

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-sixth Session
March 18, 2011**

The Senate Committee on Government Affairs was called to order by Chair John J. Lee at 8:14 a.m. on Friday, March 18, 2011, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 5100, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator John J. Lee, Chair
Senator Mark A. Manendo, Vice Chair
Senator Michael A. Schneider
Senator Joseph (Joe) P. Hardy
Senator James A. Settelmeyer

GUEST LEGISLATORS PRESENT:

Assemblyman Scott Hammond, Assembly District No. 13
Assemblyman Pat Hickey, Assembly District No. 25

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Heidi Chlarson, Counsel
Cynthia Ross, Committee Secretary

OTHERS PRESENT:

Amanda Collins
Scott Durward, Blackbird Tactical Firearms Training; Front Sight Firearms Training Institute
Larry Rhodes, Stillwater Firearms Association
Amanda Brownlee
Gabriel Raviv
Paul Edelman

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Christopher Lively, Students for Concealed Carry on Campus
John Wagner, Independent American Party
Janine Hansen, President, Nevada Eagle Forum
Leonard Cardinale, North Las Vegas Police Supervisors Association; Nevada
Association of Public Safety Officers
Kristin Erickson, Washoe County District Attorney's Office
Ken Brown
Mike Murray
Lynn Chapman, Nevada Families
Stephanie Utz
Gordon Utz
Adam Garcia, Chief, Police Services, University of Nevada, Reno
Frank Adams, Nevada Sheriffs' and Chiefs' Association
Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department
Jose Elique, Director of Public Safety and Chief of Police, Department of Police
Services, University of Nevada, Las Vegas
Jim Richardson, Nevada Faculty Alliance
Tim Kuzanek, Captain, Washoe County Sheriff's Office
Randy Flocchini, Chief of Police, Department of Public Safety,
Truckee Meadows Community College
Rebecca Gasca, American Civil Liberties Union of Nevada

CHAIR LEE:

I am opening the Senate Committee of Government Affairs meeting with
Senate Bill (S.B.) 231.

SENATE BILL 231: Makes various changes relating to concealed firearms.
(BDR 20-742)

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

I am advocating greater safety for our children and loved ones through
Senate Bill 231. This legislation will allow properly licensed concealed carry
weapon (CCW) permit holders to carry concealed weapons on the Nevada
System of Higher Education campuses. There are over 40,000 people nationally
supporting this movement through the grassroots organization known as
Students for Concealed Carry on Campus. Nine states have pending legislation
that mirrors S.B. 231. The states are Arizona, Tennessee, Texas, Michigan,
Oklahoma, New Mexico, Florida, Nebraska and Mississippi.

This bill is to protect students, faculty, staff, and visitors on Nevada college campuses. It is legislation about personal security, not campus security.

Nevada is blessed with outstanding law enforcement professionals who work diligently to protect those attending college. Despite their best efforts, they are often minutes away when seconds count. The University of Nevada, Reno (UNR), campus has approximately 17 officers available for duty rotation in a given 24-hour period, and there are about 17,000 students enrolled. This equates to 1 officer for every 1,000 students. Police are spread thin across the vast campus and with potential budget cuts, improvement in police numbers is unlikely to occur. The scenario is ripe for an assailant to commit a crime on a defenseless victim. Many colleges have limited preventive safety measures on campus. They cannot guarantee student protection or prevent armed assaults. It is an unfair expectation.

Nevada colleges and universities are labeled "gun-free zones." I argue these zones are "defenseless-victim zones." Gun-free zones are often referred to as "criminal empowerment zones" because they take away the ability for citizens to protect themselves. An Internet site called <<http://www.familywatchdog.us>>, used by many Nevada enforcement agencies, says 396 registered sex offenders share the UNR zip code. It seems reasonable that some offenders will reoffend, and a criminal knows victims are vulnerable in a gun-free zone.

People outside a campus perimeter are able to exercise their fundamental rights of self-defense by carrying a concealed weapon. Students, faculty, staff and visitors who cross onto campus lose that right. Self-protection—by means of a carried concealed weapon—is no longer an option. Also, there is a difference between feeling safe and being safe.

There is opposition to S.B. 231. One argument against this legislation is that guns lead to more violence. This is not true with CCW permit holders. Concealed carry weapon permit holders have criminal arrest and conviction rates that are a fraction to the general populace. To obtain a CCW permit, a holder must first undergo a criminal background check, get fingerprinted, have a mental history check, complete an eight-hour training class and show proof of firearm competency.

It is also argued that college and university students are too immature for a CCW permit. The average age of a UNR student is 24. Many of the younger students—including 18-year-olds experiencing independence for the first time—will not be eligible to obtain a CCW. The minimum age to acquire a CCW is 21 years, and this requirement will not change.

Concealed carry weapon permit holders have succeeded in stopping a wide range of multiple victim public shootings, including some at schools. A school example cited in the *Las Vegas Review-Journal* on March 13 read, "On Jan. 16, 2002, two students retrieved their legal firearms from their cars and used them to disarm a 43-year-old Nigerian former student who'd already killed three at the Appalachian School of Law in Grundy, VA." A situation can be confusing for police when a CCW permit holder uses a weapon for defense. Upon the arrival of the police, CCW permit holders are trained to put down their guns and to move the guns away from their persons. The CCW permit holder has been trained to obey any command made by the police to assist them and to keep the CCW permit holder safe.

It is argued that concealed weapons on campus will diminish healthy learning environments in our colleges and universities. It is said that students and faculty would be uneasy knowing classmates and colleagues have guns in class. Most students and faculty are aware of 49,000 active CCW permit holders in Nevada. There are also thousands of law-abiding, out-of-state citizens with recognized permits throughout our communities. Our families mix with these CCW permit holders on a regular basis without fear as do students in other states that allow CCW permit holders on campus. The same will ring true with the students, staff, faculty and visitors on Nevada campuses.

Seventy-one college campuses allow students with permits to carry concealed handguns. Blue Ridge Community College in Weyers Cave, Virginia, has allowed CCWs since 1995. Utah has allowed licensed individuals with CCWs at ten colleges since the fall of 2010, and CCWs have been allowed on Colorado State University campuses in the cities of Fort Collins and Pueblo since 2003. At the start of fall semester last year, 14 community colleges followed suit. In five and one-half years, there has not been a single CCW incident on one of these colleges. No gun violence, gun accident, gun theft or gun suicide has occurred. United States college campuses continue to support students having CCW rights. It is important to know CCW permit holders are responsible and law-abiding citizens.

ASSEMBLYMAN PAT HICKEY (Assembly District No. 25):

Reno was traumatized three years ago by an act of wanton violence. It was the worst nightmare that a parent of a female college student could imagine. Nineteen-year-old coed Brianna Denison was visiting home for a Martin Luther King, Jr. holiday ski weekend with local college friends. She was abducted, raped and murdered by a 27-year-old construction worker who previously raped two other women in the UNR area. One of these victims was raped on campus.

The people of Reno agonized for weeks and were left to wonder if Brianna would be found and if her assailant would be captured. Blue ribbons for Brianna adorned most cars, homes and trees across neighborhoods in the Truckee Meadows. Brianna became northern Nevada's daughter and everyone feared the worst.

The fears were realized when Brianna's mangled body was found in a field. People across the State wondered, "What if ...?" What if someone saw James Biela? People are asking, "What if it had been our daughter?" It could have been mine as my daughter was 19 years old and studying on campus during this ordeal. My wife was working on a second degree in the evenings on campus, and her classes ended at 10 p.m. This is the same time the rape victim was attacked on campus in a dimly lit parking facility. The rape victim, Amanda Collins, was a 22-year-old adult student in the College of Education. She was studying under the Governor Guinn Millennium Scholarship. She had finished a midterm exam and was greeted near her vehicle by James Biela, her assailant, who subsequently became the murderer of Brianna Denison.

What if Ms. Collins had carried her licensed weapon that night? She did not have her CCW because it was prohibited. She had the training and the background for self-protection. She wondered if she might have prevented James Biela from raping her and possibly prevented him from killing Brianna. The answer to that question haunts her to this day. She might have done something to protect herself; she might have prevented the loss of someone everyone in Nevada came to view in place of their daughter. What if we had allowed trained, background-checked and permitted individuals like Ms. Collins to carry on campus?

