

SENATE BILL NO. 76—SENATOR SETTELMAYER

PREFILED JANUARY 31, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing permits to carry concealed firearms. (BDR 15-37)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to concealed firearms; revising the definition of “concealed firearm”; authorizing a person to obtain one permit to carry a concealed firearm for all handguns owned by the person; revising provisions relating to a person’s demonstration of competence with certain firearms for the purpose of obtaining or renewing a permit to carry a concealed firearm; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines “concealed firearm” as a loaded or unloaded pistol,
2 revolver or other firearm which is carried upon a person in such a manner as not to
3 be discernible by ordinary observation. (NRS 202.3653) Existing law provides that
4 a person who applies for a permit to carry a concealed firearm may submit one
5 application and obtain one permit to carry all revolvers and semiautomatic firearms
6 owned by the person. A permit must list each category of firearm to which the
7 permit pertains and is valid for any revolver or semiautomatic firearm which the
8 permittee owns or thereafter obtains. An applicant for a permit must demonstrate
9 competence with revolvers, semiautomatic firearms or both, as applicable, before
10 obtaining a permit. (NRS 202.3657) Existing law also requires a permittee who
11 wishes to renew his or her permit to demonstrate continued competence with
12 revolvers, semiautomatic firearms or both, as applicable. (NRS 202.3677)

13 **Section 1** of this bill revises the definition of “concealed firearm” and defines
14 the term as a loaded or unloaded handgun which is carried upon a person in a
15 manner as not to be discernible by ordinary observation. **Section 2** of this bill
16 provides that a person may obtain one permit to carry all handguns owned by the
17 person, and such a permit is valid for any handgun which the person owns or
18 thereafter obtains. **Section 2** requires an applicant for a permit to demonstrate
19 competence with handguns before obtaining a permit, and **section 4** of this bill



20 requires a permittee to demonstrate continued competence with handguns before
21 renewing a permit. **Section 3** of this bill revises the required form of a permit.

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

1 **Section 1.** NRS 202.3653 is hereby amended to read as
2 follows:

3 202.3653 As used in NRS 202.3653 to 202.369, inclusive,
4 unless the context otherwise requires:

5 1. “Concealed firearm” means a loaded or unloaded ~~{pistol;~~
6 ~~revolver or other firearm}~~ **handgun** which is carried upon a person
7 in such a manner as not to be discernible by ordinary observation.

8 2. “Department” means the Department of Public Safety.

9 3. **“Handgun” has the meaning ascribed to it in 18 U.S.C. §**
10 **921(a)(29).**

11 4. “Permit” means a permit to carry a concealed firearm issued
12 pursuant to the provisions of NRS 202.3653 to 202.369, inclusive.

13 ~~{4. “Revolver” means a firearm that has a revolving cylinder~~
14 ~~with several chambers, which, by pulling the trigger or setting the~~
15 ~~hammer, are aligned with the barrel, placing the bullet in a position~~
16 ~~to be fired. The term includes, without limitation, a single or double~~
17 ~~derringer.~~

18 ~~5. “Semiautomatic firearm” means a firearm which:~~

19 ~~—(a) Uses the energy of the explosive in a fixed cartridge to~~
20 ~~extract a fixed cartridge and chamber a fresh cartridge with each~~
21 ~~single pull of the trigger; and~~

22 ~~—(b) Requires the release of the trigger and another pull of the~~
23 ~~trigger for each successive shot.]~~

24 **Sec. 2.** NRS 202.3657 is hereby amended to read as follows:

25 202.3657 1. Any person who is a resident of this State may
26 apply to the sheriff of the county in which he or she resides for a
27 permit on a form prescribed by regulation of the Department. Any
28 person who is not a resident of this State may apply to the sheriff of
29 any county in this State for a permit on a form prescribed by
30 regulation of the Department. Application forms for permits must be
31 furnished by the sheriff of each county upon request.

32 2. A person applying for a permit may submit one application
33 and obtain one permit to carry all ~~{revolvers and semiautomatic~~
34 ~~firearms}~~ **handguns** owned by the person. The person must not be
35 required to list and identify on the application each ~~{revolver or~~
36 ~~semiautomatic firearm}~~ **handgun** owned by the person. A permit
37 ~~{must list each category of firearm to which the permit pertains and}~~
38 is valid for any ~~{revolver or semiautomatic firearm}~~ **handgun** which



1 is owned or thereafter obtained by the person to whom the permit is
2 issued.

3 3. Except as otherwise provided in this section, the sheriff shall
4 issue a permit ~~{for revolvers, semiautomatic firearms or both, as~~
5 ~~applicable,}~~ to any person who is qualified to possess ~~{the firearms~~
6 ~~to which the application pertains}~~ **a handgun** under state and federal
7 law, who submits an application in accordance with the provisions
8 of this section and who:

9 (a) Is 21 years of age or older;

10 (b) Is not prohibited from possessing a firearm pursuant to
11 NRS 202.360; and

12 (c) Demonstrates competence with ~~{revolvers, semiautomatic~~
13 ~~firearms or both, as applicable,}~~ **handguns** by presenting a
14 certificate or other documentation to the sheriff which shows that
15 the applicant:

16 (1) Successfully completed a course in firearm safety
17 approved by a sheriff in this State; or

18 (2) Successfully completed a course in firearm safety offered
19 by a federal, state or local law enforcement agency, community
20 college, university or national organization that certifies instructors
21 in firearm safety.

22 ➤ Such a course must include instruction in the use of ~~{revolvers,~~
23 ~~semiautomatic firearms or both, as applicable,}~~ **handguns** and in the
24 laws of this State relating to the use of a firearm. A sheriff may not
25 approve a course in firearm safety pursuant to subparagraph (1)
26 unless the sheriff determines that the course meets any standards
27 that are established by the Nevada Sheriffs' and Chiefs' Association
28 or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist,
29 its legal successor.

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

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

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

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

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

41 (1) Convicted of violating the provisions of NRS 484C.110;

42 or

43 (2) Committed for treatment pursuant to NRS 458.290 to
44 458.350, inclusive.



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

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

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

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

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

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

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

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

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

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

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



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

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

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

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

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

(f) ~~Whether the application pertains to semiautomatic firearms;~~

~~(g) Whether the application pertains to revolvers;~~

~~(h)~~ A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

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

Sec. 3. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, including an application for the renewal of a permit pursuant to NRS 202.3677, the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The investigation also must include a report from the National Instant Criminal Background Check System. The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

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

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide



the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County	Permit Number
Expires	Date of Birth
Height	Weight
Name	Address
City	Zip
Signature	Photograph
Issued by	
Date of Issue	

Semiautomatic firearms authorized	Yes	No
Revolvers authorized	Yes	No

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

5. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

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

202.3677 1. If a permittee wishes to renew his or her permit, the permittee must:

(a) Complete and submit to the sheriff who issued the permit an application for renewal of the permit; and

(b) Undergo an investigation by the sheriff pursuant to NRS 202.366 to determine if the permittee is eligible for a permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657;

(c) Be accompanied by a nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

(d) Be accompanied by a nonrefundable fee of \$25.

➡ If a permittee fails to renew his or her permit on or before the date of expiration of the permit, the application for renewal must include an additional nonrefundable late fee of \$15.



- 1 3. No permit may be renewed pursuant to this section unless
- 2 the permittee has demonstrated continued competence with
- 3 ~~revolvers, semiautomatic firearms or both, as applicable,~~
- 4 *handguns* by successfully completing a course prescribed by the
- 5 sheriff renewing the permit.

