

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

**Seventy-Seventh Session
April 3, 2013**

The Committee on Judiciary was called to order by Chairman Jason Frierson at 8:08 a.m. on Wednesday, April 3, 2013, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Jason Frierson, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Richard Carrillo
Assemblywoman Lesley E. Cohen
Assemblywoman Olivia Diaz
Assemblywoman Marilyn Dondero Loop
Assemblyman Wesley Duncan
Assemblywoman Michele Fiore
Assemblyman Ira Hansen
Assemblyman Andrew Martin
Assemblywoman Ellen B. Spiegel
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Pat Hickey, Washoe County Assembly District No. 25
Assemblyman John C. Ellison, Assembly District No. 33
Assemblyman William Horne, Clark County Assembly District No. 34

Minutes ID: 717



STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Nancy Davis, Committee Secretary
Brittany Shipp, Policy Assistant

OTHERS PRESENT:

Amanda Collins, Private Citizen, Reno, Nevada
Ron Knecht, Private Citizen, Reno, Nevada
Kristin Erickson, Chief Deputy District Attorney, Washoe County
District Attorney
Ron Sims, Private Citizen, Gardnerville, Nevada
Susan A. Collins, Private Citizen, Reno, Nevada
Adam Khan, Private Citizen, Reno, Nevada
Paul Grace, Private Citizen, Reno, Nevada
Thomas A. Collins, Private Citizen, Reno, Nevada
John Wagner, State Chairman, Independent American Party
Carol Morrell, representing The Women's Shooting Academy,
Reno, Nevada
Bob Irwin, Owner, The Gun Store, Las Vegas, Nevada
Duncan Rand Mackie, Vice President, Legislative Division,
Nevada Firearms Coalition
Matthew Yealy, Private Citizen, Las Vegas, Nevada
Alex Bybee, Assistant Director for Legislative Affairs,
Associated Students of the University of Nevada, Reno
Caden Fabbi, representing the Senate of the Associated Students of the
University of Nevada, Reno
Jessica Goldstein, Private Citizen, Reno, Nevada
Daniel T. Klaich, Chancellor, Nevada System of Higher Education
Adam Garcia, Police Chief, University of Nevada, Reno
Jennifer Batchelder, representing Nevada Women's Lobby
David Zeh, Chair, Faculty Senate, University of Nevada, Reno
Leah Wilds, Associate Professor of Political Science, University of
Nevada, Reno
James T. Richardson, representing Nevada Faculty Alliance
Tehran Boldon, Private Citizen, Las Vegas, Nevada
Jose Elique, Chief of Police, University of Nevada, Las Vegas
Anthony B. Wojcicki, Private Citizen, Sparks, Nevada
Robert Roshak, Executive Director, Nevada Sheriffs' and
Chiefs' Association
Eric Spratley, Lieutenant, Washoe County Sheriff's Office

Daniel S. Reid, representing National Rifle Association of America
Don Turner, President, Nevada Firearms Coalition
Janine Hansen, representing Nevada Families for Freedom
William Birk, representing Nevada Legislative Affairs Committee
Chuck Callaway, representing Las Vegas Metropolitan Police Department
Matthew Sharp, representing Nevada Justice Association
Susan Meuschke, Executive Director, Nevada Network Against
Domestic Violence
Gregory Ross, Private Citizen, Reno, Nevada
Dale Lavelly, Private Citizen, Reno, Nevada
Joannah Schumacher, representing Gifted Minds With Too Little Time
Hillary H. Reister, Private Citizen, Sun Valley, Nevada
Sherry Powell, representing Ladies of Liberty
Julie Butler, Records Bureau Chief, Records and Technology Division,
Department of Public Safety
Juanita Clark, Private Citizen, Las Vegas, Nevada
Juanita Cox, representing Citizens in Action
Dan Zamperro, Private Citizen, Carson City, Nevada
Joseph R. Banister, Private Citizen, Carson City, Nevada
Richard Brengman, Private Citizen, Gardnerville, Nevada
Joe Melcher, Private Citizen, Reno, Nevada
Vernon Brooks, Private Citizen, Las Vegas, Nevada

Chairman Frierson:

[Roll was called. Standing rules explained.] We have three bills on the agenda today. I am going to follow the order of the agenda and open the hearing on Assembly Bill 143.

**Assembly Bill 143: Makes various changes relating to concealed firearms.
(BDR 20-615)**

Assemblywoman Michele Fiore, Clark County Assembly District No. 4:

I am here this morning to present Assembly Bill 143, a bill that would restore law-abiding Nevadans' rights to carry a concealed firearm on our Nevada System of Higher Education (NSHE) properties.

First, as most of you know, I am the mother of two very beautiful daughters who are attending College of Southern Nevada (CSN), and I, too, have attended classes at CSN over the years. I have always believed that it is our responsibility to protect ourselves and that our incredible police officers can never be everywhere at once, especially when seconds matter. [Continued to read from prepared text ([Exhibit C](#)).]

Chairman Frierson:

Are you privy to who requested permission to carry a concealed weapon, and the circumstances under which they were granted?

Assemblywoman Fiore:

Yes, that information is on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit D](#)). [Continued to read from prepared text ([Exhibit C](#)).]

Chairman Frierson:

You mentioned two examples of school shootings. In the first example, you said students subdued. Will you elaborate?

Assemblywoman Fiore:

There was a shooter in the Appalachian School of Law who opened fire. Two students, one was retired military and the other was an off-duty officer, ran to their cars and retrieved their firearms. They came back and pointed their firearms at the shooter. The shooter dropped his gun and was taken into custody alive. The shooter did kill three people; however, how many were saved? The second example was at Pearl High School in Mississippi where the assistant principal stopped a shooting. [Continued to read from prepared text ([Exhibit C](#)).]

Now I would like to review the bill. Section 1 allows local sheriffs to refer concealed weapon permit holders to instructors who specialize in firearm safety in educational environments. Section 2 is a clerical section and has no changes besides adding a reference to the other sections. Section 3 is the meat of the bill and requires that NSHE allow concealed weapon permit holders access to campus. Section 4 reinforces that this bill requires permission at other educational facilities. Section 5 allows campus police officials to refer concealed weapon permit holders to instructors who specialize in firearm safety in an educational environment. Section 6 requires the Board of Regents to set regulations allowing a person to carry a concealed firearm and allows the Regents to deny the storage of firearms in campus housing.

Before I introduce a few very special people who have come to testify, I want to remind the Committee members that, as legislators, we have a duty to protect our constituents through the laws we enact. I implore you and urge you to please support this legislation; if not for my daughters, for all of our university students. [An amendment was submitted ([Exhibit E](#)), along with an aerial map of the University of Nevada, Las Vegas (UNLV) and the University of Nevada, Reno (UNR) showing sex offenders in the surrounding communities ([Exhibit F](#)).]

I would like to turn the microphone over to Assemblyman Pat Hickey, who will introduce our first guest.

Chairman Frierson:

Before we do that, we have at least one question.

Assemblyman Duncan:

Can you cite the statistics of what age groups hold a concealed carry weapon (CCW) permit currently?

Assemblywoman Fiore:

In the state of Nevada, of the 2.7 million Nevadans, there are a little over 65,000 CCW permit holders. Of those 65,000, the majority is aged 51 to 62. The minority, the age group with the least amount of permits, is 21 to 32.

Chairman Frierson:

The few campuses you mentioned in your presentation, are they "dry" campuses?

Assemblywoman Fiore:

Yes, they are.

Assemblyman Pat Hickey, Washoe County Assembly District No. 25:

I have the privilege today to introduce a neighbor and constituent who is here to tell you her story. Amanda Collins, her dad Tom, and mom Sue are here today. I had the privilege last session of hearing Amanda testify on the Senate side, and I am glad that members of our side of the chamber will have this same opportunity today. In the wake of the tragic campus violence that we have witnessed in the last few years in Virginia, Colorado, and Connecticut, President Obama urged Americans to have a comprehensive discussion. I am proud of this body—we are in fact having a number of those discussions about guns, about violence, and about the issue in general. I think there is no one better at telling a story than Amanda Collins. She will tell you her story. There is another bill that is related to horrific crimes, or the prevention of them. The DNA bill that Senator Smith is sponsoring has an interesting link to Ms. Collins. Ms. Collins was assaulted by James Biela, who was also the killer of Brianna Denison. Had we had the DNA bill, we might have identified him prior to his vicious assault of Brianna Denison. You will hear from Amanda Collins that, had she been able to practice freely her law-abiding right to a concealed weapon, she may have prevented Mr. Biela from doing the evil deed he did to Brianna Denison. It is my privilege as a friend of the family to invite a very courageous young woman, who fortunately has moved on, but has an incredible story for you to hear about when she was a student at the UNR campus.

