

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-sixth Session  
February 16, 2011**

The Senate Committee on Judiciary was called to order by Chair Valerie Wiener at 8:04 a.m. on Wednesday, February 16, 2011, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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 Valerie Wiener, Chair  
Senator Allison Copening, Vice Chair  
Senator Shirley A. Breeden  
Senator Ruben J. Kihuen  
Senator Mike McGinness  
Senator Don Gustavson  
Senator Michael Roberson

**GUEST LEGISLATORS PRESENT:**

Senator John J. Lee, Clark County Senatorial District No. 1  
Senator James A. Settelmeyer, Capital Senatorial District

**STAFF MEMBERS PRESENT:**

Linda J. Eissmann, Policy Analyst  
Bradley A. Wilkinson, Counsel  
Kathleen Swain, Committee Secretary

**OTHERS PRESENT:**

James "Greg" Cox, Acting Director, Department of Corrections  
Rex Reed, Ph.D., Administrator, Offender Management Division, Department of Corrections  
Mark Woods, Deputy Chief, Division of Parole and Probation, Department of Public Safety

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Terry Care, Ex-Senator  
Lora E. Myles, Carson and Rural Elder Law Program  
Bill Uffelman, President and CEO, Nevada Bankers Association  
Rocky Finseth, Nevada Land Title Association  
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Lynn Chapman, Nevada Eagle Forum  
John Wagner, Independent American Party  
James Brown  
Keith Wood  
James Crowley  
J. L. Rhodes, Stillwater Firearms Association  
William R. Birk  
Richard Brengman  
William Sharp, Stillwater Firearms Association  
Ken Brown, Stillwater Firearms Association  
Bob Irwin, The Gun Store  
Don Turner  
John Cahill  
Glen R. Parshall, Bargain Pawn  
Robert Ruppert  
Miriam Day  
Edward H. Day  
Gabriel Raviv

CHAIR WIENER:  
I will open the hearing on Senate Bill (S.B.) 29.

**SENATE BILL 29**: Revises provisions relating to credits earned by an offender which reduce the offender's term of imprisonment. (BDR 16-450)

JAMES "GREG" COX (Acting Director, Department of Corrections):  
This bill allows us to do housekeeping with our notice system regarding earned credits. The process takes a week. The bill gives the Director flexibility to use those days and the credits earned for approved programs regarding those inmates. The programs include educational, substance abuse and vocational training.

CHAIR WIENER:

Section 2, subsection 1, paragraph (c), says, "a deduction of 20 days from his or her sentence for each month the offender serves." Please explain. It looks like we are knocking off two-thirds of someone's sentence. There are caps on the total number of days. How is this calculated?

REX REED, PH.D. (Administrator, Offender Management Division, Nevada Department of Corrections):

You are asking about the 120 credits in section 2, subsection 1, paragraph (c). An inmate gets four different kinds of credits. In order to calculate an inmate's sentence, we must know how many days he owes the State after he is sentenced. At that point, we must start tracking five different kinds of credits.

Flat time is any day he stands in his cell. That is the day he gets credit against. He gets good time credits. If he behaves and stays out of trouble, he gets 20 credits per month. He gets work credits. If he is working and in an institution, he gets ten credits. If he is working and in a minimum custody facility, he gets 20 credits. He gets meritorious credits if he completes a program—earns a high school diploma, an associate of arts degree or a drug and alcohol treatment program. The fifth is jail credit. If a judge awards an inmate credit because of the time he spent in jail, we assign those to what he owes us.

How do we calculate or track that? We look at the kind of credit and then apply that to the number of days he owes the State.

CHAIR WIENER:

You would not eat into minimum times on sentences.

DR. REED:

Correct. He owes a minimum number of credits, which is also his parole eligibility. The maximum term is the time he would serve to discharge his sentence.

CHAIR WIENER:

Is this what you are doing now?

DR. REED:

Yes.

CHAIR WIENER:

What is different here than what you are doing now?

DR. REED:

We have situations where an inmate may complete a program, and we award meritorious credits. It can be a large award. For example, an inmate would get 60 credits for completing a drug treatment program. If an inmate has a week to go before he discharges his sentence and we give him 60 credits, we must apply those 60 credits to his sentence, which become immediate credit. If we apply all 60 credits, it looks as if we held him beyond his discharge date.