AMANDA COLLINS:

It is unfortunate that horrific crimes are committed against good people, but it is tragic when good people are denied their constitutional right to defend

themselves. When I was 22 years old, I never thought in my wildest dreams that I would be attacked. Senate Bill 231 can protect and prevent others from becoming victims.

The evening of October 22, 2007, irreversibly changed my life. I was in my third year of studies at UNR. I attended a night class at the College of Education. In an attempt to ensure my safety, I parked in the Whalen Parking Complex on the ground floor. The garage is across from the William J. Raggio Building where my class was held. I deliberately parked there so I would not have to walk across campus alone at night. The night was like any other night other than the midterm that awaited me on the second floor.

At 10 p.m., I walked out of Room 224 with three other students, and we headed toward the parking garage. We made it a habit of walking together as we were all told the rule of "strength in numbers." On our walk, we discussed and compared answers from the exam. I was the only one in the group who had parked on the ground floor so I broke from the group when we reached the garage. I headed toward my car and surveyed under and around my vehicle to ensure it was safe to approach. I learned this approach when I was younger from martial arts training and I use it consistently. I did not have to consciously make an effort to check, as it is second nature. As I was leaving school, I was confident I aced the exam and was anxious to call my soon-to-be fiancé.

My blissful, carefree train of thought was abruptly interrupted when I was grabbed from behind by a man who was much larger than me. He forced me to the cold concrete between a truck and a sedan and pressed a cold pistol against my temple. He clicked the safety to his firearm off, a sound I knew well, and told me not to say anything. I was laying on the cold concrete and completely defenseless while this man was brutally raping me. I wondered if I was going to die as it was clear this man had the propensity to kill. The fear I felt in those moments continued to terrorize me for the next 13 months while my attacker remained at large. It is a feeling only other rape victims can understand. In November 2008, the man who raped me was captured by the Reno Police Department, and the face that haunted my nightmares had a name: James Biela. Mr. Biela would later be convicted in Washoe District Court for raping me at gunpoint, kidnapping and raping another woman and for the rape and murder of Brianna Denison.

On October 22, 2007, my right to say no was taken from me by James Biela and the Nevada Legislature. James Biela degraded my body by raping me at an institution in Nevada's System of Higher Education, and the law rendered me defenseless by denying me my right as a licensed CCW carrier to have my firearm on campus. Senate Bill 231 would have allowed me to stop my rape and to stop James Biela.

I was required to revisit the crime scene during the trial preparation. The University of Nevada, Reno, has attempted to improve security, but these efforts prove inadequate. A call box has been placed in the garage. Looking back, had that call box been there and potentially located directly above my head as Mr. Biela straddled me on the ground, it would not have been any more helpful to me than the police were that night. I was raped less than 300 yards from the campus police office.

My rape serves as a perfect example of why people should be allowed CCWs on campus. My case demonstrates that despite law enforcement's best efforts to ensure safety, it is unable to be everywhere at once. I wanted a chance to defend myself and I was denied. Senate Bill 231 allows that chance for others. The choice to participate in one's own defense should be left to the individual. Individual choice should not be mandated by the government. If government is going to deny law-abiding men and women the choice to participate in their own defense, then it must responsibly protect individuals. In my experience, UNR failed miserably in this responsibility.

I want the Committee to know most rapes go unreported. I did not initially report my rape. There is no way of knowing how many assaults occur on campuses because women often do not report.

On October 22, more than my right to say no was taken from me when I was raped. After my rape, every time I stepped onto UNR's campus I was inundated with rape flashbacks. Enduring every class became an accomplishment because of my emotional struggles. The following semester I failed two classes and lost my Governor Guinn Millennium Scholarship. I contemplated not returning to school several times because the emotional toll was draining; I barely had the energy to concentrate on class lectures and discussions.

I got a marriage proposal six days after I was brutally raped at gunpoint in a gun-free zone. The excitement and blissfulness I am told every bride feels while

planning a wedding and preparing for marriage eluded me as I was attempting to repress the memory of the violent crime committed against me. Five months into my marriage, Mr. Biela was caught. My choice to come forward and help convict my rapist made me relive the worst ten minutes of my life countless times. The emotional toll caused my husband and me to endure two miscarriages and sixteen months of infertility. I contemplated suicide. On October 22, I was not murdered, but the young adult I was died in that garage and changed who I was to become. If Senate Bill 231 had been in existence, my family and I would have been spared much unnecessary torment.

Existing law does not ensure safety on university campuses. I obeyed the law and left my firearm at home to avoid a possible expulsion from school. I did not want to risk losing my CCW permit. My education and my CCW permit were valuable only to me when I encountered James Biela. He was neither a student nor a CCW permit holder, but was intent on committing sexual assault. Forfeiting his nonexistent education and a CCW permit did not serve as a deterrent to him. In his sentencing, he received an enhancement of only one year for the use of a deadly weapon while raping me. Under law, individuals who possess CCW permits have far more to lose if they carry on campus than a criminal who is intent on breaking the law.

My right to carry my CCW on campus would have prevented me from becoming an easy target. Perhaps the possibility of Mr. Biela encountering a CCW permit holder would have been deterrent enough. The law allows law-abiding citizens to become vulnerable to criminals.

My unanswered question is, "What would have changed if I was carrying my weapon that night?" The question continually keeps me awake at night as I replay in my mind those ten horrific minutes. I know one thing, had S.B. 231 been law on October 22, 2007, two other rapes would not have happened and Brianna Denison would be alive.

I did not initially report my rape for a number of reasons. I filed my report after my roommate advised police that I might have been raped by the same person who had abducted Brianna. At this point, detectives pursued me. I chose to come forward and to testify against James Biela because it was more than about me. I am here speaking before you for the same reason. People who are CCW permit holders should have the choice to carry. I could have maintained my anonymity and remained silent, moving on with my life, but I am here

because S.B. 231 is a life-saving, constitution-restoring bill. Nevada desperately needs to ensure the safety of our sons and daughters.

CHAIR LEE:

Thank you for coming forward. This legislation is important. I have a question regarding your CCW permit. Did you seek permission to carry a CCW at UNR and if so, what happened?

Ms. COLLINS:

After my assault and after Brianna Denison was abducted, my family wrote a letter to UNR asking permission for me to carry on campus. I was granted permission under the conditions I was a full-time student and that I would not disclose UNR's decision at that time. I question why it takes somebody being assaulted before being allowed to defend oneself. Also, what makes me special? Why do only I get to defend myself? Am I granted permission because I was assaulted at gunpoint in a gun-free zone?

CHAIR LEE:

Are you the only person allowed to carry?

Ms. COLLINS:

I am aware that I am the only person the Board of Regents has granted permission to carry a gun under the current administration.

ASSEMBLYMAN SCOTT HAMMOND (Assembly District No. 13):

For the past 12 years, I have been a part-time faculty member at the University of Nevada, Las Vegas (UNLV).

I have taught several classes at UNLV on weekends and weeknights. There are times the campus is barren. I support this legislation. I have no problems as an instructor knowing that one of the 49,000 CCW permit holders in Nevada might be in my classroom. These individuals are trained and have passed the mechanisms required of them. Knowing that a carrier is in the classroom gives me peace of mind. They are trained and they care about their constitutional rights to carry their weapons. It has never crossed my mind that there would be a problem. I do not carry, but if this legislation is passed, I might consider carrying on campus. There are times at night when I find myself walking across dark areas of campus, and I would like the ability to protect myself.

SENATOR MANENDO:

As an instructor at UNLV, when you are in the classroom, does the subject of safety come up? Do students say they have safety concerns getting to their cars?

ASSEMBLYMAN HAMMOND:

Yes, students have mentioned concern for their safety at night. It has come up a handful of times during night classes. Students have a tendency to stay after class. When a few students say they have to go, they ask one another which direction they are heading to walk together. Others who want to stay will comment that they had better go because they do not want to walk alone to their cars. They are cognizant of places on campus that are not safe. Despite the efforts of the university police, there are areas around the campus I would deem not safe.