Amanda Collins, Private Citizen, Reno, Nevada:

Mr. Chairman and Assembly members of the Judiciary Committee, I want to thank you for giving me your time today to hear how important it is that you vote to pass A.B. 143. I would be very grateful if you would please indulge me this morning by thinking of a young woman whom you love dearly. Listen and imagine her telling you this story.

On a typical Monday evening, the only thing that seemed to be different was the midterm awaiting me at my class on the university campus. [Continued to read from prepared text ([Exhibit G](#)).]

A "no" vote for A.B. 143 will send me and other women two very clear messages. The first is that continuing to allow women to be legislated into being victims by denying them the one equalizing factor when confronted with an attacker much larger than them is acceptable to you. Secondly, it will tell me that you are more intimidated by me and other women like me, sitting in class without self-protection—our permitted weapon—than you are of the rapist who is waiting for me after class in the parking garage.

Chairman Frierson:

It is our job to consider everything. We cannot make our decisions based on what individual consequences are. I appreciate your sharing your story, but I do not want to create an atmosphere or set a precedent for the rest of the witnesses that can ultimately be perceived as threatening members of the Committee about their vote.

Amanda Collins:

I want to ask you, who are you more intimidated by on your campus? Are you more intimidated by me and other women like me sitting in class with our choice of self-protection—a permitted weapon—or the rapist who is waiting for us after class in the parking garage? There was nothing in place to keep James Biela from coming onto the university campus with a gun to rape me in 2007, and there is currently nothing to keep the next James Biela off our campuses. How does rendering me defenseless protect you against a violent crime?

Assemblywoman Spiegel:

My understanding is that, under current law, CCW permit holders can request permission to carry a gun on campus. Do you have any statistics about the number of times that permission has been requested and the number of times that permission has been granted?

Assemblywoman Fiore:

In 2012, 13 requests were made. Not one request was approved for a CCW to carry a firearm on campus. Five requests were approved for "show-and-tell" when a professor wanted to bring a historical, nonworking weapon on campus. Two of the police academy graduates had to get special permission because of the statutes that were enacted in 1989 on college campuses. Basically, zero were approved for this particular purpose, and five were approved at the advice of the principal.

Assemblywoman Dondero Loop:

Thank you, Amanda, I appreciate your being here today. I have three daughters and two granddaughters. It is no secret that I have a real hard time with guns on campuses for many reasons. One of those reasons is because we have a unique situation here in Nevada where we do not have "dry" campuses. Inherently, college students do drink and they do fight with their girlfriends and boyfriends and things happen. It is such a worry to me. Is there any thought as you process this bill that we do not have totally "dry" campuses and are, therefore, mixing those two very volatile issues within the same situation?

Assemblywoman Fiore:

I urge everyone, when considering this legislation, to look at the record of responsible CCW permit holders who go to college and have never had an incident. We are not talking about allowing college kids that are going out drinking and partying to carry a firearm. Even going further is the amendment not allowing the firearms to be stored in dorms. The reason why that was a very easy amendment is because most adults who have CCW permits are not living in dorms. Generally, when you look at the population of students who are in dorms, they are fresh out of high school, starting college away from home. These are not the adults that are carrying firearms. So, "dry" or "wet" campus, the adults who abide by the law are not your threat. It is the other people, the lawbreakers, the bad guys, that are the threat.

Assemblywoman Dondero Loop:

It has been my experience when I researched this that generally, CCW carriers are responsible and have learned how to use a gun. Generally, they do not shoot, because they are responsible carriers. If they are in a situation, many times they do not shoot because they do not want to make a mistake. I did research on this last session, and I have done some research this session, and it seems as though there is a very low usage of guns in those situations.

Assemblywoman Fiore:

In the state of Nevada, we have not had an issue with any CCW permit person firing a weapon. Neither have we had an officer in a situation where he did not

know who the shooter was. That has not occurred here, and I do not foresee that occurring here. I am sure, with your research, you can see that.

Assemblyman Duncan:

Do you know of any other higher education campuses across the country that have passed laws similar to ours? Do you know of any statistics where there have been "unjustified" shots fired on a campus, either through a domestic dispute, a college party, or some other type of dispute?

Assemblywoman Fiore:

We have seven states that permit concealed weapons on colleges. Out of the seven states, to date, there has not been a misfire or use by a concealed weapons permit holder. I can supply that in writing to the rest of the Committee. As a CCW permit holder, we have proven our ability to abide by the law.

Assemblyman Duncan:

Is the starting age to have a CCW permit in Nevada is 21?

Assemblywoman Fiore:

That is correct.

Assemblyman Martin:

I know we have received letters in opposition from the student governments of UNR and UNLV, but I am not sure of the depth of the opposition. Were there referendums on campuses about whether they wanted your bill to be passed?

Assemblywoman Fiore:

I am going to ask Mr. Ron Knecht to come up to go into detail on that.

Chairman Frierson:

Ms. Collins, we have met before, and I always appreciate how brave you are in sharing your personal story. As I recall, you would not have been able to prevent your assault, but you would have been able to prevent subsequent assaults and prevented other individuals from having to experience that, right?

Amanda Collins:

I would not have been able to prevent my assault from starting. I would have been able to stop it while it was in progress. Consequently, I would have prevented other assaults, and lives would have been saved.

Ron Knecht, Private Citizen, Reno, Nevada:

I speak this morning as a citizen and recently reelected regent of the Nevada System of Higher Education. Although I speak in support of A.B. 143 in furtherance of my duties as a public official to promote the broad public interest, especially in public safety, I am not speaking for the Board of Regents, which has not considered A.B. 143 and has not taken a position on the issues it raises. Before I continue with my prepared text, I will tell you, in answer to Assemblyman Martin's question, I am unaware of any referenda that have been held. On my way to the table, I asked Chancellor Dan Klaich if he was aware of any, and he is not aware of any, either.

Chairman Frierson:

Are you aware of the letters Mr. Martin was referencing from the UNLV Graduate Student Association and the President of the Associated Students of the University of Nevada?

Ron Knecht:

I received an email this morning with one of those letters. I have not had a chance to review them. I am aware that some student representatives have planned to testify.

Statutory authority passed by the Legislature in 1989 states that citizens may not carry firearms and other weapons on NSHE campuses and property without the written permission of the president of the branch or facility involved. [Continued to read from prepared text ([Exhibit H](#)).]

Chairman Frierson:

I am struggling with your characterization of the Board's position because differing minds can disagree, but it is my understanding that the Board considered this bill on March 1. Further, last session, the Board expressly took a position in opposition. Between then and now, have they adjusted their policy regarding campus carry? They did not address the policy for campus carry; they adjusted the qualifications. It seems to me that is not consistent with the communications that I have received regarding the Board's position. It is my understanding that they created the policy they have now, and I would suspect that they are going to discuss their policy. When they presented the Board's position on this bill to the full Board, no one stated any opposition to the Board's position.

Ron Knecht:

I do not recall that being on the agenda in March, and that is not my understanding. I did have extensive conversations on this matter with Chancellor Klaich and Mr. Scott Wasserman, chief of staff to the Board of

Regents, concerning what the history of the Board's position was. My express understanding from the Chancellor was that if any claim was made that the Board had taken a position on this, it was derived from the September 7, 2012, handbook measure that I went through in detail. There was an 11-1 vote on that. The reason I took the time to go through the technical aspects of that was precisely to show that consideration of that measure was a narrow, technical matter and it did not involve the Board of Regents having a discussion or vote on A. B. 143. If there was something that was voted on on March 1 that I was not reminded of, maybe the Chancellor can discuss that.

Chairman Frierson:

I do not want to mislead you with the impression that there was a vote. My understanding was that the bill was presented to the Board on March 1, and that the Board's position had not changed over the last two years. I would like to know what your thoughts are on the fact that it appears that the Nevada Faculty Alliance, UNR Student Government, UNLV Graduate Student Association, and police chiefs for UNR and UNLV all appear to believe the law should remain as it is right now. What are your thoughts on why so many folks involved with the university system have taken that position?

Ron Knecht:

I believe there is, within the academic world, a cultural prejudice against weapons in general. That extends to the faculty and is passed onto the students. When I was a student, I shared that view at the time. My own views have changed since my days as a research faculty member at the University of Illinois and a student there as well. So I fully respect their right, and the Chancellor can tell you that I said that I encourage, not discourage, them in expressing their views, just as I expressed mine here today. I tried to anticipate and answer some of those issues, in particular this idea that "it ain't broke, so we do not have to fix it" is wrong. On the issue about unintended consequences, you had a great discussion with Assemblywoman Fiore about the record of CCW permit holders versus other people in terms of handling weapons and issues that arise. I have submitted to the staff my text and I will refer you to it.