This bill allows us to apply up to 60 credits. If the inmate has an immediate release, we need a day or two to take care of all the paperwork and requirements. From those 60 credits, we would apply only what we need so the inmate would discharge his sentence in one, two or three days.

For example, a sex offender must register his case in the sex offender registry, which takes a couple of days. If we have an immediate release and we want to release him that day, we cannot do so because we must enter him into the sex offender registry. This bill will allow us to give him just enough credits so we can take care of all the paperwork. Then we would release him. If we had to apply 60 credits, we would have to let him go right then and there.

CHAIR WIENER:

Is that the "not more than" language? Is that the real change here?

DR. REED:

Yes.

MR. COX:

The bill also allows us to follow our process regarding victim notification.

CHAIR WIENER:

Have you had problems with that excessive credit on a regular basis?

DR. REED:

Yes. We have approximately one, two or three immediate releases per day because there are many programs out there. It is a concern because inmates or families call and demand an immediate release or else.

CHAIR WIENER:

Is that because of credits?

DR. REED:

Yes. There is another aspect of the bill. We would like an increase in certain meritorious credits. Meritorious credits are restricted to 90 credits per year. In some cases, inmates can earn those 90 credits before the year is over. If we increase those from 90 to 180, we could continue giving additional credits to inmates who are working and performing well.

MARK WOODS (Deputy Chief, Division of Parole and Probation, Department of Public Safety):

We support this bill. It does not affect the Division of Parole and Probation because we are supervising these individuals anyway. It cleans up the prerelease-process issue when we get paperwork on a person for our prerelease investigation and they are already shown as overdue. It would show the system is correctly following the rules.

SENATOR GUSTAVSON:

Are you asking for additional credits along with what inmates are already getting? Credit is a day, correct? It looks like you are trying to extend these credits. Are inmates getting 20 days per month credit for certain programs? Would that come off their minimum sentence?

DR. REED:

That time does come off the sentence. Application of meritorious credits depends upon whether the inmate is a Category A or B felon or a Category C, D or E felon. The serious felons do not get it off the front end. When I say front end, I mean off parole eligibility. If an inmate is a C, D or E felon—lesser felonies—it comes off both parole eligibility by law and maximum sentence.

CHAIR WIENER:

Does the minimum sentence still have to be served? Does this cut into the minimum time the law requires to be served?

DR. REED:

The awarding of all credits—for a Category C, D or E felon—reduces parole eligibility. At the same time, it reduces the maximum sentence. If the inmate is a Category A or B felon, it only comes off the back end of the sentence.

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SENATOR ROBERSON:

It sounds like it does come off the minimum.

DR. REED:

Yes, it does if they are a C, D or E felon. All credits come off the front end.

MR. WOODS:

It comes off the parole eligibility. If an inmate is sentenced to 1 to 4 years, it allows the inmate to get on parole earlier than the 12 months. The inmate still has to serve the minimum sentence, but that sentence can be inside the prison or in community corrections on parole. That does not go away. It allows the parolee to get onto the street sooner under the supervision of the Division of Parole and Probation.

CHAIR WIENER:

Has that always been the practice? How long has that been the practice?

DR. REED:

Nevada has a long and complicated history of how sentences are calculated. I first came in 1995, which was the beginning of the Truth-In-Sentencing Act. Before that time, parole eligibility was determined by the one-quarter or the one-third law. That means when an inmate served one-third or one-quarter of the sentence, that determined parole eligibility. After truth-in-sentencing, a specific minimum had to be served with a maximum. That minimum did not move. Once it was established, that was it. The law was changed so that certain credits for C, D and E felons come off the front end. When I said earlier all credits come off the front end or the parole eligibility, I was speaking in a general sense. Certain credits come off the parole eligibility. I do not believe the drug treatment programs come off, but meritorious credits come off the parole eligibility. We have several different kinds of credits, and it is complicated.

SENATOR ROBERSON:

The general public assumes when there is a minimum one-year sentence, that person is spending a year in prison or jail. It does not sound like that is the reality. We would like to learn more about that.

CHAIR WIENER:

I will close the hearing on S.B. 29 and open the hearing on S.B. 88.