SENATOR MANENDO:

I attended UNLV, and many times my friends and I could not find parking places on campus. We would also park off campus because we could find spots closer to our classes. Sometimes when we did park on campus, we would have to walk the length of the campus just because our classes were spread out. Even as young men, my friends and I would walk in groups as often as we could; but at certain points, we would have to break away from one another because it was not possible to park near one another. We would have to separate to reach our individual cars. The University and its surrounding area have many dark, unsafe places, and there are no patrols.

ASSEMBLYMAN HAMMOND:

I teach near Wright Hall. I walk alone through this area at night by myself. I look around to become aware of my surroundings. Where it is dark, I make wide turns around some areas and even sing to calm my nerves. There are places on campus to avoid because of safety concerns.

SCOTT DURWARD (Blackbird Tactical Firearms Training; Front Sight Firearms Training Institute):

I support S.B. 231. It seems strange that the U.S. Constitution and the Nevada Constitution support the right to keep and bear arms, but the students on State college campuses are stripped of that right and left dangerously vulnerable. I understand carry restriction on firearms at airports, courtrooms and governing bodies, but I do not see the difference between a public college campus and a

gas station, a Home Depot, a supermarket, movie theater, public park or bank. It is perfectly legal to carry open or concealed weapons with the proper licensing in any of these places. To single out college students and staff and leave them more vulnerable than the vast majority of the population is unfair.

Recent American history shows that colleges across the County have been the settings of violent acts. Virginia Polytechnic Institute and State University in Blacksburg, Virginia, comes to mind as well as UNR with the Brianna Denison case. Had UNR students and staff at Virginia Tech been allowed to carry, the tragedy would have produced a different outcome.

Guns in the hands of unsuitable and unstable criminally insane people are and always will be a bad thing. Guns and the rest of the law-abiding community should not be held accountable. The accountability should be put upon the madmen and the system that lets them wreak havoc. No form of gun control will fix the problem, as the sick and criminal elements of society will always find a way to obtain a gun regardless of the law. They do not operate on a law-based system. They operate on a where-there-is-a-will, there-is-a-way system. Guns in the hands of good, law-abiding, trained citizens are a good thing. It helps level the playing field. It gives innocents the ability to defend themselves and other innocent people and thwart plans of an attacker.

Criminals make up less than 1 percent of Americans. Washoe County has about 425,000 people, and 11,000 of them are CCW permit holders. Concealed carry weapon permit holders make up about 2.5 percent of Washoe County's population. Out of 100 people, 1 is a wacko but 2 are trained, law-abiding, gun-carrying citizens. It is a good thing when the good guys outnumber the bad. It is equivalent to 2 sheepdogs watching over 97 sheep with 1 wolf looking for an easy meal. On Nevada campuses, we have the possibility of a few wolves roaming around with absolutely no possibility of sheepdogs. This does not make sense. Law enforcement is suffering the same budget stresses, and officers admit their response times are too long. They and campus security often show up after the crime through no fault of their own. They cannot be everywhere and cannot read the minds of ill-intended people. Our students and future leaders deserve better.

A CCW permit holder must be 21 years of age. This makes only about half of Nevada's student body eligible to carry and brings the number of potential sheepdogs about even to potential wolves. This is better than zero sheepdogs.

The CCW guidelines mandate any student or staff member wanting a permit must go through training and a full background check. Wackos do neither. Concealed carry weapon permit holders have spent time and money on equipment, training and licensing and have voluntarily submitted to fingerprinting and background check investigations. Wackos do not. The CCW permit holders know that any unlawful or irresponsible behavior can result in the revocation of their CCW privileges and lead to the confiscation of their firearms. Wackos do not consider those types of consequences.

We do not hear about CCW permit holders shooting up schools or other public places in this Country, but we do hear about wackos shooting up public places, including schools. My firsthand experience as a firearms instructor at Blackbird Tactical Firearms Training and at Front Sight Firearms Training Institute, where we train 1,000 students a week, seems to question: why can CCWs be allowed in most public areas but not permitted on campus?

One month ago, a student of mine was assaulted and raped in her home after a home invasion. She works at UNR and, although she has obtained a CCW permit, cannot carry at work. She is left vulnerable at work and worse, she is left vulnerable as she walks from her office through the poorly lit campus to her car. She is unable to have her weapon in the car because where she parks is considered on campus. This makes her vulnerable at work, vulnerable walking to and from her car, and vulnerable in her commute to and from home. It is evident that these policies are affecting law-abiding citizens on and off campus, and that is unconstitutional.

An armed society is a polite society. At Front Sight Firearms Training Institute, we have over 1,000 students on the property, all carrying loaded weapons, and not once have we had a shooting in 14 years. An armed society is also a sophisticated, civil and respectful society. In a society without guns or a campus without guns, the stronger, bigger, healthier, younger members can do and take what they want with little opposition from the weaker, smaller, unhealthier, older and often outnumbered and often female members. In an armed society, strength, age and sex are irrelevant. The playing field is equalized. People must communicate, discuss, compromise and have mutually beneficial dealings with one another. These are traits of a sophisticated, civil and respectful society. The modus operandi of unlawful, unethical and immoral actions does not fly because no one individual has the upper hand.

People who carry weapons save one to three lives in the U.S. everyday, often without a shot fired. Firearm owners and carriers change the course of a rape, murder, robbery or home invasion and often save themselves or a loved one from tragedy. Areas that remove a person's right to carry experience high crime rates. The crime rates in England and Australia have tripled in the few years they have banned guns. The city of Chicago has tough antigun laws, and it is regularly the most dangerous city in the Country. Washington, D.C., is notoriously a crime-riddled city and has had a 25 percent drop in crime in the first year since the *District of Columbia v. Heller*, 554 U.S. 570 (2008) decision made it clear that an outright gun ban is unconstitutional. Since 2008, The District's citizens now have the right to carry, keep and bear arms.

Do not view guns and the ability to carry them on campus any different or more risky than in any other place in Nevada. Do not punish our shining future generation by leaving them more at risk than the rest of us. Let them be sheepdogs instead of sheep. Pass S.B. 231 as our Founding Fathers intended because our students need and deserve it.

CHAIR LEE:

Ms. Collins was trained and did not bring her gun to school because the campus is a gun-free zone. The assailant might not have come onto campus if guns were allowed. She was unarmed, which left her much more vulnerable because the predator knew it. If Ms. Collins was carrying her gun on campus and used it against Mr. Biela, how is she trained to respond once the police arrive at the scene?

MR. DURWARD:

If the permit holders are the people who called 911, the situation would be explained and they would let 911 know they are armed and that they will cooperate with the police. The permit holder may need to control the situation until the police arrive. It is recommended the permit holder unload the firearm, lock the gun, set the gun on the ground and keep their hands up and visible as soon as the police come onto the scene. This behavior shows law enforcement that the gun holder is trained and is on the correct side of the law. We also train students that they can expect the police to take them down, put a knee in their back, slam them down and cuff them to secure a situation. The police can neither read the minds of a gun holder nor know a situation the instant they arrive.

LARRY RHODES (Stillwater Firearms Association):

It has been said that we do not want to tell administrators how to run their campuses. The U.S. Constitution's Third and Fourth Amendments all apply on campus, so we are here today to say that the Second Amendment also applies on campus. A handout supporting our position has been distributed ([Exhibit C](#)).

I have been asked to present a letter ([Exhibit D](#)) from Benjamin D. Trotter, Churchill County Sheriff, as we are located in that County.

SENATOR SETTELMAYER:

Mr. Rhodes, you have instructed many students. Have any of your students come into an emergency situation, and if so, do you have knowledge of how their training helped them with that emergency situation?

MR. RHODES:

I am not a certified instructor. I attend numerous classes, and I assist in qualifying students on the firing line. I do not know of any students who have been in a life-threatening situation. We do hear stories that the presence of the firearm, without shots fired, thwarts a violent incident. The National Rifle Association (NRA) and studies point out that these incidents occur frequently but are not documented.

SENATOR SETTELMAYER:

Mr. Durward, do you know of situations where your students were able to utilize the training in an emergency situation and if so, how did it result?