Assemblyman Hansen:

Normally a university campus is where there is a maximum degree of allowing personal liberties when it comes to the Bill of Rights. Yet, when it comes to this particular one, which the Supreme Court has now decided is, in fact, a personal right, there is an absolute inertia to do everything possible to block that. I think you addressed that. The argument, though, that this is a "gun-free zone" is obviously false. The police officers are not like bobbies in London who do not carry guns. There are guns currently on the campus.

My understanding is that this bill will extend that a little bit further to people who are also partially trained and have to pass the scrutiny of a sheriff to allow ordinary citizens to exercise what I believe is a constitutional right. A university setting is always about doing everything to promote liberty, et cetera; why in this particular instance is there an absolute opposition to it, even though there is no opposition to the officers themselves carrying firearms?

Chairman Frierson:

I think that question would be more appropriate for the opposition. I would not want to put a witness in a position of having to explain the other side's position.

Ron Knecht:

The point is that this is an incremental change. They are not really gun-free zones for the reasons that you mentioned. To take that and put it on the other side, my thought was that if you really felt that removing weapons from any population, situation, or venue was always going to improve things, then you would do exactly what the British have done and take the weapons away from the bobbies also. We do not do that because it does not improve things. The current statute does not improve things by removing weapons from law-abiding CCW permit holders.

Assemblyman Ohrenschall:

Thank you, Amanda, for sharing what you went through. Mr. Knecht, do you know the ratio of campus police to students, faculty, staff, and others on campus? And is the ratio adequate?

Ron Knecht:

Roughly, we have 100,000 full-time students and 20,000-plus faculty. I believe our total police force is just at 100. That gives you some idea. My answer as to the sufficiency is when you consider that these campuses are communities embedded in our urban areas, these campuses, just like the areas across the street from them, are also subject to the jurisdiction and protection of the fine men and women of our local police forces. I believe it is sufficient. If cost were no object, we would want more public safety officers, but I think we have done a reasonable job in light of the circumstances.

Assemblyman Ohrenschall:

That 100,000 students and 20,000 faculty, does that also include support staff and any other people who may be on campus?

Ron Knecht:

I do not have good recall of the faculty and staff numbers. I have given you a rough estimate that I think includes support staff.

Assemblyman Wheeler:

You have had a very long academic history. In your experience in academics, when a person crosses the imaginary line that suddenly takes away your rights to protect yourself, what we call college campuses, does that make any difference in your academic experience in who obeys the law and who does not?

Ron Knecht:

If the Legislature imposes a statute and we enforce a regulation, does that restriction distinguish between what I called the good guys versus the bad guys? The answer is no, it does not. It does not formally. In a practical sense, it has the perverse effect of actually regulating the behavior of the good guys but nothing is very effective in the way of controlling the behavior of the bad guys.

Chairman Frierson:

I will now invite those here to provide testimony in support of A.B. 143 to come forward.

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

On behalf of Washoe County District Attorney Richard Gammick, he is in support of this bill. Mr. Gammick has submitted written comments and would like them to be included as part of the record in support ([Exhibit I](#)).

Ron Sims, Private Citizen, Gardnerville, Nevada:

I would like to start by saying bananas. I want to go on record as supporting A.B. 143. I am a lifetime resident of Nevada, came here in 1976, graduated from Douglas High School in 1991. I manage a retail firearms store. We also pay a Class 3 Special Occupational Tax, which means we can manufacture and sell items like short-barreled rifles, short-barreled shotguns, machine guns, and silencers to qualified buyers. I have had a CCW permit for almost 20 years. I received firearms training from civilian law enforcement instructors, military instructors from the U.S. military, and even a Soviet Special Forces instructor who teaches in the United States now. I am a National Rifle Association certified instructor in a couple of disciplines. I have participated in shooting sports and hunting for quite some time. I was also a bartender for almost 15 years. I carried concealed during that time. Again, I would like to point out bananas.

I have two daughters, one in college at UNR who will be 21 this year, and one at Minden Elementary School. I am prohibited from carrying on either of those campuses despite my qualifications and clean record, and despite a request to the school board for my daughter's elementary school, as well as the UNR officials. I am denied the most effective means of self-defense when I am on either of those campuses. I have submitted the letter denying my request from UNR ([Exhibit J](#)). Ironically, I have sold firearms to numerous officers of the UNR police department, all of whom I have to do a background check on before I can release duty firearms to them.

As a law-abiding gun owner, I obey the law and leave my firearm off school grounds. My question is: What actually stops a criminal from carrying a gun in a gun-free zone? Only a willingness to abide by the rules, which criminals do not do. The only ones affected are those of us who actually abide by the rules. It is an imaginary line, and those of us who abide by the law do not cross it. Today, like anytime I visit these government buildings, I left my firearm secured outside, although I did carry in a concealed banana.

Chairman Frierson:

In the interest of time, we do not have time for displays like that, this is a serious issue and we need to have a serious conversation about the bill.

Ron Sims:

It absolutely is serious. You would say to yourself that food is not permitted in these chambers, and yet, I am wearing a concealed banana, which is likely prohibited in here. I would ask that you consider the absurdity of an arbitrary line that says no firearms on one side, firearms on another, for the very same people who have multiple qualifications. We have military folks who have seen combat in places all over the world, yet they are prohibited from carrying because they do not meet the specific requirements of the campus carry issue.

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

I am a private citizen speaking in support of A.B. 143. Five and a half years ago I would have been a very unlikely supporter of this bill. Events which occurred in my daughter's life on October 22, 2007, deeply and profoundly challenged my faith and belief system as a citizen, an educator, a student, a woman, and a mother. I have never spoken out publicly regarding those events. My family of origin has had a presence at UNR since the late 1920s. I grew up literally two blocks to the west of the UNR campus. Also, I spent a span of 20 years as a graduate student at UNR completing both masters and doctorate degrees. I have been an educator since my early 20s. I have taught courses at UNR as both a graduate fellow and adjunct professor, and I currently teach at a private university. I have always believed in education, spirited debate, the judicial

process, and, as an American, our Bill of Rights. Rather, I should say, I have taken our Bill of Rights for granted. In the past, I can honestly say I have not been an ardent supporter of the gun rights afforded by our Second Amendment relative to personal protection and I certainly was not a supporter of concealed carry law.

As parents, my husband and I instilled in our children the importance of family, education, critical thinking, personal responsibility, citizenship, discipline, integrity, and faith in God. We also took responsibility as parents to ensure safety when our children were young. As they grew and matured, we taught them that personal safety was a personal responsibility. So common practices were practiced in our home, such as safety in numbers, be aware of your surroundings, stay out of dangerous areas and situations, just to name a few examples. We also insisted that our daughters have second-degree black belts before they got their driver's license. My husband and I took those courses right along with our daughters—ten years of dedicated instruction and practice.

I was not a supporter nor in favor of any of the gun safety education or use of firearms instruction my husband insisted upon for our daughters. I believed we were past the time in our culture where we needed those firearm skills. I did not believe that there was a place for firearms in polite, educated society, and, frankly, I was very much afraid of firearms. I did enroll in firearms courses at my husband's urging primarily because if firearms were going to be in my home, though locked up, I needed to know how to engage in safe practice and use of firearms. It did come down to personal responsibility and safety. I still was not a fan. Even though we took great precautions to be preventive relative to both our daughters' personal safety, I do not think I truly believed one day either one of them would be a victim of a violent crime. That all changed on October 27, 2007. You all know the story. Her predator was a serial rapist and murderer who preyed on young women on campus and in the adjacent neighborhood I grew up in.

As a mother of one of these victims, someone I love more than life itself, I cannot even begin to describe to you the profound impact and overwhelming sense of helplessness, despair, and anger I have experienced over the course of the last five years. I privately ask myself, "Where did I fail my daughter? What went wrong that made her so vulnerable? What could we have done differently?" I made excuses and justifications. She took the right precautions. She ensured her safety; she was where she should have been. She was simply returning to her car. Amanda was not engaging in reckless behavior. Then there is that deafening voice in the back of my mind, "Thank God he did not take her life; thank God he did not kill her." Then the worst of all, the chilling

guilty feeling of relief because he spared my daughter's life, but he took someone else's daughter. That feeling goes beyond.