[SENATE BILL 88](#): Enacts the Uniform Real Property Transfer on Death Act.  
(BDR 10-59)

TERRY CARE (EX-SENATOR):

We have ten Uniform Acts this Session. They do not all have fiscal notes. Senate Bill 88 is the Uniform Real Property Transfer Act. In Nevada, we have law covering this subject. By operation of law, real property is transferred from the owner of property to the beneficiary through a recorded deed upon death. Sometimes a Uniform Act will improve the law existing in states that have laws on the particular subject.

LORA E. MYLES (Carson and Rural Elder Law Program):

In 2003, Nevada became one of the first states to pass a Deed Upon Death Act that allows inheritance of real property without probate. Nevada had a Transfer on Death Act regarding securities, bank accounts and other financial accounts. Nevada's Deed Upon Death Act predates the Uniform Real Property Transfer on Death Act (Uniform Act). The Uniform Act references Nevada's statute and forms in the commentary attached to the Uniform Act ([Exhibit C](#), page 1).

Senate Bill 88 as introduced is the Uniform Act without a Nevada twist. I will refer to the proposed amendment ([Exhibit D](#)). Senate Bill 88 contains provisions that conflict or cause problems with *Nevada Revised Statutes* (NRS). We have amended S.B. 88 to keep conformity with what is already in practice with Nevada's Deed Upon Death Act.

Some practitioners are not familiar with the Deed Upon Death Act. I use this Act extensively. It is a popular means to pass assets to children in rural counties because it is inexpensive and simple to do. Approximately 90 percent of our clients in the rural counties have less than \$100,000 in assets, including their house. They are looking for a simple way to pass their estate to their children. The Deed Upon Death Act provides that means.

One difference between the amendments and S.B. 88 is the terminology. We have elected to use Nevada's terms of "owner," "grantor," "beneficiary" and "Deed Upon Death." These terms are commonly used in Nevada rather than the terms listed in the Uniform Act.

The first portion of the bill defines creating Deeds Upon Death and their effect upon property ownership. Please note sections 12 and 13 of the bill which

allow transfer to multiple beneficiaries. The Uniform Act mentions some multiple beneficiaries, but we have allowed that in Nevada for some time. We wish to continue that practice.

Nevada allows the transfer of a partial interest or whole interest by joint owners. We have kept that in amending the Act, which is in line with what we have been doing.

We have kept the same section numbers in the proposed amendment, [Exhibit D](#). Section 12 allows a transfer. We have amended that to "owner" and to a transferee, which is a beneficiary under NRS.

In Nevada, the Deed Upon Death is only effective if it is recorded and is recorded before the death of the property owner.

The Uniform Act includes forms. We have deleted sections 20 and 22 of the Uniform Act because Nevada has statutory forms in place for the Deed Upon Death since 2003, [Exhibit D](#), pages 2 and 3. We prefer to keep the Nevada forms rather than allowing each individual practitioner to create a form or to use a form. Nevada has a form, [Exhibit D](#), pages 4 and 5. We have made a couple changes to the form as requested by the county recorders' offices and the county assessors' offices based upon difficulties they have encountered.

The Uniform Act does require a two-sided form. In Nevada, a two-sided form costs an additional \$25 per page to record because to be recorded, NRS dictates the kind of form, the margins and whether it is two-paged. We have kept it to a one-sided form.

Nevada also has a Revocation of Deed Upon Death form. The Uniform Act addresses the process of revoking a Deed Upon Death. We are continuing with Nevada's practice. In Nevada, a specific revocation of a Deed Upon Death must be recorded. If that revocation is not recorded, the Deed Upon Death is still valid upon the death of the owner.

Nevada also has an additional form which is not in the Uniform Act and that is section 29, [Exhibit D](#), page 7. Nevada requires a death certificate of the owner be recorded to affect the transfer of the property. States like Colorado and Arkansas are finding if a death certificate is not recorded, the title stays in limbo. Nevada has always had a Death of Grantor Affidavit which has to be



recorded with the death certificate on the death of the owner. That clears up the title on the property.

We are deleting section 31 of the Uniform Act, [Exhibit D](#), page 8, which references electronic transfers and electronic recording, because it is covered elsewhere in chapter 111 of NRS.

SENATOR CARE:

Ms. Myles has talked to the title companies, and there may be some additional suggested amendments.

CHAIR WIENER:

Is this an amendment to replace the bill?

SENATOR CARE:

Yes.