MR. DURWARD:

I can speak of many incidents from Front Sight Firearms Training Institute. We have a tremendous number of students. Students have come to us after becoming involved in a violent altercation. It is fascinating to watch students start out fearful and emotional and become confident after they gain comfort in their skill of arms.

SENATOR MANENDO:

How long are training procedures? Are there a certain number of required hours?

MR. DURWARD:

Yes. The CCW training is mandated to be a minimum of eight hours. My course at Blackbird Tactical Firearms Training is between nine and ten hours because I teach additional tactical information. At Front Sight, the courses are four-day courses. This is a self-defense course with a handgun, not a CCW course.

SENATOR MANENDO:

Are the students tested?

MR. DURWARD:

There is a written test and a shooting qualification test at Blackbird for CCW permit holders. A shooting competency test at Front Sight has been regarded by law enforcement officers as significantly more difficult than what they do in their academy.

SENATOR SETTELMAYER:

Is it true that the Nevada Sheriffs' and Chiefs' Association set course parameters?

MR. DURWARD:

Yes, this is correct for CCW-mandated material.

AMANDA BROWNLEE:

I am a CCW permit holder. I wait for the Campus Escort Service a couple of nights a week. Campus Escort is great, but sometimes the wait is long and I have to wait alone in the engineering building's dark hallway. I would be more comfortable if I had protection when I am alone waiting. I would also not have to depend on my friends to walk or drive me to my car. The closest parking to my classes is off campus. The University of Nevada, Reno, has a lot of night classes. Next semester I will be in a night class every evening. My latest class will adjourn at 10 p.m. It is unsafe. I do not want to get hurt. I do carry pepper spray, but it is not as effective as a gun. People can be immune to the spray, and the perpetrator must be close in order for me to use it. I have had my CCW for a year. I have never used it, and I hope I never have to. The fact that I have it, and say I have it, might be enough not to get attacked.

I do not want to become a victim, and I do not want others on campus to become victims of a violent crime. Fellow students, staff, faculty and visitors should not be concerned if a person has a CCW. They are concealed so others

are not aware of them. I would also feel safer knowing a fellow student might have a CCW on them.

CHAIR LEE:

Can you explain the Campus Escort Service? Do you have to notify the service in advance? How does one notify the service?

MS. BROWNLEE:

Campus Escort is made up of student employees who drive vans and pick up students. Students call the service to get rides, and the Escort Service provides time frames for pickup. The time frames I have been given have ranged from 1 minute to 30 minutes, and waiting 30 minutes in a dark hallway can be sketchy. The Campus Escort Service is a great program, but it is understaffed and underfunded, and the upcoming budget cuts will not improve the conditions.

SENATOR MANENDO:

How far will the Campus Escort Service go? Will they go off campus?

MS. BROWNLEE:

The service will go anywhere on campus, with a two-mile radius for off-campus service.

GABRIEL RAVIV:

I support Senate Bill 231. As a law student at UNLV, I asked the University permission to allow for a firearm in my car. The firearm and its ammunition would be in a locked container. I included an authorization to conduct a full background check and a letter from an NRA law enforcement instructor testifying to my safe firearm skills. My request was denied.

I requested to keep a gun in my car as there are several ranges next to the UNLV campus where I like to shoot. It was not feasible with my law school schedule to drive to campus, leave campus, drive home and drive back to the range. The request was denied as UNLV does not allow firearms on campus. Under *District of Columbia v. Heller* and *McDonald v. Chicago*, 130 S.Ct. 3020 (2010), this scheme is unconstitutional. The Supreme Court has mandated that if there is a scheme of licensing such as in Nevada with CCW permits, there must be set criteria. It cannot be arbitrary and at the sole discretion of a government official with no set of rules. Once the scheme is in place and has

guidelines, the scheme must operate on a must-issue circumstance. Once a person complies with the requirements for licensing, the license must be issued. The school is acting unconstitutionally. It will be through the courts or legislation that the problem is remedied.

It is difficult for campus police to respond to situations where citizens are taking safety into their own hands. There can be confusion as to who has been attacked and who the attacker is. The UNLV Department of Police (UNLVPD) patrol around campus in conjunction with Las Vegas Metropolitan Police Department. The UNLVPD officers have to encounter the same situations they object to happening on campus. If they are able to handle it on one side of the street, why can they not on the other?

PAUL EDELMAN:

I am a CCW instructor in Las Vegas. I have been handling firearms for the past 52 years. I am here because someone might have to draw a firearm and use it. This is justifiable homicide. The conditions for justifying homicide are the immediate, unavoidable danger of death or grave bodily harm to the innocent. On campus, I have the utmost respect for the police. They are the thin blue line, but if an event takes place, they have to get there. The person who is there from start to finish is the victim. The person will be alone until qualified people show up to take over. I want people to protect themselves until the police arrive. I favor this legislation.

CHRISTOPHER LIVELY (Students for Concealed Carry on Campus):

I am the campus leader for Students for Concealed Carry on Campus for the College of Southern Nevada. The police have a difficult job, and they cannot be everywhere at once. If a person is victimized by a violent attacker on school grounds, the school administration and the police department have no liability. This is covered under *DeShaney v. Winnebago County of Social Services*, 489 U.S. 189 (1989) and *Warren v. District of Columbia*, 444 A.2d 1 (D.C. Cir. 1981). If it takes 30 seconds or 30 minutes for the police to arrive at the crime scene, they have no liability. There is no special relationship established between the victim and the institution that is to have taken responsibility for the victim's safety. In these circumstances, the only people we have to rely on for safety are ourselves.

The arguments against this legislation are the same as those in the 1990s when Nevada was considering transitioning to "shall issue" for CCW permits. Examples of the absurd arguments were that fender benders would turn into shootouts and arguments over parking spaces would end in gunfire. Law-abiding armed citizens have proven these arguments wrong over the past two decades.

The CCW restriction is arbitrary. The campuses do not have to give justification as to why they deny people permission to carry on campus. There are students who rely on public transportation. They have to walk to and from their residences when they are going to and from school. It is unreasonable to surrender their Second Amendment rights and their rights under Article 1, section 11 of the Nevada Constitution. This is what happens when the prohibition on firearms extends off campus.

JOHN WAGNER (Independent American Party):

People at Virginia Tech might have been able to save lives during the April 16, 2007, shooting if they were allowed CCWs. College presidents do not own the campuses. The Nevada campuses belong to the people of the State. Knowing people carry guns might stop wackos from thinking about committing violent crimes. I support this legislation.

JANINE HANSEN (President, Nevada Eagle Forum):

Criminals prefer unarmed victims. Guns are used to save lives almost five times as often as used to commit crimes. In 98 percent of those times, the victim brandished the gun, and in only 2 percent of the cases was a gun fired.

Campuses are not safe. When I attended UNR, I was threatened. It caused me to be fearful every day on campus. Years later, I participated in a television show that was shot on campus. The topic was controversial and after the show wrapped up, over 30 people on the other side of the issue were waiting for me. I was also nearly assaulted on the UNR grounds at a State fair. Someone intervened, and I was escorted to my car. I also practiced music late at night on the campus of Brigham Young University, but it became too dangerous as rapes were occurring. The practice room was closed as there was no way to provide us safety and we did not have CCWs. In January, I was at the Great Basin College in Elko and held a citizens lobbying meeting there. I was the last to leave at 9 p.m. When I left, I was fearful. I have a CCW but had to leave it behind as they are not allowed on campus.

Women are far more vulnerable than men. I carry my CCW with me for safety. Women on campuses must be able to defend and protect themselves. I think of Ms. Collins and the tragedy she has endured. We do not want another young woman to have to undergo a violent act. The world is more brutal, and we need this legislation. Nationally, the Eagle Forum supports this legislation.

SENATOR SCHNEIDER:

Ms. Hansen, can you supply facts backing your testimony regarding the world is more violent? I disagree with your comments. We need valid statistics before we can make decisions.

CHAIR LEE:

I will provide the facts.