Yes, I have had to examine my feelings about Second Amendment rights. I have had to go into it in great detail. We sat through a trial where every detail of that crime was exposed over the course of three weeks. As you know, Mr. Biela was convicted of all those crimes, and he is currently on death row. We, as a culture, want to make sure that we provide due process for those who are accused and convicted.

As a consequence of these experiences, my belief systems about personal defense have been challenged. Amanda believes with every fiber of her being that had she been allowed to carry that night, she would have been able to end her attack. I have had to face the fact that she is right. The only equalizing factor for Amanda that night would have been her firearm. None of us were there to protect her. The campus police were not present to help. For the most part, they were off duty. All the proactive instructions and precautions we took to ensure Amanda's safety were nothing more than risk reduction. Free zones on campus are nothing but a false sentiment. This is not to say we should abandon preventive measures. It is just to say that we need to recognize that they are only measures of risk reduction. We also need to realize there are no safety zones. Criminals know no boundaries.

I told you earlier that I grew up just west of the campus. My family moved away in the '70s because of increased crime. Today, those neighborhoods continue to be areas of crime which surround our campuses. Further, we instruct individuals how to avoid attackers, particularly our women. These are risk reduction measures only. Then, when they fail, we resort to passive measures. What we have heard recently are suggestions for women to use a whistle, use a call box, or stab your attacker with a pen or pencil. Women should vomit or urinate on themselves. Tell the attacker that you have a sexually transmitted disease. My personal favorite, tell the attacker not to rape. My daughter and other survivors can tell you that these do not work on or off of campuses. These methods certainly do not work when the victim has been murdered.

I recognize that many individuals are very uncomfortable with the thought of guns as tools used by responsible individuals as a last resort for personal defense. I have struggled with this myself. Frankly, it is the feeling of discomfort and fear for those of us who do not like guns that clouds our judgment when dealing with the Second Amendment right to keep and bear arms for personal defense. We do not trust our fellow law-abiding citizens to exercise their civil right in a responsible manner. However, individuals who

pursue CCW permits are taking great responsibility to ensure that they have that privilege, and with that goes responsibility. The point here is this: It seems that the university system and current legislation supports a practice where an individual's discomfort with the presence of firearms outweighs the individual's right to choose a firearm as an effective means for personal protection guaranteed under the Second Amendment. Additionally, instructors and professors fear retaliation during spirited debate and when awarding grades students may debate. Again, CCW exists on university campuses in other states without incident. I have come to the conclusion, as a law-abiding citizen and as an educator, it is not the CCW permit holder that we need to be concerned about. Earlier, I attempted to discuss how the judicial system goes into great process to ensure due process for the criminal before taking away individual rights. My daughter's right to protect herself under the Second Amendment was legislated away from her without due process.

The university students who are 21 and older, and especially women who choose a firearm as a method of personal defense, accept the associated responsibility and have gone through steps to acquire that permission to carry concealed. They are rendered defenseless and are forced to give up their Second Amendment right while on campus. The oxymoron here is we ask these students to suspend their Second Amendment rights in favor of higher education while on campus, yet as parents, as educators, as citizens, and you, as legislators, are we willing to acknowledge and learn about the safe use of firearms and perhaps understand the perspective of these students? I learned about firearms; I have taken several firearms courses. I have learned about the safe and responsible use. I have spent many hours in the classroom and on the range. I have taken and passed a hunter's safety course and I have taken and passed a conceal carry course. I have not submitted my paperwork to the sheriff because I choose not to. I do not choose a firearm as a means of personal protection because I am not ready to take the responsibility that goes with the choice. It is my choice. More importantly, I recognize I do not have the right to dictate to another law-abiding citizen of our country how they should defend themselves, including my adult children and, conversely, others do not have the right to dictate to me my choice. Personal self-defense is just that: it is a very personal choice; one my daughter made well before the night of her attack, and one she continues to make today. Amanda's ability to say "no" on October 22, 2007, was taken away from her by force by Mr. Biela and her ability to say "no" was legislated away, denying her, a law-abiding citizen, an effective method of self-defense. Legislation rendered her defenseless. Please vote in favor of this bill. Please do not legislate another individual defenseless.

Adam Khan, Private Citizen, Reno, Nevada:

I am a junior at UNR. As a student, I feel I lack the legal capabilities of defending myself properly. We have heard a lot of stories from the female perspective. As a male and as a student, I feel the only way to sufficiently defend myself is to be able to carry my firearm. I am a legal CCW permit holder and I am a responsible gun owner. I go shooting twice a month and I am pretty proficient with it. I think just because a few people feel otherwise, that should not infringe on the rights given to me by my Creator and it is not the government's decision. I used to be in the student government and was elected with 74 votes. That is definitely not representative of the entire campus. Even if it was, they could get together and say they do not like the First Amendment right either and are going to take that away. As long as I am protecting myself and not hurting anyone else, I can do what I want. That being said, I would like to quote Sun Tzu: "To unfailingly take what you attack, attack where there is no defense." I believe that this has resonated in the very lucid minds of many people. We see so many attacks in gun-free zones, and I think it is time to take matters in our own hands. Thank you. [Also submitted written testimony ([Exhibit K](#)).]

Paul Grace, Private Citizen, Reno, Nevada:

I am emailing you a study of "Active Shooter Incidents," which is what the FBI calls the incidents where a person with almost no record of any offenses goes "snap" and starts getting weapons and shooting men, women, and children—as many as he can. Most of these people, unfortunately, commit suicide or are killed by police, so we do not have a good means of evaluating why they are motivated to do what they do. I am only going to mention a few. The study starts with the University of Texas at Austin in August 1966. I summarized them all. The guy in Austin was a very good student, had excellent grades; he was a former Marine sniper. His name was Charles Whitman. He went up in the clock tower and practiced sniping off people all over the campus. He killed 6 and wounded 32 before law enforcement was able to stop him. The other example is Mr. Seung-Hui Cho at Virginia Tech. The campus has a north and a south complex. There were five armed security guards on duty. From what I understand, they were apparently on a coffee break at the south campus cafeteria. Mr. Cho, who was a student, knew the security was going to be there, so he went to the north campus and started shooting people. He ended up killing 32 people because he looked like a student. He left the north campus, put his backpack on, and ran away with the other students while the guards did a room-by-room search. He then went to the south campus, ended up killing 32 people and seriously injuring 12 with two handguns. We have studied 26 incidents, 11 of which involved children in school.

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

As the father of Amanda Collins, I come with a different perspective than many of the other presenters, other than my wife. As she related, we both have very strong connections to both the state and UNR. I graduated in 1974; I have a master's in taxation law. I was president of the UNR Alumni Association in 1991. I really wish I did not have to be here. I also wish that the events of October 22, 2007, which are engrained in my mind, were not there. I wish I could continue to live the fairy tale that existed prior to that, the fairy tale that bad people do not do bad things on university campuses. I wish I could continue to believe what the university people will tell you, that criminals will obey laws and university campuses are oases, away from the rest of society. I no longer have that luxury. That luxury was taken away from me by the events of October 22, 2007.

We took steps to ensure our kids were safe. What I had not counted upon was this Legislature and UNR would conspire to take away my daughter's right to be able to protect herself on that fateful night. From past experience, I know others will tell you that campuses are safe. They do not want you to remember in 1998 when Sergeant George D. Sullivan was hacked to death while on duty on campus. Nor will they want you to remember that in the mid-1970s, Michelle Mitchell, who was a coed and had an off-campus work-study job, left her job one night, and her nude body was found across the street from campus. Nor the fact that she was raped within rock-throwing distance and could see the squad cars parked on campus. Nor do they want you to remember that in weeks prior to Brianna Denison's abduction and disappearance, they were putting up notices that police were looking for a stalker. That means Brianna Denison was abducted right under the nose of a very watchful, very alert law enforcement community.

If I sound just a little bit peeved, it is because I am. James Biela, who was a pipefitter, was not affected at all by the laws that are currently in effect. The ones who were affected were his victims, the victims who could have been spared had Amanda Collins been allowed to carry her firearm that fateful night.

This request is not being made because law enforcement is not doing its job. I believe they are doing all they can do, but they are very seldom present at the commission of a crime, as was told to me recently by one retired Colorado law enforcement officer. In his 25 years, he had happened, by chance only, upon the commission of a crime in progress only twice.

So I ask you, how much longer are you going to submit to the feelings of uneasiness because a firearm may be present? How many more young women are going to be denied the opportunity to protect themselves with the use of

a firearm? Universities like to tout themselves as promoting education so that people can make better choices. Sometimes those choices have to be pre-prescribed choices at the university. In this case, the choice of a firearm to protect yourself is not one of the preapproved choices. What I am telling you is that I have learned from my past experience that it does not always happen to the other guy. I thought it did. That left my mind on October 22, 2007. What are you going to think the next time it happens to someone and you know that person, knowing that you voted to deny that person the opportunity to consider the use of a firearm to protect himself? Please support this bill.