MS. MYLES:

The amendments, [Exhibit D](#), were before the American Bar Association and Uniform Law Commission and were approved.

SENATOR CARE:

While the Uniform Law Commission likes to see its acts adopted in total, it understands they have to be tweaked on a state-by-state basis. We do not want to disturb certain portions of Nevada law.

CHAIR WIENER:

Will there be other amendments?

MS. MYLES:

We have spoken to the title companies. They are concerned that if there are insufficient assets in a probate estate to satisfy all the creditors of the deceased owner, there is a time period to file a claim against the property. This leaves the title of the property in limbo. We are trying to address the issues of the title companies where the title is in limbo. We are addressing the new owner of the property, the beneficiary of the property and any creditors that may be out there.

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CHAIR WIENER:  
You are addressing a clouded title?

MS. MYLES:  
It is not necessarily a clouded title. The title actually does pass to the beneficiary, but there is the possibility of a lien against that title through any probate process if the owner did not leave sufficient assets to satisfy the creditors.

CHAIR WIENER:  
Is that addressed through the Uniform Law Commission?

MS. MYLES:  
No.

BILL UFFELMAN (President and CEO, Nevada Bankers Association):  
My comments are addressed to [Exhibit D](#). I support [Exhibit D](#). It retains the security interests of the creditor. We agree with the addition in section 25, [Exhibit D](#), page 4, that the inheritors, in fact the property, is subject to existing liens. We support the idea that if the balance of the estate is not sufficient to meet the just claims against the estate, then it can be attached to this transferred property.

CHAIR WIENER:  
As we are working on additional amendments, we will make sure that language remains.

MR. UFFELMAN:  
If the title companies are satisfied, we will be too.

ROCKY FINSETH (Nevada Land Title Association):  
We are neutral on this bill. Regarding section 24, subsection 3 of [Exhibit D](#), page 4, the title companies are concerned about insurable title on the 18 months.

CHAIR WIENER:  
I will close the hearing on S.B. 88 and open the hearing on S.B. 126.

**SENATE BILL 126**: Revises certain provisions relating to permits to carry concealed firearms. (BDR 15-335)

SENATOR JAMES A. SETTELMAYER (Capital Senatorial District):

The qualification process for a concealed carry weapons (CCW) permit involves a background check. The individual must also demonstrate proficiency in a written examination and live-fire situation of the weapon. Under Nevada law, an individual must actually qualify with each semiautomatic they are ever going to carry. However, if you qualify with one revolver, you are allowed to carry any revolver. We are the only State in the Union that still requires you to qualify for each semiautomatic that you carry. This issue affects a large number of my constituents as well as yours.

We have over 49,000 CCW permits in Nevada. Depending on where the census comes in, that number would be equal to the third or fourth largest county in the State of Nevada. We have been contacted by numerous individuals trying to ease this concern. That is where the bill comes from.

SENATOR JOHN J. LEE (Clark County Senatorial District No. 1):  
I will read from my written testimony ([Exhibit E](#)).

CHAIR WIENER:

Did you work with law enforcement?

SENATOR LEE:

Yes. We have worked with the North and South.

SENATOR SETTELMAYER:

We have contacted every sheriff and talked about their concerns.

FRANK ADAMS (Executive Director, Nevada Sheriffs' and Chiefs' Association):

We have been working closely with Senator Lee and Senator Settelmeyer. This would not only make the process easier for our citizens to become CCW permit holders, but it would make the administration of that program considerably simpler for the sheriffs' offices. We support this bill.

CHAIR WIENER:

Has it been cumbersome to go through the process for each weapon?

MR. ADAMS:

Yes. In the past, we had to list every revolver. If you carry a .38 caliber, a .357 magnum and a .44 magnum, you would have to list each one on your permit and qualify with each one of those. If you shoot a revolver, you can just have revolver placed on your CCW card. However, if you want to shoot a .22 caliber automatic, a .38 caliber automatic, a .380 caliber automatic, a 9mm and a .40 caliber automatic, you must qualify for each of those and list each of them on your CCW permit. If you qualify with a revolver, you are eligible to carry any revolver you want. If you qualify with a semiautomatic, you will be eligible to carry any semiautomatic you want. It is simpler for us and for the citizens.

CHAIR WIENER:

When did we do the "all revolvers" language in statute?

MR. ADAMS:

It was done in 2007.

