyone signed in neutral wishing to speak?

**Rebecca Gasca, Legislative & Policy Director, American Civil Liberties Union of Nevada:**

I apologize for not being present here for those speaking in favor of this bill. I was running between meetings. Please excuse me.

I will speak to the beginning portion of A.B. 143 that deals with the question of whether a person can carry a permit for more than one semiautomatic or revolver. We think it is in the government's interest to proceed in a timely, transparent fashion, and we see no cause for the government to delineate between types of handguns or personal firearms in this manner, regardless of the type or nature of that firearm. If a person qualifies for one, the person should be able to qualify for all.

**Chairman Horne:**

I see you have a whole list that you are going through, and what you are about to go through has probably already been covered. I have gotten some notification that we are probably ready to move this bill. If the American Civil Liberties Union (ACLU) wants to say this is good for civil liberties, and we think one firearm is as good as another, you will be on the record saying that.

**Rebecca Gasca:**

I think the most important thing we would like to put on the record then is the question relating to Reno newspapers versus sheriffs. From our perspective, the court analyzed the open records law and suggested there is a general presumption of openness, subject to a balancing test. From our perspective, this information relating to carrying a concealed weapon is about people. The rationale that supports the open records law does not seem to apply here, as it does in other instances or manners in which the open records law would generally apply. That kind of rationale would then have to be extended by nature to individuals and their social security number or financial records. We see there is an inherent privacy interest in carrying a concealed weapon and do not support the rationale otherwise used in that Supreme Court decision. That is the main reason we are here today in support of this bill.

**Chairman Horne:**

Are there any questions? [There were none.]

Is there anyone else signed in wishing to speak?

I will close the hearing on A.B. 143. I will entertain a motion.

ASSEMBLYMAN FRIERSON MOVED TO DO PASS  
ASSEMBLY BILL 143.

ASSEMBLYMAN HANSEN SECONDED THE MOTION.

[No vote was taken.]

**Assemblyman McArthur:**

I have a quick question before we vote on this. I have no problem with the bill. It sounds familiar, and I was wondering whether Assemblyman Bobzien knows if we have heard the same thing before, and if this bill has cleared everything up so we do not have any problems. Have we seen this before? Maybe I just do not remember it correctly.

**Assemblyman Bobzien:**

I am not aware of the legislative history on this bill. This is certainly my first carrying of this issue in bill form. I do not know what else to say to that. Perhaps Committee staff may be able to comment on the history.

**Assemblyman McArthur:**

I was just making sure we did not have any problems with it. I have no problem with the bill itself.

**Assemblyman Frierson:**

I did just notice a proposed amendment ([Exhibit D](#)) in the Nevada Electronic Legislative Information System (NELIS). I do not know if it was a time issue, but I did not hear any testimony about it. It is a proposed amendment from the Nevada Attorneys for Criminal Justice (NACJ).

**Chairman Horne:**

Is Ms. Rasmussen present?

The only issue I have is that we do have an amendment, but no one from NACJ came to present. This proposed amendment is part of the record, but the testimony is not. I will ask Assemblyman Frierson to withdraw his motion to do pass.

[All exhibits in NELIS are part of the record: ([Exhibit E](#)) and ([Exhibit F](#)).]

**Assemblyman Frierson:**

I will.



**Chairman Horne:**

We will hold this, and I will allow the Committee to digest the proposed amendment, and we will bring it for consideration later. My apologies, Assemblyman Bobzien. I did not see this amendment, and no one came to testify with their concerns.

**Assemblyman Bobzien:**

I was not aware of an amendment until this moment. No one approached me. I certainly was not expecting to move the bill today, and I appreciate the opportunity to present it.

**Chairman Horne:**

I close the hearing on A.B. 143.

We have ten minutes left down South before we lose that feed.

We will open the hearing on Assembly Bill 142.

**Assembly Bill 142:** Makes various changes governing crimes against property. (BDR 15-599)

**Assemblyman James Ohrenschall, Clark County Assembly District No. 12:**

I am here to present A.B. 142, which originated out of your work, Mr. Chairman, in your role as Chairman of the Advisory Commission on the Administration of Justice. The measure was supported unanimously by all members of the Advisory Commission.

At first glance, A.B. 142 may look like a bill about just changing some numerical values in the *Nevada Revised Statutes* (NRS). In actuality, it is about the prudent use and wise marshalling of our state's scarce judicial, prosecutorial, and penal resources. Assembly Bill 142 will allow for increased judicial efficiency by allowing more cases to be handled in justice and municipal courts, thereby freeing up docket space in district court.