LEONARD CARDINALE (North Las Vegas Police Supervisors Association; Nevada Association of Public Safety Officers):

The Nevada Association of Public Safety Officers includes 10 labor associations for public safety and 42 law enforcement agencies. I understand law enforcement concerns as far as arriving at a scene and not knowing who the victim is and who the suspect is. I also understand the difficulty in having a CCW permit holder armed at an incident. The CCW permit holders are not trained in tactics, they are not trained in close quarter tactics and they are not trained in how to move from room to room. There are only two issues. The first issue is as Americans, we all have the Second Amendment right to keep and bear arms. The second issue is when the State of Nevada grants a CCW, the permit holder must go through a background check and submit fingerprints. These requirements help to ensure the person applying for a CCW is a responsible, law-abiding citizen. The granted permit allows a person to carry a weapon almost anywhere, and with S.B. 231, this would include college campuses.

Armed rapists go on campuses as do active shooters. If a student is in a classroom and hears gunfire and it is evident people are getting murdered, no one can decide for the student whether to fight if the person coming through the door wants to take his or her life. That is an individual decision. The Board of Regents or the colleges should not tell student CCW permit holders they cannot have a gun on them if they ever have to face that situation. It has been shown that when there are active shooters and people are attacked, the attackers will continue until their force is met with force, they run out of

ammunition or they die. Senate Bill 231 increases safety practices by not leaving this unchecked. I do understand the concerns of the police, but the Second Amendment in the U.S. Constitution and Nevada law allow people the right to carry. Pass this legislation for your moms, sisters and daughters. Imagine them as victims of violent crimes and then imagine them defending themselves. If you vote against this legislation, will you be comfortable in knowing that a violent crime could have been prevented?

MR. RAVIV:

Casey J. Nelson is the founder and former president of the Second Amendment Society at UNLV's William S. Boyd School of Law. He had to leave for a job interview. He was here to support passage of Senate Bill 231.

I can offer statistics to the Committee on people who are allowed to carry on other campuses and how high convictions are among law enforcement.

KRISTIN ERICKSON (Washoe County District Attorney's Office):
I echo the expressed sentiments. We support Senate Bill 231.

KEN BROWN:

I am a member of the Stillwater Firearms Association. My son was a student at UNR. When I would go see him, we would meet off campus, as I was prohibited to carry on campus. I support this bill.

MIKE MURRAY:

I am a concealed carry instructor in Nevada and Utah. I am NRA-certified and a counselor for the NRA.

To address assault rates: for the individual assaulted, the rate of violent crime is 100 percent.

The conundrum of the law is the traveling to and from campus. My wife is an emeritus professor and has been in the university system for 30 years. She does a handgun safety class at UNLV and at the College of Southern Nevada and must instruct without a firearm. It is similar to going to a chemistry class and having no chemicals allowed because they are dangerous.

John R. Lott, Jr., author of *More Guns Less Crime*, did a recent survey of CCW permit holders and how the program works around the Country. The survey

revealed the average citizen is 281 times as likely to commit a murder as opposed to a CCW permit holder.

The university system is a gun-free zone. Why not put up signs that say rape-free zone, robbery-free zone and murder-free zone? We do not because they do not work. What on earth would make anyone think that someone who is going to commit rape, robbery or murder is going to pay attention to a gun-free zone? The only thing gun-free zones do is turn law-abiding citizens into victims in a low-risk area for criminals.

LYNN CHAPMAN (Nevada Families):

We support Senate Bill 231. A research poll found that 85 percent of Americans would find it appropriate for a principal or a teacher to use a gun at school to defend the lives of students to stop a school massacre.

Not far from Virginia Tech, a killer was stopped at the Appalachian School of Law when two students were able to go off campus to their vehicles to get their guns which they used to subdue the killer. The difficulty was in having to leave campus to take care of the situation.

Schools were a lot safer prior to the 1970s when guns in schools were common. Until 1969, virtually every public high school in New York City had a shooting club. High school students carried their guns to and from school during their subway commutes. Students regularly competed in city-wide shooting contests. Guns were easily accessible in schools, and yet there was little gun violence.

Adults are returning to school. As adults, we have the right to defend ourselves but we have an obligation to protect our children.

STEPHANIE UTZ:

I am from Fallon and I am a graduate of UNR's College of Nursing. I also received my master's degree in educational psychology at UNR. I have been a nurse for almost 19 years and am working as a school nurse in Fallon. I served for six years in the Nevada Air National Guard as a nurse.

I have seen up close the ravages that bullets can do to the human body. All my patients with gun-inflicted injuries were the victims of violence. I support S.B. 231. As an adult graduate student, I experienced the dark areas around the

College of Education. Many classes are held from 4 to 7 p.m. and 7 to 10 p.m. to accommodate working adults. It was frightening in those evenings to walk to my car. Also, waiting for Campus Escort could be a long wait, especially as I was pregnant and commuting back and forth between Reno and Fallon. I would have liked to have had the opportunity to protect myself.

We heard Ms. Collins's heart-wrenching testimony. Keep in mind when looking at statistics that many crimes are not reported. I was a victim of sexual assault at a college party, and I did not report it because I was humiliated. This is common on college campuses. College campuses have never been safe. As nursing students in the 1980s, we were reminded of a nursing student murdered by another woman in 1976 after leaving the College of Agriculture. This is another dark and intimidating area at night. Senate Bill 231 will give people the opportunity to defend themselves.

GORDON UTZ:

Walking at night back to cars is the most common place and time for a violent attack to occur, and self-defense is that focus. There is also the nightmare of mass shootings. An Ohio reporter did a story about gun violence. The Ohio reporter relied on two individuals who are active in tactical training for his research. The first is Ron Borsch of South East Area Law Enforcement Regional Training Academy in Bedford, Ohio, and the other is John Benner from Tactical Defense Institute in West Union, Ohio.

The reporter discovered that special weapons and tactics (S.W.A.T.) teams reorganized after the school shooting at Columbine High School in Littleton, Colorado, in 1999. The first four or five officers on the scene were to use a diamond formation to enter and attack the shooter. This changed when the shooter, Seung-Hui Cho, at Virginia Tech was able to shoot four people per minute.

Mr. Cho continued his shooting spree until the four-officer team entered the building. The shooter then committed suicide. Mr. Cho, on average, was able to kill three people and wound a fourth every minute during his attack. The end result: Mr. Cho killed 32 people and injured numerous others before taking his own life. Mr. Cho had locked the doors to the building, making it difficult for students to escape and for help to enter the building. This tragedy could have been reduced had students been granted the opportunity to defend themselves. The body count would have been lower.

Active killers almost exclusively seek out gun-free zones. In most states, CCW permit holders are prohibited to carry in schools and on college campuses. Malls and workplaces also place signs at entrances prohibiting firearms on premises. U.S. Post Offices are also gun-free zones by federal statute. Criminals are not stopped by these zones.

Some tacticians support the idea that the sign or the statement of a gun-free zone is an invitation for a criminal. The criminals know they will have unarmed victims. They can commit crimes with little challenge. Research shows that active shooters have no intention of surviving their attacks. They plan to die, so they want to take out as many people as possible. Most active shooters, when confronted by armed resistance, will commit suicide. Any death is a tragedy, but it is best if the active shooter is taken out before the killing of innocents.

S.B. 231 is good legislation. People must have a chance to defend themselves.

ADAM GARCIA (Chief, Reno Police Services, University of Nevada, Reno):

My heart breaks for the family of Ms. Collins. She made a comment that we failed miserably, and we did. I struggle with this as I attempt to maintain campus safety for all of our students, faculty, staff and visitors.

Prior to my position at UNR, I was the Chief of Police and Fire in a suburban city outside the city of Detroit. I have been in law enforcement for 32 years. I am an adjunct faculty member with the Nevada System of Higher Education, teaching both criminal justice classes and American government courses. I have been active with the International Association of Chiefs of Police and have served a term as the chair of the University and College Police Section. I serve as a commissioner on the Nevada Commission on Homeland Security.