John Wagner, State Chairman, Independent American Party:

I speak for our entire executive committee when I say we are in favor of this bill. We have 70,000 members statewide, and I would think the majority of them also support this. I heard the testimony of Amanda Collins again, and it brought tears to my eyes again. I would hate to hear that testimony a third time. I want to see her get justice. Also, 1 percent of the people in the college age group have CCW permits. You walk down any campus, look in any building, how do you know who has and who has not got a CCW permit and who has not got a gun with them—I think just the mere threat of that 1 percent, and maybe more, have these guns. These people, CCW permit holders, go through training to learn how and when to use their guns. It is not like at the O.K. Corral; we are not going to have shoot-outs. But to have the threat of a bad guy coming after you, maybe he is going to meet somebody with a CCW permit, and he is going to end up dead.

Carol Morrell, representing The Women's Shooting Academy, Reno, Nevada:

I am here to speak for our group. We teach personal safety, firearm instruction, and CCW classes. I have two pages of notes, but my opinions are the same as those who testified before me. It just boils down to the justification for self-defense. I am not going to repeat what has been presented, but I understand that guns are not for everybody. Just the topic of firearms begets controversy and debate. It is very emotional on both sides. What we cannot dispute is that common sense tells us we all have a right to defend and protect ourselves, and our right should not be forfeited by any legislation or gun restriction. The point I want to make is that the use of force with a firearm and to take that force to a lethal level—nobody wants to kill anyone as CCW permit holders. We want to defend ourselves and protect our safety; that is a given. I am in support of this bill, and I hope you will consider the powerful testimony you have heard today.

Bob Irwin, Owner, The Gun Store, Las Vegas, Nevada:

I am a police firearms instructor. I would like to make some comments about the training that has been brought up in previous testimony. The police officers

on campuses cannot tell who the good guy is and who the bad guy is unless only the bad guys have guns. As a concealed firearms instructor, my company has instructed more than 25,000 people who are now CCW permit holders in Nevada. They are told always to avoid confrontation, to use verbal warnings, to flee if they can, and to run away. If they are confronted by a police officer, they immediately put their gun on the ground, raise their hands, and follow the officer's commands directly so they are not a danger should a UNLV or UNR police officer come upon them. The data given before shows that we have not had that problem on campuses. As a police firearms instructor, police are instructed the same way. When they come into an unknown situation and there are several people who may or may not be armed, give verbal commands and the good guys and bad guys separate themselves very quickly. In anticipation of the opposition, there will be testimony that university police cannot tell who is who if everyone is carrying a gun. We train police to diagnose the situation, not to just fire at anyone with a gun. I realize some of the police chiefs on the campuses do not trust their own officers, which is the reason they do not want civilians carrying. I trust the police officers on campus to be able to tell me from the bad guy when I put my gun on the ground and raise my hands.

Duncan Rand Mackie, Vice President, Legislative Division, Nevada Firearms Coalition:

We strongly support A.B. 143. I would like to say that in addition to our strong support, the Board of Regents is already required by *Nevada Revised Statutes* (NRS) 396.110 to promulgate rules for the concealed carry on campus. So far, they have not done so.

Matthew Yealy, Private Citizen, Las Vegas, Nevada:

I support this bill. There are states that do allow for campus carry, and you do not see mass shoot-outs in those states. Utah is the closest one to us. It has a statute that specifically names public colleges and university as public entities that do not have the authority to ban concealed carry, thus all ten public institutions of higher education in Utah allow concealed carry. Again, you do not see issues there. Wisconsin just passed a law that allows for concealed carry on campus. It has also passed in Mississippi. There are five states on the record, including Colorado. We all know what happened in Colorado recently. In regard to police and administration being able to apply for an exemption to be able to carry a weapon on campus, it is done by the president of the university. One person has to have a "good enough reason," some kind of specific credible threat. There seems to be no due process; it is not given by a neutral party, there is not a court or due process under the judiciary laws. How can one person make that decision? Is there an appeal process? Another point about our campuses being "wet," Nevada law under NRS 202.257 allows for up to 0.10 percent blood alcohol concentration while carrying a firearm. There is no

law that prevents carrying while in a bar or carrying while having a beer, as long as you, as a responsible citizen, know the difference. My local watering hole does not prevent conceal or open carry. My mother is a 30-year veteran of the Clark County School District and is also in support of this bill for CCW permit holders who have gone through the training.

Chairman Frierson:

If anyone else here is in favor of A.B. 143, you will need to submit your comments in writing. I will now invite those here to testify in opposition of A.B. 143 to come forward.

Alex Bybee, Assistant Director for Legislative Affairs, Associated Students of the University of Nevada:

I come before you to offer opposition to A.B. 143. It is my hope that this testimony will provide an important perspective for your impending discourse about the measure that would allow concealed firearms on the property of the Nevada System of Higher Education. Throughout my testimony, I may refer to the Associated Students of the University of Nevada as ASUN to maintain brevity. I have prepared testimony ([Exhibit L](#)) that I will summarize. On March 27, 2013, the 80th Session of the ASUN Senate voted on Senate Resolution 80-A ([Exhibit M](#)), which expresses student opposition to A.B. 143. To respond to comments made earlier about the university not being representative of its constituents, I would have to disagree. There were no referenda put in place on our campus specifically, rather the senators are elected to represent constituents much like this body is elected to represent its constituents and to pass resolutions and bills that the powers of our constitution vest in those elected officers. I commend the Nevada Legislature's recognition of a thoughtful discourse on gun violence. In the wake of so many tragedies, I find it fitting that this body is debating this legislation, but with that, I and the ASUN do not believe that this measure is the best course of action for this body to take. This piece of legislation directly impacts the students on NSHE campuses, and I think it would be irresponsible to not listen to the opinions of students, the ASUN Senate, and their resolution to oppose A.B. 143.

Chairman Frierson:

As a former ASUN president, I certainly understand your sentiment about being a representative body.

Assemblywoman Cohen:

I know that ASUN submitted some documentation, but do we have copies of the minutes from the hearing?

Alex Bybee:

The meeting was last Wednesday and the committee secretary is still working on the minutes. Once finished, I would be happy to email them to the Committee.

Assemblywoman Diaz:

Will you summarize the general sense and concerns that students brought forth to ASUN when you had that meeting?

Alex Bybee:

The resolution echoes some of the comments about general opposition, and that if the law passed it could lead to an escalation of crime at UNR. It is UNR's duty to keep students and faculty safe while on campus. Guns are a distraction to the learning environment; they are not conducive to an environment where students can feel open and safe. It increases the feeling of oppression on campus. The safety of a student would be put at risk if a gun were to go off by accident. Essentially all of the arguments that you would guess would be in opposition to this bill are what the student's sentiments are, which were reflected by the resolution passed by our senate. It is a representative body that mirrors this one, and I think it is an invaluable resource for this Committee. These policies are affecting the students, and this resolution was passed with a majority vote to oppose this bill. It speaks volumes about what should happen to A.B. 143.

Assemblyman Wheeler:

What kind of informal or formal poll was taken of the constituents you represent? How big was the sampling before you voted on the resolution?

Alex Bybee:

I do not sit as a representative on the ASUN Senate. I am with the Department of Legislative Affairs, and I cannot speak to you about any polling conducted. I do not know if Assemblywoman Fiore conducted any polls of her constituents to see how many people supported this, but when you are elected to represent, you are vested with the powers of the constitution to express the views of your constituents. So there was no sort of polling, but I know there were a lot of conversations about this measure. Based on the testimony received before the ASUN Senate, the sentiment is that the students of UNR oppose this measure.

Assemblyman Hansen:

Do you normally take polls prior to voting on whether or not someone has the right to exercise their constitutional liberty?

Alex Bybee:

I had a conversation with a friend the other day about Second Amendment rights. What I have to say to this body specifically, I think if there is a concern about this being a violation of Second Amendment rights, that should be something that is taken up with the Judicial Branch.

Assemblyman Hansen:

It was. The Supreme Court ruled on it. That is my point.

Alex Bybee:

What I am telling you now is that the argument would then transpose to 18-year-olds at high schools that have a right to bear arms and are being denied that. If by that logic, why would that not be continued into public education. I think we have to realize that there are flaws in the logic, and that this should be taken up through the judicial process.