An example I used to explain this bill to people when I was walking it around has to do with our threshold amount for charging someone with felony larceny or theft, which was changed in 1989 from \$100 to \$250. It had been at \$100 for 40 years, from 1949 to 1989 when the 1989 Legislature changed the amount to \$250. Let us say someone broke into someone's backyard in 1989, and they stole a bicycle that was worth \$249. Back in 1989, they would have been charged with petty larceny, which is a misdemeanor. Here we are in 2011, and let us say you purchased that exact same bicycle and have it in your backyard. Because of inflation, that bicycle may have cost you \$299.

Someone breaks into your yard and commits the same crime for stealing the same bicycle. They are now charged with grand larceny and are subject to a felony even though they have committed the exact same crime. The reason this has happened is because NRS has not kept up with inflation. People are getting caught up in the system, being charged with greater penalties, which was not the intent of the Legislature in 1989.

If you take a look at neighboring states, these states have a threshold amount higher than Nevada. I had some research conducted by Legislative Counsel Bureau (LCB) staff ([Exhibit G](#)). Arizona's threshold amount is \$1,000; Utah is \$1,500; Idaho is \$1,000; Colorado is \$1,000; Oregon is \$1,000; and California is \$950. All of our neighboring states have higher threshold amounts than we do. The median for the United States is \$500. This bill will change that threshold amount from \$250 to \$450, and it will also change the amount it would take someone from being charged with a category C felony for theft of property up to a category B felony from \$2,500 to \$3,500. These changes reflect inflation from 1989 to present for the \$250 figure and from 1997 to present for the \$2,500 figure when it was first put in.

One thing I would like to recommend to the Committee is they might want to entertain an amendment in the future. If you go to the Bureau of Labor Statistics website, they have an inflation calculator, and the \$100 value from 1949 to 1989 would actually be \$521, but the 1989 Legislature changed it to \$250. That did not actually reflect the increased inflation from 1949 to 1989. In many ways, I think our figures are not keeping pace.

Another member of the Legislature proposed to me an idea about indexing this number so it could keep current with inflation and each subsequent Legislature would not have to worry about changing it. There are other figures in NRS such as some of our child support statutes, which are indexed to reflect inflation.

There are some more people here in support of this bill.

**Assemblyman Hansen:**

Is the indexing idea an amendment you are offering? It seems to me that rather than playing catch-up with this, it would be something automatically done every year by LCB or whoever would handle that. To find the consumer price index (CPI), you could just use the multiplier and have a consistent, realistic number rather than having to offer bills like this every few years to catch up to where the true value is.

**Assemblyman Ohrenschall:**

I would love to propose a conceptual amendment that would index the base value to inflation. I think a more fair number would be \$650 rather than the \$450. I have talked to some attorneys in Las Vegas, and it seemed like a fair number. If you look at the \$100 figure the 1949 Legislature adopted and go to the Bureau of Labor Statistics website, in 2011 the inflated value of the \$100 is \$925.31. Even if we amend it to \$650, we still would not be keeping up with inflation but would rather have a more conservative figure.

This is about a prudent use of our resources. Now we charge a felony rather than a misdemeanor. I would be open to that and would be willing to propose an amendment if the Committee would like.

**Chairman Horne:**

I do not see a problem with using the CPI and reaching that number. You said the CPI is \$951, but you are proposing \$650. The problem I have is using that CPI and continuing to go forward and indexing. I think it could be problematic. The District Attorney (DA) would make charges every year to see what the threshold is this year or that year. To use it now to set what to change and set a firm number would be fine. Having that CPI trigger every year would be overly burdensome and would not have a real notice year to year what that new number would be. This is my opinion.

**Assemblyman Daly:**

I do support this, and I understand the concept. The argument for me is more of an efficiency of the courts and the penal system. I think you should move it to another number, but pick the number and set it there if it is reasonable. I would be fine with that. I never did like the inflation argument. We have heard the same thing over the years with the caps and levels. I always reject the inflation argument, but I do support moving it up for efficiencies in the court.

**Assemblyman Ohrenschall:**

That is the policy choice for this Legislature to make. Whatever we do, we should adjust these figures so we are using our resources wisely and charging the "bad apples" with severe penalties, and the ones who are not, we are not. We are saving our resources.

**Chairman Horne:**

Are there any other questions? [There were none.]

Is there anyone you would like to go first?