I am speaking on behalf of UNR's President Dr. Milton "Milt" D. Glick and Chancellor Dan Klaich. The Nevada System of Higher Education is in opposition to Senate Bill 231. I want to make it abundantly clear that I am a proponent of the Constitution's Second Amendment right to bear arms. The right to bear arms is not absolute. If S.B. 231 becomes law, a plethora of unintended consequences might result. This bill singles out the campuses of the Nevada System of Higher Education and kindergarten through Grade 12 (K-12) schools. Governmental buildings, courthouses and airports would remain excluded in this bill. The University of Nevada, Reno, houses four on-campus child care centers and a combined second and third grade class of Sierra Vista Elementary School,

which is part of the Washoe County School District, held inside the College of Education. The University hosts numerous days and weeklong activities and camps throughout the year that attract over 10,000 K-12 aged students. The Davidson Academy is a public school for middle school and high school students located on our campus. The school prohibits weapons in order to maintain a safe and respectful learning environment pursuant to NRS 388.132.

The University has a legal duty to adopt policies to promote a safe environment for our students, faculty, staff and visitors. The University should maintain the authority to determine what is appropriate for the workplace. A supervisor may have serious reservations about participating in the disciplinary process if an employee could be carrying a concealed weapon. Our legal duty is to provide thoroughly trained and armed police officers who cooperate with our law enforcement officers to handle crisis situations. They are trained when to fire a gun, how to retain a weapon and how to best secure the campus during a critical incident. An essential element of our critical incident response plan is to prohibit firearms on campus except by trained police officers. Despite the horrific shooting at Virginia Tech and at Northern Illinois, the campus is safer than the community at large. The overwhelming majority of colleges and universities in the U.S. prohibit the carrying of firearms on their campuses. These gun-free policies have helped make postsecondary education institutions safe places.

The University of Nevada, Reno, embraces our responsibility to protect free expression and academic freedom on campus. Faculty members must be able to address the most controversial subjects in their research and writing endeavors, as well as inside the classroom. They must do so without fear they will be punished for challenging conventional thought or espousing provocative ideas. Students must have the ability to pursue knowledge without risk of penalty or restraint by those who might disagree with the students' viewpoints. These cherished values of our educational process would be diminished if college classrooms were filled with armed individuals.

College students are at an elevated suicide risk. There are about 1,200 successful suicides and an additional 24,000 attempts every year. If a gun is used in a suicide attempt, 90 percent become fatal, compared to a 3 percent fatality rate for suicide attempts by drug overdose. The University has had 16 reported suicide attempts in the past five years, and one was fatal. If

handguns were available, more than a dozen of our students would be dead from suicide.

The storage and securing of weapons in a college dormitory environment would make it difficult to ensure that these weapons would not fall into the hands of individuals who are not permitted to have them and who might engage in high-risk situations. High-risk behaviors can be spurred by alcohol; others can be attributed to an immature mind frame. The UNR police arrested, cited or took into civil protective custody over 1,000 individuals for alcohol-related incidents between 2006 and 2010.

Tens of thousands of students and community members descend on the campus to take part in public events. Unsportsmanlike conduct is common at some athletic events and can be fueled by alcohol consumption or sports rivalries. During 2006 to 2010, 143 individuals were arrested or cited and 61 were taken into protective custody during athletic events. The blood alcohol level for 102 of these individuals was 0.08 or higher, 55 had a blood alcohol content of 0.16 or higher, and 15 had a blood alcohol of 0.24 or higher, which is three times the legal limit to drive. These events could become killing fields if legally armed individuals are allowed to carry weapons into these events and an individual resorted to using a firearm.

Leave the job of protecting people on campuses to trained police officers and allow the presidents of each college campus to decide who can carry weapons on their campuses.

CHAIR LEE:

How many individuals has UNR granted CCWs to on campus?

MR. GARCIA:

We have received about a dozen requests. Some requests were from faculty members and some were from security guards working events. We have authorized one person to have a CCW on campus. The system works. We receive a request, we review it and if it is proper, we will grant the request.

CHAIR LEE:

When you are walking through the dark areas of campus late at night, you feel safe. Would you feel threatened if you were not wearing a gun?

MR. GARCIA:

In any situation, it is incumbent on individuals to act accordingly to protect themselves. They need to be aware of their surroundings, walk in groups and call for a campus escort. There are always areas of concern.

SENATOR MANENDO:

I know there are many events on campus and with sport activities where a lot of drinking occurs. There are large events with alcohol in my Senatorial District where CCWs are permitted, and I cannot recall shootings occurring. Can you explain instances during your off-campus law enforcement experience where people with CCWs became unruly after drinking alcohol and began shooting? Also, how are police procedures different in areas that allow CCWs than areas that exclude them?

MR. GARCIA:

My background is in municipal policing. I do not know if it would be fair to compare my work in a municipal setting to my on-campus position. Our campus is safe. The number of violent crimes is very low compared to the surrounding community. The goal is to keep the campus safe. We do not want to bring problems that occur in the surrounding community onto campus.

SENATOR MANENDO:

Are the procedures different in how to deal with a CCW permit holder at a local convenience store than if the CCW permit holder was on campus? Is training different? Police officers would respond in the same manner if a situation involves a CCW permit holder on campus as opposed to a situation occurring off campus?

MR. GARCIA:

Yes.

SENATOR SETTELMAYER:

It has been said that the University of Nevada, Reno, is safe compared to the rest of the community. People I know who have attended would disagree. Statistics show that UNR is situated in one of the most criminally active areas of Reno. There is only one area more violent.

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MR. GARCIA:

The campus is safe. I cannot speak for the community outside the borders of the University.

CHAIR LEE:

Do you know if the individuals who attempted suicide were CCW permit holders?

MR. GARCIA:

No.

CHAIR LEE:

In your municipal law enforcement experience, are you aware of any CCW permit holders who caused problems?

MR. GARCIA:

When we respond to problems, we do not ask people if they have CCW permits. If an individual is involved with a situation, that information will come forward later in the process.

CHAIR LEE:

I am concerned with child care. There is child care on campus and off campus. Were there problems with people having CCWs off campus with child care facilities?

MR. GARCIA:

Our campus is safe. Senate Bill 231 will proliferate people carrying weapons on campus, and this will have unintended consequences down the road.

FRANK ADAMS (Nevada Sheriffs' and Chiefs' Association):

We represent the 17 elected sheriffs, 13 chiefs of police, the majority of other chief executive officers and law enforcement officers in Nevada, including campus and university police chiefs. My bosses implement and enforce the laws you pass. We have concerns with S.B. 231.

The issue of gun rights is a heated and emotional issue. Law enforcement also has varied opinions about CCWs on campus.

Some people think law enforcement is against the Second Amendment. This is the farthest thing from the truth. Every day, Nevada law enforcement officers place their lives on the line to protect the citizens while preserving all constitutional rights to the best of their abilities.

It is a fundamental responsibility of business leaders and government administrators to ensure in a hospitable manner that those facilities and the programs they operate are safe.

Private business makes these decisions all the time. Many of them restrict any weapons in their business. When we are addressing the Nevada System of Higher Education, the responsibility of restricting weapons falls into the hands of the System's Board of Regents. We support that they should make these policy decisions.

We also have language issues with this bill. The definition of "campus" is not clear. The University of Nevada, Reno, has 60 locations where it conducts business. Would these locations be included in the definition? We have a concern that the definition of campus could include the private property the University rents or leases. It could include the parking lots at sporting events where tailgate parties are held and alcohol is present. Is this a safe environment for people to carry guns? Could guns also be allowed inside stadiums or pavilions?

We also have concerns regarding campus dormitories where students share living space. Where will CCW permit holders store weapons to protect them against theft, misuse or accidental discharge? These questions need to be answered before law enforcement can enforce the law.

In an active shooter situation, officers are trained to shoot anyone with a gun who is not an officer. We no longer wait for special weapon teams to arrive. We are trained to go in and to eliminate the threat. A person with a gun is a threat. Concealed carry weapon permit holders should put their weapons down. A concealed weapon is for personal protection. It is not meant to intervene in situations where individuals are not directly threatened. A CCW is not meant for someone to take it upon themselves to save the day.

Law enforcement risks mistaking a CCW permit holder as an active shooter. If the CCW permit holder was shot, law enforcement would be severely criticized

for any of their actions in the tragedy. Worse, an innocent life would be lost. Would the community accept such actions without great protest? No.