Assemblywoman Spiegel:

When you were considering this matter, was there any discussion about suicide on campus and possible ramifications of students having increased access to guns?

Alex Bybee:

I do not sit as a senator on the ASUN. We do have a representative here today who would be able to answer those questions more thoroughly. I would imagine that would have been a concern to some of the students.

Caden Fabbi, representing the Senate of the Associated Students of the University of Nevada, Reno:

Our resolution was passed in opposition to A.B. 143. I was recently elected to represent the College of Liberal Arts in the upcoming 81st Session; however, I have been participating and have been actively involved in the last session of the senate, particularly with this bill because I feel extremely strongly about it. Since my election, I have been talking to constituents—I have not been taking this matter lightly at all. This is a matter that has been discussed in classrooms and many different settings in casual conversations I have had with friends. The absolute general consensus is that students do not, by any means, support this bill. They will not feel safe within their classrooms.

I would like to talk about the safety precautions that we do have at UNR where we are prepared to react to an emergency situation. Some of these include a police department that works around the clock and is prepared to respond immediately when an emergency may occur.

There is a blue light emergency button system in which a student can immediately get help anywhere on campus. Students can see a blue light while standing anywhere on the campus. We also have a program called Campus Escort, which is funded by ASUN, and gives over 35,000 free car rides a year between the hours of 5 p.m. and 1 a.m. every day. That program is being further expanded so students can feel safer getting to and from campus. There is also an emergency alert system in which every student will receive an email or a text when there is a dangerous situation on campus. Lastly, the ASUN recently developed an application where students can get immediate help if they feel uncomfortable or uneasy at any point on campus. With all of these programs and services already in place, allowing students to carry weapons on campus is not only unnecessary, but could also interfere with the trained emergency response team's reaction to a given situation.

While I am here to represent my constituents with the ASUN Senate, I also want to express my personal concern and feelings on this bill. As a student of UNR, I would feel extremely uncomfortable at the thought that a student sitting in class with me could be carrying a firearm. I have grown up in an educational environment that has taught me to focus on studies and learning. I cannot think of a bigger distraction to this educational environment than throwing weapons, violence, and my personal safety into the mix.

In reaction to recent emergencies in our country, I absolutely believe that something needs to be done to slow down the frequency of these events. However, the answer is not to put more guns into students' hands at a university that is prepared and ready to respond to an emergency situation. The current law states you have to be 21 to get a CCW permit. Fewer than half of the students at UNR are under 21, so if this bill is passed, I would say there is much more work to do for this to be effective at UNR.

Assemblyman Wheeler:

How is a weapon that you do not know is there a distraction? Also, would you not think that a rapist on the loose on your campus may also be a distraction?

Caden Fabbi:

Just the thought that there could be a firearm in the classroom is distracting. While you can make the argument that anywhere someone could have a CCW and you would not necessarily know about it. Schools are not a place where these weapons should be. Schools are a learning environment and a place where students come to study and learn. The students do not support adding that distraction.

Assemblyman Duncan:

Are there any circumstances where you believe the ASUN would support someone having a CCW? There is a process where people can apply for a permit to carry. Also, what do you say to someone like Amanda Collins who testified today and experienced a horrific attack on your campus?

Caden Fabbi:

In reference to your second question, it was an absolutely horrific incident that occurred. I am sorry for Amanda for everything that happened. However, we cannot go back and say for sure that if Amanda had been carrying a weapon she would have been able to defend herself in that situation. We cannot look back and claim that this would have made a difference. Will you repeat your first question?

Assemblyman Duncan:

Are there any circumstances that you could foresee that the ASUN would approve of concealed carry, for example a person going home late at night?

Caden Fabbi:

Current law is fine. We trust President Marc Johnson's judgment on these situations under current law.

Assemblyman Hansen:

Considering there are 65,000 CCW holders in Nevada, do you feel unsafe everywhere else when you are outside of campus?

Caden Fabbi:

No, I do not. However, as I have stated many times before, the university is a place where I further my education; it is not a place where concealed weapons belong.

Assemblyman Hansen:

But you are comfortable in the rest of the state? You realize there is an irrationality in that statement. Would you feel more comfortable if they removed the campus police since they also carry firearms? Or, in your opinion, do they have a deterrent effect?

Caden Fabbi:

I would say that campus police are trusted on our campus to react to emergency situations.

Assemblyman Hansen:

Then they are a deterrent?

Caden Fabbi:

I do not understand.

Assemblyman Hansen:

In other words, would people be less likely to commit a crime because they have police on campus, or would they be more likely to commit crimes if you did not have police on campus?

Caden Fabbi:

I have no answer to that.

Jessica Goldstein, Private Citizen, Reno, Nevada:

I am a sophomore prenursing student and live on campus at UNR. I am also the president of the Residence Hall Association, representing 2,500 students living on campus in nine residence halls. I am in opposition to A.B. 143. Each of the individual residence hall communities debated this subject. Residents and staff were given an opportunity to bring forth their opinions and provide any information they wished, whether in support or opposition of this bill. The main concern that kept reoccurring during these discussions was the ability for residents and student staff to effectively manage conflicts that often occur between the residents with the possibility that those residents may be armed if this bill is passed, especially those residents who may be under the influence and in possession of their own concealed weapon or have the knowledge of where one is located in the building.

Along with this concern, residents brought forth their personal opinions and fears, and I have heard over and over again residents state they would leave the halls at the university if this bill was passed, which would allow concealed weapons to be carried by their roommates, hallmates, and hundreds of outside students that visit the halls, our homes, on a daily basis. The Residence Hall Association, in response to these concerns brought forth by our constituents, has passed the resolution that I have submitted to the Committee ([Exhibit N](#)). Thank you for your time.

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

In understanding the complex and many-faceted nature of this, I am going to try to keep my comments relatively narrow and let others testify. I would like to clarify a few issues of what we are not talking about today. I do not believe we are talking about abridging constitutional rights, and, unless I am misreading Assemblyman Hansen's statements, I think that issue has been settled by the Supreme Court. There is balancing, and the Supreme Court has held that areas such as schools and college campuses are sensitive areas where the right to carry firearms is not absolute and can be limited. This state has wisely, in my

opinion, almost 20 years ago enacted a statute that is consistent with that Supreme Court opinion.

I would like to clarify the position made by one of my bosses earlier. This is an admission against interest, but I disagree with Regent Knecht's characterization of the action of the Board of Regents. Mr. Knecht knows I disagree; we have discussed it. I think it is not correct to characterize the actions and discussions of the Board of Regents as something that was just ministerial and we were talking about process. I would indicate that section 2, subsection 1 of the Board of Regents' policy on concealed weapons, which you have before you ([Exhibit O](#)) says, "Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education," and then it lists various weapons. It seems to me that is pretty clear what the Board of Regents thought it was doing when it passed this policy after the last session of the Legislature. I would submit to you that campuses are, in fact, sensitive areas; we have child care facilities, dorms, athletic facilities, and we invite the community to come to campus. The Supreme Court, this Legislature, and the Board of Regents have made a decision on the reasonable limitation of weapons on campuses, and we urge you to respect that and not pass A.B. 143.

Assemblyman Hansen:

Prior to 1989, this was not in place. I cannot think of a single example where anybody was shot on the campuses of UNR or UNLV prior to the implementation of the 1989 law. Are you aware of any situations when this was legal, and someone abused this privilege?

Dan Klaich:

No, I think Mr. Collins has recited that historical testimony correctly.

Assemblyman Wheeler:

You stated that colleges are a sensitive area. Are you saying that across the street is not a sensitive area if it has child care and a restaurant? What I am trying to figure out is what the difference is. Why would I be allowed as a CCW carrier across the street, but not on the institute of academia?

Dan Klaich:

We are dealing with the Bill of Rights, which has been mentioned so often. The Supreme Court has balanced the rights in the Bill of Rights with the right of the public to be free and safe. It has made that judgment. I cannot tell you why the justices of the Supreme Court drew that line, but I can tell you that line was drawn. I support that line and I support the position of the Supreme Court,

the State of Nevada, and the Board of Regents with respect to the limitation of firearms on campus.

Assemblyman Wheeler:

I am not aware of that ruling, I thought it just says "shall not be infringed," it does not say "shall not be infringed on the street or on the college campus." Did Oregon overturn the ban on all guns?

Dan Klaich:

I do not know what the courts in Oregon did. I am fully aware that this is a very difficult issue in the United States and does nothing but arouse passion.