SENATOR BREEDEN:

Qualify means training?

MR. ADAMS:

Qualifying has two components. One is training, classroom-type training. Qualification means you go out on the shooting range and actually shoot that weapon to show you are able to hit the target and you do not shoot yourself in the foot or some other part of your body.

SENATOR BREEDEN:

Once you have that training, is there additional training required?

MR. ADAMS:

Yes. There is a five-year application for renewal. At that time, you have to go through the retraining and the requalification.

SENATOR SETTELMAYER:

Also, every five years you have to pass a written examination. Any changes in law will be updated to individuals so they have the most current information.

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LYNN CHAPMAN (Nevada Eagle Forum):  
We support this bill because this is a liberty issue.

JOHN WAGNER (Independent American Party):  
I am a CCW holder. I support Senator Lee's remarks.

JAMES BROWN:  
I oppose this bill. I own weapons. I am not a CCW holder. I understand the shooter in Arizona had an automatic weapon. He was a permit holder. We do not know when individuals will go bonkers. Every weapon they have should be listed, and they should be trained with every weapon. When law enforcement goes to a person's house, if the individual has 20 guns, law enforcement should know there are 20 guns and officers do not look for 21, 22 or 23 guns.

When I was the manager of a regional outlet, I had an employee who bought a gun every week. When he was terminated, he had 56 weapons. We do not need to reduce the requirements for weapons. We need to be more stringent. Every weapon you buy should be listed at that time. They should go through the background to see if there has been a personality change in this person.

Automatic weapons are for killing people. If I go hunting, I use a rifle or shotgun. We should be conservative and clamp down on the use of this weapon permit. We are one of the few states that allows you to carry a concealed weapon. In California, when Willie L. Williams became Chief of the Los Angeles Police Department, he did not have a weapons permit. He only obtained one after he was threatened.

Nevada must step up to the plate. We are no longer the Wild West. We need to curb the number of guns people possess, especially semiautomatics. They are dangerous and they kill people.

SENATOR COPENING:  
When you purchase a firearm, you do have to register it. This bill is just talking about the training for a CCW permit. Please confirm that.

MR. BROWN:  
It is my understanding one of the reasons they want to go forward with this bill is because it takes more paperwork and it inconveniences the permit holder.

Those are not valid reasons. We can save a life. If you have to go through extra paperwork, it should be welcomed by the holder and by law enforcement.

CHAIR WIENER:

Purchasing a weapon is different from what we are talking about here. What kind of accounting or record keeping do we have so we would have information about what weapons someone might have purchased?

MR. ADAMS:

If the person buys a weapon from a licensed federal firearms dealer, that dealer takes the information of that individual and the weapon. The dealer does a background check mandated by the Brady Handgun Violence Prevention Act, known as a Brady check. The dealer checks to make sure that person is not excluded from having a weapon. There are a number of delineators. You cannot be an ex-felon. You cannot be convicted of domestic violence. You cannot have mental illness problems. Then there is a waiting period, and that person gets the weapon. At that point, that person can possess that weapon, and with the exception of Clark County, there is no registration requirement in Nevada per county. In Clark County, if you are a resident and hold a handgun, you need to register that weapon.

This is different. This is a CCW permit, and those individuals have purchased the weapon. They have gone through the Brady check. They also have a fingerprint check through the Federal Bureau of Investigation and the State. They go through the training and qualifications, and they are then issued a permit by the county sheriff that allows them to carry a weapon concealed under certain conditions.

CHAIR WIENER:

How many states have CCW permitting laws?

MR. ADAMS:

I think every state in the Nation has CCW permitting.

CHAIR WIENER:

Our staff can look into this.

MR. ADAMS:

We are a shall-issue state. That means that unless you have something that precludes you from having a CCW permit, the sheriff shall issue that permit. Some states issue CCW permits at the discretion of the sheriff or chief of police.

MR. BROWN:

Our closest neighbor is California. In California, it is virtually impossible to carry a weapons permit. Mr. Adams should know that in California the average citizen cannot get a weapons permit to carry. He is an expert and I am not. But I know that much about the law.

MR. ADAMS:

In California, it is the authority of the sheriff and the chief of police to issue a CCW permit. A large number of individuals do receive them. In relationship to the population, that number is probably pretty small. If you look at the number of CCW permits we have in relationship to our population, that is pretty small also. It is not unusual for a person from California to have a CCW permit. It is a little more difficult to acquire, but it is not unusual.