Until we can resolve the issues with S.B. 231 and get clear direction from the Legislature, we are opposed to Senate Bill 231.

CHAIR LEE:

Would your issues with the bill go away if the UNR president supported CCWs on campus?

MR. ADAMS.

No. We would have to sit down and pound out the details on how to enact this legislation. What is the definition of "campus?" In a circumstance where we have an active shooter response and a CCW permit holder is involved, how will we respond? How are campus administrators going to accommodate weapons in dormitories? Every question we raised needs to be answered to allow us to enforce the law. These questions do not go away if this legislation is passed.

CHUCK CALLAWAY (Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department):

The Las Vegas Metropolitan Police Department (Metro) opposes S.B. 231 on the grounds that authorization to carry concealed weapons on college campuses should be left to each campus administrator.

In Metro's jurisdiction, violent crime is down 13 percent over the last 10 years. Also, an armed person can still be a victim. Ten percent of law enforcement officers killed in the line of duty are disarmed and killed with their own weapon. There is also no evidence supporting gun-free zones have more crime. In the last several months, there were incidents in Detroit, Michigan, and Los Angeles, California, where subjects entered into police stations and opened fire on armed officers. The fact that the officers were armed did not deter the criminals from entering those stations to cause harm.

SENATOR SETTELMAYER:

In a situation where a crazed lunatic comes into a police station and opens fire, how long does it take to eliminate the threat compared to an active shooter in a school?

MR. CALLAWAY:

We have changed our tactics in school situations. It used to be common practice for police officers to set up a perimeter and wait for S.W.A.T teams to come in. I cannot give a specific time frame how fast the threat was eliminated in Detroit or in Los Angeles. It would vary from case to case. In situations when there is a building full of armed police officers, the situation would resolve rather quickly.

SENATOR SETTELMAYER:

Mr. Adams, can you reach out to other states that do allow CCWs on campuses and ask them how they do it? According to data, they have been able to have CCWs on campus in a safe manner.

MR. ADAMS:

Yes.

SENATOR SCHNEIDER:

We have a handout by the NRA ([Exhibit E](#)). The maps show sexual offenders in Las Vegas and in Reno. It is clear there are not many offenders on the campuses. This goes against testimony saying the campuses are unsafe.

MR. GARCIA:

The UNR campus is safe. I can provide statistical information supporting my comment. It is an oasis in the middle of a crime area.

CHAIR LEE:

The maps presented by the NRA, [Exhibit E](#), are not documenting sex offender offenses but sex offender residences.

Are there armored cars on campus? If so, do the workers have to leave their guns off campus or are they granted permission to carry on campus?

MR. GARCIA:

Any person who enters campus must get authorization from the University president, typically through the Police Chief, to carry a weapon.

SENATOR MANENDO:

Are the companies granted permission, or are the people working for the company granted the permission to carry?

MR. GARCIA:

In my experience, letters are written by companies requesting authorization. We practice due diligence and respond accordingly.

SENATOR MANENDO:

A company is granted permission with a list of employees who might be on campus with a gun. Do you meet the individual people or do you grant the permission only by the letter request?

MR. GARCIA:

Upon the letter request, we practice due diligence. We do background checks and ensure the company has proper licensing and training. The reasons for carrying a gun must also be articulated in the letter.

JOSE ELIQUE (Director of Public Safety and Chief of Police, Department of Police Services, University of Nevada, Las Vegas):

I have been in this position for the past 11 years but have served as a sworn police officer for more than 40 years, including 19 years as a chief law enforcement executive in institutions of higher learning in New York City and most recently at UNLV.

I am speaking on behalf of UNLV President, Dr. Neal Smatresk, and myself as the senior law enforcement executive of the University. We oppose this legislation for a variety reasons.

Allowing people with CCW permits to carry firearms on university property will result in more threats to the campus community and to the weapon's carrier. Established police response tactics to active shooter scenarios call for the neutralization or elimination of the threat. Responding officers always look for anyone with a firearm in their hands or on their person. During these scenarios anyone with a weapon could be shot. Any report of an individual with a gun on campus would immediately generate an aggressive response by our police officers who would seek to disarm.

Universities are special places that require a different type of public safety and law enforcement service. We call it community-policing, and we practice it every day. University police are service-oriented and are encouraged to interact with the University community, extending dignity and respect at all times. Officers responding to reports of a person with a firearm respond tactically and

are most cognizant of officer safety. The types of responses and interactions would, by necessity, negate much of our community-policing model that the campus community expects.

Alcoholic beverages are sold during University athletic events and at parties in campus venues. The combination of alcohol, individuals carrying firearms and excessive drinking can be potentially lethal. At last year's traditional UNR-UNLV rival football game at Sam Boyd Stadium, there were numerous fights, including some with uniformed police officers from UNLV and Metro. I can only imagine what might have occurred if these students were armed at the tailgate areas and inside the stadium. Law enforcement would be overwhelmed by shots fired and by the crowd of frightened spectators. Spectators and law enforcement would face a threat of getting trampled.

There are questions to consider: How would dorm students safely store their weapons; would they leave them unattended in their rooms; what if their dorm partner objected to the weapon; would the University be obligated to provide storage or change the dorm room occupant?

The CCW training of eight hours does not train permit holders in how to engage and neutralize an active shooter. Police train using realistic scenarios at least three times a year. The premise that an elementary-trained individual could successfully thwart an attack by an armed assailant is flawed. It is more likely that the individual would pose an additional danger to other students in the area or to himself. It is possible that armed students might mistake one another for assailants and inflict unintended friendly fire on innocent bystanders.

During an active shooter situation on campus, an individual with a concealed weapon could face the danger of getting overpowered by an assailant. This would actually provide the assailant with an additional opportunity to gain access to weaponry and ammunition. Unlike police officers, most owners of concealed weapons are not trained to protect themselves or their weapons from this possibility.

The existence of large numbers of concealed weapons on campus would logically and numerically increase the possibility of accidental discharges of these weapons with the potential of injuries and fatalities on campus.

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Senate Bill 231 would serve no useful purpose and would jeopardize the general safety of the campus community especially during an active shooter or assailant incident on the campus. It would also have a chilling effect on the educational process. Putting guns in our classrooms would not contribute to robust academic debate or foster a climate of learning. I ask this Committee to objectively consider the questions raised by this legislation and defeat the passage of S.B. 231.

SENATOR MANENDO:

One UNR student is allowed to carry. How many UNLV students are allowed CCWs on campus?

Mr. ELIQUE:

None.

SENATOR MANENDO:

I do not know how many UNLV students who are CCW permit holders would cause mass chaos. The testimony seems like a stretch. Are you personally against CCWs?

MR. ELIQUE:

No, I am not against CCWs.

SENATOR MANENDO:

Outside of the University, are you concerned with people carrying concealed weapons?

MR. ELIQUE:

When a person has a CCW on a college campus and if the campus community is not educated to the law change, people might have a concern seeing a weapon on campus. They would call the police and the police would respond to the gun holder with force. The first thing the police would do is to disarm the person in an aggressive manner. The police would disarm the person and then question the gun holder as to why he or she had a gun. My concern is not about CCW permit holders acting out.

SENATOR MANENDO:

The training of situations involving CCW permit holders should be consistent off campus and on campus and implemented in the same professional manner regardless of where an incident occurs.

MR. ELIQUE:

Yes.

JIM RICHARDSON (Nevada Faculty Alliance):

We have Nevada Faculty Alliance chapters on all eight campuses. There is a strong and resounding opposition to Senate Bill 231 expressed unanimously by the members of my State board.

We support the Nevada System of Higher Education's Board of Regents position allowing exceptions to campus carry. It works. Tragic situations do occasionally occur, but the campuses are safe. The campus police do a good job monitoring safety. This is evident at sporting events. We do not see a reason to change the policy, and we do not understand the focus of the bill. Those supporting the bill have the wrong target given the fact that the Board of Regents has constitutional autonomy. It seldom occurs that a bill is passed by the Legislature telling the Board of Regents they "must" take direction. The bill's language might be problematic on this issue. The campus policy has been in place for some time, and it works.