Assemblyman Duncan:

I know there is a process for people to be able to obtain a CCW permit on college campuses. I was wondering if you can walk me through that process. Also, can you tell this Committee if anyone has ever been granted a CCW permit for self-defense purposes only? We heard testimony earlier about professors bringing guns on campuses, and peace officers carrying—there was also testimony that there were eight requests that were not approved. Do you know why they were not?

Dan Klaich:

The exact policy is on NELIS ([Exhibit O](#)). There has to be a written request which is submitted to the president of the institution. The president does an investigation into the reasons for the request. He must render a decision in writing. There are exemptions for police officers. The primary reason for granting it would be a specific risk of attack or a general risk of attack because of who you are, or a legitimate educational need. The president has discretion beyond that to examine the facts of the case to determine whether or not he thinks it is a legitimate reason to abridge the general rule. Ms. Fiore gave you the statistics along with her impression and interpretation of those. I have not looked at each of those to be able to answer the second part of your question.

Chairman Frierson:

In the interest of time, I would ask that the Committee members contact the witnesses on their own.

Assemblyman Wheeler:

Mr. Klaich, you stated there needs to be a general risk for a CCW permit holder to be allowed to carry on campus. There are 13 registered sex offenders attending Truckee Meadows Community College, yet no one has been allowed to carry a weapon there. Would that not constitute a general risk?

Dan Klaich:

I am not the president, but I am going to give you as straight an answer as I can. If that request were brought to me, I would deny it.

Adam Garcia, Police Chief, University of Nevada, Reno:

I have been in law enforcement for 34 years. Not only am I the police chief, I am also a faculty member in American government and criminal justice. I am obviously here to testify in opposition to this bill. I am a fervent Second Amendment rights person. As I teach my students, there is nothing in the *Constitution* that is absolute, including the Second Amendment. I agree with the Supreme Court case of *District of Columbia v. Heller*, 554 U.S. 570 (2008), in which they identified schools, colleges, and universities as sensitive areas. I believe that there will be a plethora of unforeseen and unintended consequences.

This bill singles out NSHE. It does not talk about K-12 schools, airports, or courthouses; it does not talk about this building. This is still going to be a gun-free area. I also want to point out that the distinction between a K-12 setting and a university setting is not always clear. We have four on-campus child care centers, second- and third-grade classes from the Washoe County School District, the Davidson Academy, and during the year, we host over 10,000 K-12 students at our campus. I believe that the university has a legal obligation to adopt policies to promote a safe environment for our students, faculty, and staff. I think the policy that the system has works for the safety of our campuses and is also respectful for the concerns of the *Constitution*.

The university provides police officers who are armed and trained in not only day-to-day affairs, but trained to handle crisis situations, such as when not to fire their guns, how to retain weapons, and how to best secure the campus during a critical incident. We have 23 sworn police officers on our campus. We have an additional 15 part-time sworn police officers. In the event of a critical situation, our campus would be flooded by law enforcement from Washoe County, the City of Reno, and the City of Sparks. We work with them often, not only in training but in other areas cooperatively.

The university braces our responsibility to protect free expression. This is where I come in as an instructor. That free expression and the academic freedom that we have on campus allows faculty to be able to address even the most controversial subjects. The faculty does their research in their writing endeavors as well as in their classroom without fear that they will be punished for challenging some conventional thought or causing some provocative idea.

College students are at an elevated risk of suicide with approximately 1,100 successful suicides and an additional 24,000 attempts each year. If a gun is used in a suicide attempt, more than 90 percent of the time it is fatal, as compared to a 3 percent fatality rate for drug overdose. The current law in NRS 202.265 and the NSHE policy should remain intact. Leave the job of protecting our campuses to those who are trained. Last year, UNR police had almost 2,000 hours of training, including three days of intensive active shooter training. [Also provided written testimony ([Exhibit P](#)).]

Assemblyman Hansen:

This building is not a CCW-free zone. I have a CCW and I was told if I wanted to carry a gun, I could do so, in this very building. I have chosen not to, because we have swarms of officers here. My impression is that the law enforcement community in general opposed the original CCW idea that was established in Nevada. Looking back, are you aware of any of the predictions that they suggested coming true if we allow the CCW program to go forward? Have there been incidents that would justify preventing ordinary citizens from carrying firearms in public buildings?

Adam Garcia:

I did not follow the question.

Assemblyman Hansen:

Are you aware, as a law enforcement officer, of anywhere in the United States, since they have adopted CCW laws, where there has been an expansion in gun violence or public safety hazards, such as people being shot in buildings?

Adam Garcia:

I do not have that information.

Assemblywoman Cohen:

What are the requirements of getting a CCW permit?

Adam Garcia:

There is an eight-hour training requirement and a background check.

Assemblyman Wheeler:

Chief, when you are on campus, but off duty, do you carry a gun?

Adam Garcia:

Part of our training has always been that we carry weapons because we are expected to act and react as if we were on duty.

Assemblywoman Cohen:

I believe that in Nevada, all law enforcement officers are supposed to carry their weapons at all times, correct?

Adam Garcia:

It is not a state law requirement.

Jennifer Batchelder, representing Nevada Women's Lobby:

We are strongly opposed to A.B. 143. As a former university instructor at the University of West Florida, college is supposed to be a safe place where various opinions and viewpoints can be discussed. By allowing such a law, such discussion could be inhibited. [Also provided written testimony ([Exhibit Q](#)).]

David Zeh, Chair, Faculty Senate, University of Nevada, Reno:

I am the department chair for biology. I have taught courses at UNR for the last 15 years. I am very closely involved in hiring, evaluating, and supervising faculty, classified employees, and students. I should point out that the UNR Faculty Senate voted unanimously against easing legislation on gun restrictions on NSHE campuses. We fear there will be unintended consequences, potentially endangering preschool students, K-12 students who utilize our campus on a daily basis, and also threats to academic rigor and the free exchange of ideas. We are also concerned that in the long term, there will be an increased level of fear and intimidation.

I would like to approach this a bit differently—I am accused of being an egghead intellectual. The way we look at things in science is, what are the broad statistics, what are the general things we can take away from issues? We cannot talk about this in terms of individual cases; we have to talk about it in terms of the broad risk of being on the university campus. The first question is: Are campuses dangerous and do we need this sort of legislation? Also, should we put the safety of our future engineers, doctors, and lawyers in the hands of an individual who can spend eight hours of training and get a CCW permit? If you look at the statistics, there were 16 homicides on college campuses in 2011, which is a typical year. There are 12.9 million students enrolled in higher education. If you look at the risk, you are 43 times more likely to be killed off campus than on campus. If you look at college students in particular and the probability of violent crime against a college student, 90 percent of the risk is associated with being off campus. I would actually challenge Regent Knecht in saying it is not broken, let us not fix it. If you look at the numbers, I think there is a very strong case in keeping the system as it is.

As a faculty senate chair, I deal with reconsiderations and grievances. I also deal with students who get poor grades. It is our responsibility to educate

students, but it is also our responsibility to ensure students come out of our university training qualified to do the things they have to do. If you go to a physician or an engineer, you want to make sure they are qualified to do their job. That means some people are going to fail. Good people, under emotionally stressful situations, can make poor decisions. Giving them the ability to carry arms on campus and in lecture halls that have 250 students can result in unintended consequences. It may, in fact, be true that someone with a CCW permit could save lives, but it is also true that that is not a free card. There are risks associated with increasing the number of guns on campus.

In conclusion, I would like to point out that college campuses are some of the safest environments in this nation. One of the reasons they are so safe is that it is predominately the highly qualified and well-trained law enforcement professionals who carry the guns. It is the opinion of the Faculty Senate that we should keep it that way. [Also provided written testimony ([Exhibit R](#)) and UNR Faculty Senate Resolution ([Exhibit S](#)).]

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

I am the secretary of the State Board of Nevada Faculty Alliance and a representative to the Faculty Senate for the College of Liberal Arts. I try to keep my constituents informed about things that are going on that relate to faculty. A few weeks ago I sent out an email informing my constituents of the fact that campus carry proposals would be heard by the Legislature this session. I was immediately inundated by emails from faculty who were horrified that the Legislature was revisiting this issue yet again. I use the word horrified deliberately because that was a word that was used by faculty in many of those emails. Those who expressed the most horror were faculty who taught controversial issues. In my case, some of those issues include immigration conflict—which is a very hot topic—gender issues, and gun control. I also teach race issues; specifically, I take the students on a seventeen-generation trip where I teach them how the African-American slaves went from abject slavery to the White House in seventeen generations. Many students are very uncomfortable in hearing that, and they are very angry that there is an African American in the White House. I have been, for the record, threatened with bodily harm by students three times, and my daughter threatened with bodily harm once over the course of my teaching career. These are polarized times in the United States, and I would shudder to think what the consequence might have been had those students who dislike me that much been armed at the height of their anger toward me.