CHAIR WIENER:

There are 48 states that have laws.

KEITH WOOD:

I am the man who got concealed carry legalized in Arizona. The extension of my work in the early 1990s led to the recent repeal of the requirement for a permit for concealed carry in Arizona.

At each step in the process in Arizona, we were told there would be blood running in the gutters. Every step in the process decreased violent and gun-related crimes in the State. That has been repeated over and over again. Nearly 40 states are shall-issue. These states require that a person who meets the qualifications will be granted the CCW permit—generally a background check and basic understanding of firearms. The requirements vary from state to state. Those states have the lowest rates of gun crime in the Nation.

The states of Vermont, Arizona and Alaska have no requirements for carrying concealed weapons. There are basic controls on where, when and how those weapons can be carried, but they do not have laws specifying any particular

training or process to obtain the authorization to carry. Those states are generally considered to be among the safest in the Nation for per capita violent crime. It has been proven that the greater the percentage of the law-abiding population who carries concealed weapons, the less confidence criminals have that they will meet an unarmed victim. That is one of the reasons I am here.

Mr. Brown stated that in California people cannot get permits. Mr. Adams mentioned that California is discretionary. Each county sheriff has the authority to decide who does and does not get a permit. Rural counties have, in some cases, thousands of permits issued, while San Francisco has fewer than 100. One of those was issued to U. S. Senator Dianne Feinstein as her last act as the Mayor of San Francisco. When people in positions of authority have the right to issue themselves a protection they deny to others, you have disparity in the class of people. We are supposed to be one nation for everyone, not a nation where the rich people can have the weapons and the poor people cannot.

In the State of Nevada, we have taken several steps toward adjusting this disparity. Right now, the remaining disparity is that if I have a Springfield 1911 pistol in .45 caliber, take the concealed weapons course and fire \$30 worth of ammunition to prove I know which end of the gun points downrange, I can carry that pistol. If I want to carry a Colt 1911 in .45 caliber, which is the exact same pistol with a different brand name, I have to spend another \$30 on ammunition plus the cost of a concealed weapons trainer to sign it off. Then the city, county and state must go through the process and expense of amending my permit to show I can carry another one of the same kind of pistol I have already carried.

What we are talking about here is your driver's license says you can drive a Ford Mustang with a 390 engine, but you have to go back and take another driving test to drive a Ford Mustang with a 289 engine or a Ford Pinto or a Chevrolet. Every different make and model of semiautomatic is separated in the law the way it is now.

A number of brands of firearms and pistols are very popular and come in several different calibers in the same model. For instance, the European American Armory Witness is a high quality semiautomatic. If you remove the barrel and slide of this weapon and replace them with a different barrel and slide, you have the option of 17 different caliber, barrel length and model combinations on the same pistol. It operates the exact same way. If you have a 1911 by Springfield,



Colt, Kimber, Charles Daly or Rock Island, over 45 different manufacturers make the exact same pistol in just .45 caliber. If I find a Kimber I want to carry, I have to go through the whole procedure again just to get one word changed on the CCW permit. Someone on a low income cannot easily do this.

The law is bad law. It is better than nothing, but it still is not good. When I started the process in Arizona, there was no concealed carry for anyone. Since then, the violent crime rates in some of the other states in this Country have been going up. Arizona has such a small problem with the gun crime rate that the state has relaxed its laws, and the crime rate has continued to remain on a low level. I would like to see the same benefit for Nevada.

There is no law prohibiting me from carrying my Springfield .45 caliber pistol openly. I can carry it anywhere I want with certain small restrictions, but I become a felon if it starts to snow and I put on a jacket that covers that pistol. I should not be a felon because I am carrying a Kimber instead of the Springfield that is on my license.

JAMES CROWLEY:

I will be a CCW instructor. I am a National Riflemen's Association pistol instructor right now. I own a Heckler & Koch P2000 SK, which is a semiautomatic compact. I also own a Smith and Wesson M&P9, 17 rounds, 9mm. As a trainer, from the standpoint of instructing people in the use and firing of a gun—such as the proper grip, proper sighting, the stance and trigger control—the differences in those guns do not come into play. Therefore, I support this bill. It will save money. It will save administrative time. There is no consequence to training by passing this bill and streamlining the semiautomatic provisions. All 51 jurisdictions have CCW regulations, including Washington, D.C.