**Assemblyman Ohrenschall:**

I do believe we have different members of the State Bar of Nevada, the American Civil Liberties Union (ACLU), and the Religious Alliance in Nevada (RAIN).

**Chairman Horne:**

I do have Mr. Struve signed in from RAIN.

**Larry Struve, Advocate, Religious Alliance in Nevada:**

My testimony is very brief. The Religious Alliance in Nevada (RAIN) participated in many of the hearings on the Advisory Commission on the Administration of Justice. This was prompted by efforts to bring efficiencies to our criminal justice system, and ultimately, to reduce the number of people we have to house in our state prisons at the rate of \$22,000 per prisoner per year. We think bills like A.B. 142 will result in efficiencies. Whatever amendments you are considering that improve the efficiencies, RAIN will support. We are happy to support Assemblyman Ohrenschall in bringing this bill forward. We put this to a vote in the RAIN board, which represents the five denominations I represent, and all have given it a favorable rating.

**Chairman Horne:**

Are there any questions? [There were none.]

**Ronald Dreher, Government Affairs Director, Peace Officers Research Association of Nevada:**

I originally signed in favor of this bill, and I changed it to neutral. I talked to Assemblyman Ohrenschall about the concerns we have with the bill. I am all for efficiency, and I do continue to support this bill, but I think the Committee needs to understand the examples given here when we are talking about crimes against individuals. If it is your bike that is stolen at your house, the increases are efficient for the courts. However, for those of us out there writing the citations for misdemeanors, we have concerns because the victims in these crimes want action taken. We do not want to fill up the courts, and that is why I do not have a problem with the \$450. I would have a problem with the inflation talked about earlier. That is important, but you have to realize that anybody in this room could go back to their home and have something taken out of it. You could go to the store and drop a receipt on the ground and have somebody take whatever was on that receipt and go back into the store to return it and get money back. It is called "boosting." If the amount is under \$450, they skate with a misdemeanor. We have really good con-artists out there that use this all the time. We came to this particular body a couple years ago and got the "boosting" bill increased for that reason. I want to put that on the record. I appreciate Assemblyman Ohrenschall and respect him dearly,

as I do all of you. Please understand that anytime you do that, there are victims who will continue to be victims.

**Chairman Horne:**

You are supportive as is but not with the \$650 proposed amendment? Assemblyman Ohrenschall said it would still keep us lower than all our surrounding western states. Most of them are over \$1,000 with the exception of California.

**Ronald Dreher:**

That is correct. A sergeant from the Reno Police Department testified and brought forward the "boosting" bill a few years ago. He presented very good testimony. I believe he brought that bill forward in 2007. He had testimony about the people who do take advantage of these amounts. They know the amounts, and they stay under them so as to skate by. That is the only concern I have about the bill.

As to your question of the \$650 amount, we are all for \$450 right now. Let us see what happens with this, and if it keeps the efficiency of the courts the way the bill is proposed, we will support that. I am not concerned about the other states right now. That is their problem. We are here for the concerns of the victims of our state.

**Assemblyman Frierson:**

Assemblyman Ohrenschall, I believe you can probably answer this question. In addition to the threshold amounts for theft, do we not also have a burglary option that is also a category B felony for this exact same conduct? We are not entirely removing the behavior out of potential felony treatment.

**Assemblyman Ohrenschall:**

As I understand we do, and it is charged quite often.

**Assemblyman Hansen:**

If we reduce the penalty back to a misdemeanor, that still gives a great deal of flexibility to the judge. My understanding is that for a misdemeanor, you can still be placed in jail for up to six months with a fine of around \$1,000. If it is a \$450 suit they steal from Macy's, they can still spend up to six months in the county jail if we did reduce it back to a misdemeanor. Do I understand that correctly?

**Ronald Dreher:**

That is correct. That is the good thing about this bill. What we did in the past is if somebody continues to do this and continues to shoplift, the misdemeanors

add up, and you can put him away for more than six months. The procedures are there. I am just presenting the concerns I would have. For the efficiency of the courts with all of the economic concerns we are having, there is nothing wrong with doing what we are doing.

**Assemblyman Frierson:**

For clarification, for those who do not know, I want to make sure the record is clear. There is actually a habitual criminal statute. Those of us in the system have shortened it, but when we talk about that, we are talking about habitual criminal sentencing as an option.

**Chairman Horne:**

Are there any other questions? [There were none.]

Is there anyone else here wishing to testify in favor? I see Tim Kuzanek and Chuck Callaway signed in support but not speaking.

We will move to opposition. Is there anyone here in opposition to A.B. 142? [There were none.]