I spoke to Lorne J. Malkiewich, the Director of the Legislative Counsel Bureau, about the policy for the Nevada State Legislature, and he explained it. It is similar to the policy for the Nevada System of Higher Education. If someone wants to carry legally in this building, they have to go through Mr. Malkiewich and he notifies the Legislative Police. The police are then informed who is carrying a concealed weapon. I am puzzled that the bill does not include a provision to allow CCWs in this building. There is reason not to allow them as there is reason not to allow them on campuses. Controversial topics are discussed and events take place where people will have strong feelings and emotions. If CCWs are a good idea, why not apply them here?

We oppose this bill as it will make our campuses less safe. We appreciate the concern people have for our students, staff, faculty and visitors, but studies following the tragic shooting at Virginia Tech and a report by the Brady Center

([Exhibit F](#)) demonstrate that guns on campus will not make students, staff, faculty and administrators safer.

I am not an antigun advocate. I own guns, but they do not belong on campus. This legislation is problematic and will cause the campuses to become less safe.

SENATOR MANENDO:

Would you support the bill if the Nevada State Legislature was included?

MR. RICHARDSON:

No.

SENATOR MANENDO:

I do not understand why you mentioned it.

MR. RICHARDSON:

I was pointing out a moral and philosophical inconsistency in the statements in this bill.

SENATOR MANENDO:

We can ask Mr. Malkiewicz how many times there has been a request to bring a CCW into this building. According to testimony, out of roughly 40,000 university students in Nevada, only one has been granted permission to have a CCW on campus.

SENATOR SETTELMAYER:

Each door at the Nevada State Legislature is covered by an armed security guard and there are panic buttons and other security measures throughout the building. Every building at the University does not have the same security level. Mr. Richardson, you indicated the system is working. Is it right that one person in the entire student body has the right to carry a gun? How can this demonstrate the system works when one person out of 17,000 has a CCW?

MR. RICHARDSON:

This is one reason the campus is safe. We do not have guns on campus. I welcome this safety. I am a faculty member, I teach, discuss controversial topics and I occasionally have heated discussions about grades. I feel safe. Schools are places that are not supposed to have guns. Guns have their place, and a college campus is not one of them. The policies at the Nevada Legislature

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and at the Nevada System of Higher Education are working. The notification of a CCW allows the police to respond appropriately.

TIM KUZANEK (Captain, Washoe County Sheriff's Office):
I am speaking on behalf of Washoe County Sheriff Mike Haley and the Washoe County Sheriff's Office in opposition to S.B. 231.

The reasons are the same reasons as indicated by Mr. Adams of the Nevada Sheriffs' and Chiefs' Association.

CHAIR LEE:
Your office regulates the CCW permits in your county?

MR. KUZANEK:
Yes.

CHAIR LEE:
Why do you not trust permit holders on campus when you trust them off campus? These people have met your requirements. Why the paradigm shift on campus?

MR. KUZANEK:
Other buildings outside the Nevada System of Higher Education preclude firearms. It is not a trust issue with the CCW permit holders. The Sheriff's perspective is more about the ability of the Board of Regents or University staff to manage what they deem appropriate.

CHAIR LEE:
You do trust your permit holders.

MR. KUZANEK:
I have no reason to not trust them.

RANDY FLOCCHINI (Chief of Police, Department of Public Safety, Truckee Meadows Community College):
I began my law enforcement career 33 years ago and have served as the Police Chief at Truckee Meadows Community College (TMCC) for the last 13 years. I am also a tenured faculty member and teach classes in the business department and the criminal justice department.

Truckee Meadows Community College serves about 20,000 students per year. The school also has a child care center, a high school and a variety of outreach programs that bring people of all ages to our campus. Safety and security are critical elements of the fabric that make up our campus, and we take those elements seriously. We have all witnessed the evolution of escalating violence on our Nation's campuses. My heart goes out to the victims, their families and the communities where these incidences have occurred.

Dr. Maria Sheehan, President of TMCC, has asked that I express our opposition to this bill. Our research indicates that much of the national debate focuses more on the individual's right to carry firearms on campus for personal safety reasons than the notion that carrying firearms will result in safer campuses. Empirical data published in 2010 by the U.S. Secret Service, the Federal Bureau of Investigation and the U.S. Department of Education tells us these ideas are not exclusive. The study says that institutions of higher learning are significantly safer places than most communities. Opponents of the legislation argue no demonstrable need exists to allow CCW permit holders to carry firearms on campus. Proponents assert their Second Amendment right to keep and bear arms. Truckee Meadows Community College encourages and embraces respectful discourse on this topic, but our position is the law precluding CCW permit holders from carrying their firearms in certain places, including properties belonging to the Nevada System of Higher Education, should not be modified.

REBECCA GASCA (American Civil Liberties Union of Nevada):

Senate Bill 231 provides a complex question, and we are neutral at this time. Case law on the Second Amendment is not as complex or thorough as on the First or the Fourth Amendments. We do know the *District of Columbia v. Heller*, 554 U.S. 570 (2008) decision has applied the Second Amendment to individuals. There is a standing Ninth Circuit Court decision that applies it to states. These decisions do not prohibit gun-free zones, and there are buildings and other locations that have gun-free zone policies with exceptions. This Legislative Building is an example, and so are college campuses.

Many questions have been brought forward in testimony. We also have questions regarding the due process of individuals who seek the exception to carry on college campuses.

CHAIR LEE:

We have several letters in support of S.B. 231. The letters are from the NRA, [Exhibit E](#); the UNLV College Republicans ([Exhibit G](#)); John Cahill, a certified firearms safety instructor ([Exhibit H](#)); and the State of Utah's Attorney General, Mark L. Shurtleff ([Exhibit I](#)). I am also expecting to receive a letter from the Clark County District Attorney, David Roger, in support of S.B. 231.

I want to address comments made by Mr. Richardson. The Board of Regents does not own the campuses. The campuses are public institutions. There are times when we address the same issues, and we vet the issues at the Nevada Legislature. It is not unusual for a bill like S.B. 231 to come before us. This bill is about personal protection. This bill will allow people to practice self-protection in life-threatening situations.

SENATOR SETTELMAYER:

I appreciate the testimony that the police officers on the universities feel safe, and this gets to the heart of the matter. The individuals who carry weapons on campus feel safe and the victims of crime do not.

SENATOR SCHNEIDER:

We have a difference in society in this State. People either live in our cities or our rural areas, and they think differently. Several years ago, I met with lobbyists nationally representing Wal-Mart. To stimulate dialogue, I asked whether gun control on a Las Vegas ballot would pass. One lobbyist said that I was correct. Gun control in the city of Las Vegas would pass. I asked for clarification, and she told me that Wal-Mart does not sell guns in any major city in the U.S., including Las Vegas. I asked why and she said people in big cities do not buy guns. She explained that for Wal-Mart to sell guns, they must stock an inventory. Wal-Mart does not sell enough guns to meet profit margins in big cities. Wal-Mart does sell plenty of guns in the more rural areas.

When we are addressing S.B. 231, we have to realize there is separation of society between the people in this State. We have people living in big cities and people outside those cities. The UNLV is a big-city campus. The Las Vegas metropolitan area is reaching 2 million people. The police officer from Las Vegas testified that over the last ten years, violent crime has dropped 10 percent in the fastest growing city in the U.S. The people I represent in the city of Las Vegas do not want guns, and they do not buy them.

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CHAIR LEE:

The city of Las Vegas could be safer because of the 49,000 active CCW permit holders in the city.

SENATOR SCHNEIDER:

My constituents choose not to buy guns because they have confidence in law enforcement.

CHAIR LEE:

There is no further business to come before this Committee. The meeting is adjourned at 10:59 a.m.

RESPECTFULLY SUBMITTED:

Cynthia Ross,
Committee Secretary

APPROVED BY:

Senator John J. Lee, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 231	C	Larry Rhodes	Letter/Newspaper Article
S.B. 231	D	Churchill County Sheriff's Office	Letter
S.B. 231	E	NRA	Letter
S.B. 231	F	Jim Richardson	Letter
S.B. 231	G	UNLV College Republicans	Letter
S.B. 231	H	Certified Firearms Safety Instructor	Letter
S.B. 231	I	Utah Attorney General	Letter