J. L. RHODES (Stillwater Firearms Association):

I represent Stillwater Firearms Association in Fallon. We have members in 10 or 11 of Nevada's counties. We ended 2010 with over 800 members. This bill is important, and we support it.

WILLIAM R. BIRK:

I have had a CCW permit in Nevada since it was first permitted. The Legislature has made changes over the years. When we first started out, you not only had to list the weapon manufacturer and the caliber of the weapon, but you also

had to list the serial number to get this permit. That was a de facto way of registering our firearms. That was changed, and we just had to list the caliber and make of the weapon. We had to qualify on each weapon. This is also a de facto way of registering our weapons because, if I have qualified on seven different handguns, then obviously I own those seven handguns. The police and the State know what firearms I have. This bill eliminates that because law enforcement will know I have a revolver and/or an automatic, but it will not be a de facto registration.

I support our right to carry and keep arms. In every country that has registered arms and then been taken over by a socialized government, the first thing the government does is go to those registrations and confiscate all those firearms. That does not leave the citizenry any ability to overthrow an oppressive government.

RICHARD BRENGMAN:

Many people have more arms than they can list on the back of the card. Those additional arms are listed in essential registry, but that registry is not available 24 hours per day. If for some reason law enforcement wanted to verify that the particular arm was on the list, that may not be done immediately. If we revise this, that is no longer an issue. Someone mentioned some concern about guns that eject to the left. In all the hundreds of guns I have handled as a firearms dealer, I have seen one. It is not an issue. I have handled guns made from 1903 to present day. There is no significant difference between one semiautomatic and another. The requirement that we list individual arms by make, model and caliber is redundant and unnecessary. I support this bill.

WILLIAM SHARP (Stillwater Firearms Association):  
I support this bill.

KEN BROWN (Stillwater Firearms Association):

I have a CCW permit. On this permit it says I am qualified to carry a Taurus International Manufacturing, Inc. PT140 .40 caliber weapon. I am also qualified to carry a Taurus PT145 .45 caliber weapon. They are identical guns, and it cost \$50 per gun to shoot each weapon to get qualified. I support this bill.

BOB IRWIN (The Gun Store):

I am a proprietor of a gun store in Las Vegas. Approximately 50 percent of the people with CCW permits trained at my store. We have done in excess of

25,000 permits. Speaking as an instructor, the bill changing the provision so people can carry any automatic is fine. We have never had a training issue with that. This bill will save my customers time. It will save the sheriff a lot of work. If people qualify with one automatic, that is good enough. If they have questions about their particular gun, they will get answers in training.

DON TURNER:

I was a peace officer in Arizona for 28 years. I was on the initial committee with the Department of Public Safety to establish the Arizona CCW law. At that time, there was no evidence of any difference between a revolver, a semiautomatic or the different types of semiautomatics involved when a person needed a firearm for self defense. I support this bill.

JOHN CAHILL:

I am a Nevada and Utah CCW instructor. I support this bill.

GLEN R. PARSHALL (Bargain Pawn):

My wife and I are firearms instructors in Las Vegas. I support this bill. This is a matter of efficiency. We make sure people are qualified before we sign the paper.

ROBERT RUPPERT:

I have a question on the order in which this bill is written. On page 4 of the bill, lines 26 and 28 and then lines 28 and 29 on page 5, state semiautomatics first and firearms or revolvers second. The beginning of the document is written the other way around, revolvers first and semiautomatics second. Is that the logical way for the bill to be written?

CHAIR WIENER:

We are substantively addressing both. There is not any particular order. To change that order would require an amendment. The bill has no recommendations for amendment.

BRADLEY A. WILKINSON (Counsel):

That does not need to be corrected.

CHAIR WIENER:

Substantively, what you want to address is being addressed in the bill. The order does not change the impact of the measure.

MIRIAM DAY:

I support this bill.

EDWARD H. DAY:

I support this bill.

GABRIEL RAVIV:

I am a firearms attorney and range safety officer for a CCW course offered in Las Vegas. I am an NRA-certified instructor. I am certified as a chief range safety officer. I am certified in pistols, personal protection in the home, personal protection outside the home, shotgun and rifle. I support the bill.