Is there anyone wishing to testify as neutral?

**Lea Tauchen, Director of Government Affairs, Grocery and General Merchandise, Retail Association of Nevada:**

We are in the neutral position regarding the threshold amounts proposed in the bill as it is written now. I would like to reserve our right to change that position should that language change. Increasing that threshold is not ideal for our members. Retail theft costs our industry approximately \$345 million each year. That amounts to \$22 million in lost sales tax revenue for our state alone. However, through the interim, we did monitor the Advisory Committee on the Administration of Justice, and we do understand the focus on reducing the prison population by reducing the number of crimes that mandate prison. We also understand the concerns of reducing court time and expense, but we believe the present levels are helpful to prosecutors in plea negotiations where appropriate while still allowing for felony treatment when warranted.

Last session, changes were made to the habitual petty larceny statute. This session, we are considering this increase in threshold. Our members are concerned there is a potential trend in lighter penalties for the thieves who are entering their businesses with the intent to steal from them.

**Assemblyman Frierson:**

You mentioned entering with the intent to commit a crime. It is my understanding that entering with the intent to commit a crime, even a misdemeanor, is a felony, separate from the threshold amount. If you enter with the intent to commit a crime and steal a T-shirt, it is a misdemeanor for the value of the T-shirt, but it is also a felony of burglary with one to ten years for entering with the intent to commit a crime. Am I off base there?

**Lea Tauchen:**

I am not an attorney, but that sounds correct. I am sure there is discretion used when charging.

**Kristin Erickson, representing Nevada District Attorneys Association:**

We did sign in as neutral on this bill based on the original amount of \$450. In answering Assemblyman Frierson's question regarding burglary, the crime of burglary is available as an option to charge a felony, but only in certain circumstances because we do have to prove the person entered with the intent to commit larceny. That can be difficult because oftentimes the defense is, "No, I entered the store to buy a smaller item, which is less than the threshold amount. Then I saw this gorgeous leather coat worth \$800, and that is when I formed the intent to steal." It is very difficult to prove burglary with a commercial establishment. It also has very little jury appeal if the dollar amount is low.

**Chairman Horne:**

In proving that intent in the scenario you just painted, that would be the defendant actually testifying, which they do not have to do if they do not wish to.

**Kristin Erickson:**

That is correct.

**Chairman Horne:**

Are there any other questions? [There were none.]

[Exhibits on NELIS were entered into the record: ([Exhibit H](#)) and ([Exhibit I](#)).]

We will close the hearing on A.B. 142 and bring it back to the Committee. This will go to a work session document as there are proposed amendments.

For the last bill, Assembly Bill 143, we were going to move the bill but had a proposed amendment. I held the bill to give the Committee time to reflect and digest the proposed amendment. I am of the belief that if you have something

other than a simple amendment to propose to the Committee for consideration, whether it be in opposition or in support of a bill, you should do more than just submit electronically and hope we read and consider it. I think you should present it or have somebody present it on your behalf. That did not occur here, and I am not saying it was wrong or anyone dropped the ball. I would like you to have more time and be able to consider amendments that are more complex than changing an "and" to an "or." That is why I pulled it back. They did submit on Friday, so they did that in a timely fashion.

Meeting is adjourned [at 10:15 a.m.].

RESPECTFULLY SUBMITTED:

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Julie Kellen  
Committee Secretary

APPROVED BY:

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Assemblyman William C. Horne, Chairman

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



**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** February 28, 2011

**Time of Meeting:** 9:02 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 143	C	J. L. Rhodes, Legislative Action Committee Chairman, Stillwater Firearms Association	Letter in support of <u>A.B. 143</u>
A.B. 143	D	Lisa Rasmussen, Legislative Committee Chair, Nevada Attorneys for Criminal Justice	Proposed Amendment
A.B. 143	E	Carolyn Herbertson, Nevada State Liaison, National Rifle Association of America	Letter in support of <u>A.B. 143</u>
A.B. 143	F	Lawrence Koepke, Co-owner, Nevada CCW Training, LLC, Sparks, Nevada	Letter in support of <u>A.B. 143</u>
A.B. 142	G	Assemblyman James Ohrenschall, Clark County Assembly District No. 12	LCB Memorandum
A.B. 142	H	Stephanie Kice, Legislative Committee, Nevada Attorneys for Criminal Justice	Letter in support of <u>A.B. 142</u>
A.B. 142	I	Assemblyman James Ohrenschall	History of Monetary Threshold for Grand Larceny