In the Legislative Counsel's Digest, lines 3 and 4 observe on that statute allows people to receive permits for firearms they own and says S.B. 126 would amend the language to allow one application for any firearms owned without specifying the models. The bill, in section 1, subsection 2, says, "... carry all revolvers and semiautomatic firearms owned by the person. ... which is owned or thereafter obtained by the person to whom the permit is issued." Some of this language should be struck because it will not play out in a court the way the Legislature intends. As a person who has litigated and defended people under criminal charges in court, I have seen where laws have not played out in court the way the Legislature intended.

I support a bill that would allow a person to carry and not have to list each individual item. However, the requirement that it be owned or thereafter obtained should be stricken and simply allow a person to carry a concealed weapon if issued a permit.

MR. BIRK:

In section 3, subsection 3, the bill says, "... by successfully completing a course prescribed by the sheriff renewing the permit." I suggest that be changed to say, "completing a course prescribed in NRS 202.3657, [subsection (2),] paragraph (c)," which designates what is required to get the license. This resolves a problem where other states did not recognize our CCW because the sheriffs did not complete all the checks initially required to renew licenses. This would leave it to the sheriff to determine what is required to renew the license.

CHAIR WIENER:

Mr. Raviv, if you have a suggested amendment for consideration, please work with our staff on language you would like the Committee to consider.

MR. ADAMS:

If I understand the comment, we need to change that particular wording in the statute. Chapter 202 of NRS directs the Sheriffs' and Chiefs' Association to establish training requirements. Each of the sheriffs goes by the same training requirements statewide. I am not aware of any state that has not accepted our CCW permit as a result of a training issue. We do recognize other states. We do not have reciprocating agreements, but we have recognition. This is working well as it is.

CHAIR WIENER:

When I worked on a subcommittee earlier on, the purpose was to create clarity and continuity throughout the State. Your organization did that. Reciprocity is something we have worked on through the years to create policy and practice in Nevada.

MR. ADAMS:

That is correct. The Sheriffs' and Chiefs' Association established background and training policies that are conducted the same by the sheriffs' offices in every county. We have also established procedure by which we review all the other states' CCW laws to determine whether we can recognize those in Nevada. That was done in the 2007 Session. We go through a two-prong test to make sure their laws are similar to or greater than ours, and the officers have access to a database 24 hours a day, 7 days a week.

MR. BIRK:

Page 2 of the bill, lines 24 and 25 say permit holders will have "successfully completed a course in firearm safety approved by the sheriff in this state; or ... ." It continues to say nationally recognized organization.

To renew, it only allows the ones approved by the sheriff's office. The renewal should be the same as getting the permit in the first place. It would be a matter of adding to that; instead of prescribed by the sheriff, it would be those items prescribed in NRS 202.3657, subsection 2, paragraph (c), which would also allow a course by an authorized firearms instructor.

CHAIR WIENER:

You can offer an amendment. I suggest you speak with the sponsors, Senator Settelmeyer and Senator Lee, to determine whether you want to bring an amendment to the Committee. You would work with our staff if you bring an amendment. Any time a bill comes before us, it is open to us. However, when we see new language, that is what we address in a hearing. The whole bill is open.

I will close the hearing on S.B. 126 and open the meeting for public comment.

We were assigned five bill draft requests (BDR) as potential Committee BDRs. We have used two of them, and Senator Copening was asked if the Committee could bring a BDR from Michael Buckley on behalf of the State Bar of Nevada that relates to chapter 107 of NRS dealing with commercial foreclosures. This is not making a commitment to the bill either way; it is allowing it to move forward.

SENATOR COPENING MOVED THAT THE COMMITTEE USE ONE OF ITS REMAINING COMMITTEE BILL DRAFT REQUESTS TO HONOR THIS REQUEST.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WIENER:

There being nothing further to come before the Committee, we are adjourned at 9:31 a.m.

RESPECTFULLY SUBMITTED:

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Kathleen Swain,  
Committee Secretary

APPROVED BY:

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Senator Valerie Wiener, Chair

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

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 88	C	Lora E. Myles	"Uniform Real Property Transfer On Death Act"
S.B. 88	D	Lora E. Myles	Proposed Amendment to <u>Senate Bill 88</u>
S.B. 126	E	Senator John J. Lee	Written Testimony