Assemblyman Duncan:

Have there been any instances where higher education campuses that have allowed CCW permit holders had an increase in any kind of violence? Also, what is stopping anybody who is angry with you from bringing a weapon on campus if they want to hurt you?

Leah Wilds:

I am not sure I understand your questions. When I am off campus, I am not talking about the controversial issues. I have a class of 220 students, and we cover some very controversial issues. I have two classes where we debate issues, and sometimes the discussion gets rather heated.

Assemblyman Duncan:

The first question was, are you aware of any other campuses, such as in Utah, where students are allowed to carry concealed on their campuses, which have a greater incidence of violence? Philosophically thinking about this, what is stopping an angry student from illegally bringing a weapon on campus and hurting someone?

Leah Wilds:

I would be absolutely terrified to stand in front of a classroom with 220 students thinking that some of them may be carrying concealed weapons.

James T. Richardson, representing Nevada Faculty Alliance:

We are unanimous in our opposition to this bill. We were last session, as well. We do not think that campuses are a place for more guns. It is a very safe environment nearly all the time, as statistics demonstrate. I do appreciate the issue of suicides; the idea that there might be ready weapons in dorms is troublesome. If they are not allowed in dorms, there would be a heavy fiscal note. If people are going to carry weapons, there must be a place to store and guard them. We support the faculty and students involved in this, and we urge you not to pass this bill.

Tehran Boldon, Private Citizen, Las Vegas, Nevada:

I am also a victim of gun violence. My family has been, and today, you and I, Mr. Chairman, are three times more likely to be shot than anyone else who has spoken, based on our African-American descent. Just because a person has a gun on campus does not mean he will be able to defuse a situation or that he may be a better shot. An assailant can be better armed, body-armored up, and can have a high-powered weapon; so just because a person is on campus with a gun does not mean he can stop a crime. I oppose this bill. I do not think it is safer to have a person on campus carrying a concealed weapon.

Jose Elique, Chief of Police, University of Nevada, Las Vegas:

I have been chief of police for the last twelve 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 both in New York City and here at UNLV. With me today are Assistant Police Chief Sandy Seda, who manages our emergency response training and emergency notification systems, and Chief Darryl Caraballo, of the College of Southern Nevada Police Department. Along with my colleague up north, all of the chiefs that you have seen before you today are opposed to the passage of A.B. 143. I am opposed, as is my institution, to the enactment of this legislation for a variety of reasons. I will limit my concerns to things that have to do with a police perspective and a response perspective during an active shooter situation, which would be the most serious incident that we could respond to.

Basically, I have a concern from a police perspective: If we allow individuals on campus with CCW permits, it will embolden those individuals to react to a situation that they are not prepared to respond to. Our police officers receive extensive training three to four times every year. They fire thousands of rounds. What we are trained to do is immediately respond to these types of incidents, identify, engage, and eliminate the threat. What is the threat? It is a person with a gun in his hands. My concern is that when we respond to these situations, our officers will not have the luxury of time trying to identify who the good guy is and who the bad guy is. We will immediately command everyone there to drop their weapon, but in the heat of the moment, if someone does not, there is a great potential that we are going to put those individuals down. We are going to fire upon them to eliminate the threat and ask questions later. That may sound premature to you, but I can tell you that we train for hours and hours, perfecting this skill, because I want my officers to respond using motor skills. I think it poses a potential danger to individuals who are armed on a campus. No matter how well-intentioned this legislation may be, or how well-intentioned those individuals may be, they are simply not going to be in possession of the training necessary to thwart these types of incidents. If this bill passes, we will have to alter our response operations and certainly our response time. I am also in agreement with the points the Chancellor has made in terms of the campus being a very special place.

Chairman Frierson:

Are there any questions? I see none. Is there anyone here to testify in a neutral position?

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

I am a CCW instructor. I want to comment regarding the well-trained police and also a student I had from UNR who recently went through my class. She said

she fended off three attacks on UNR property over the last few years. This is a high-profile female. She used mace in one of them. It is not as safe a situation as some would have you believe. Also, well-trained police officers from New York recently shot nine innocent people at the Empire State Building.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We are taking a neutral stance on this bill. There were discussions at meetings pertaining to potential legislation concerning campus carry. As you have had the discussions here today, so have we. It was felt by the membership that this would be an issue best dealt with by NSHE.

Assemblyman Wheeler:

Do criminals prefer unarmed victims or armed victims?

Robert Roshak:

I have never asked one, but I can tell you that the victims I contacted were not as well prepared as the person going after them.

Chairman Frierson:

I will now invite Assemblywoman Fiore to come up with closing remarks.

Assemblywoman Fiore:

I reached out to all of the opposition and the whole reason for the two amendments that we made was to address the concern of the student in charge of the dorms. We are not allowing guns in dorms. The concern of universities with nurseries and K-12 students is that we have an amendment to have sunset carry only. All of the opposition testifiers obviously did not read the bill; it is amended to fit their concerns. You can ask our university police where they have actually stopped an occurrence from happening, or just took the testimony of what happened. I understand the campus police are great but are failing in stopping the incidents. The testimonies by the student body representatives were not in any way factual and kind of weak because they did not have any numbers. During the last 24-hour period, this body has received 549 emails in support of this bill and 20 in opposition. Those are numbers from constituents across Nevada. To the black gentleman, he identified himself as an African American who is afraid that because he is black he might get shot—I just want to make sure that he received the memo that the Commander in Chief of the United States is black and he is not getting shot today. I do not like the whole racist thing, and I urge people to throw the race card away. As a white woman, using the black card that they are going to shoot me because I am black really holds no water and actually aggravates me. To Chief Jose Elique in Las Vegas, if you think you are going to be shooting everyone on campus, I highly urge you to resign and turn in your badge and

pistol because you cannot do your job appropriately. [Testimonies provided but not mentioned include: ([Exhibit T](#)), ([Exhibit U](#)), ([Exhibit V](#)), ([Exhibit W](#)), ([Exhibit X](#)), ([Exhibit Y](#)), ([Exhibit Z](#)), and ([Exhibit AA](#)).]

Chairman Frierson:

With that I will close the hearing on A.B. 143. I will open the hearing on Assembly Bill 195.

Assembly Bill 195: Revises provisions governing applications for the renewal of permits to carry concealed firearms. (BDR 15-446)

Assemblyman John C. Ellison, Assembly District No. 33:

I am here today to present Assembly Bill 195 for your consideration. In 2011, the Nevada Legislature updated the permitting process for carrying a concealed firearm. This update made it so anyone who had a concealed firearm permit after June 30, 2011, could avoid a background check and fee when purchasing a new firearm. Because the update only applied to permits issued after June 30, 2011, many people with existing permits wanted to get a new one right away. A concealed firearm permit is good for five years; however, many people with existing permits were told that they had to wait until their permit was about to expire before they could get a new one. Assembly Bill 195 fixes this by allowing anyone who has an existing permit to apply for renewal any time before the permit expires. Typically, the sheriff has 120 days to grant or deny the renewal application. There is a friendly amendment that would extend the time to 180 days. In closing, I would like to point out that A.B. 195 will become effective upon passage and approval, and will expire on June 30, 2016. This is because A.B. 195 is only meant to address permits issued before July 1, 2011. Since all of those permits will expire by June 30, 2016, there will no longer be a need for this bill. That concludes my remarks.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We have an amendment ([Exhibit BB](#)) which is asking for an extension of the 120 days that is mandated by *Nevada Revised Statutes* for a sheriff to issue a concealed carry weapon (CCW) permit to 180 days for the renewal process. This early renewal process is a convenience to those who wish to get the CCW permit and avoid the background check when they purchase firearms.

Chairman Frierson:

Any questions? I see none. I will invite anyone wishing to testify in support to come forward.

Eric Spratley, Lieutenant, Washoe County Sheriff's Office:

I am here to express support of A.B. 195.

Daniel S. Reid, representing National Rifle Association of America:

We are in support of this bill. [Provided written testimony ([Exhibit CC](#)).]

Don Turner, President, Nevada Firearms Coalition:

We are in support of this bill; however, the permits could be renewed within a 30-day period. [Testimony provided but not mentioned ([Exhibit DD](#)).]

Janine Hansen, representing Nevada Families for Freedom:

I support Assemblyman Ellison on this bill. We support improving our CCW laws at all times.

Chairman Frierson:

Is there anyone here in opposition?

Matthew Yealy, Private Citizen, Las Vegas, Nevada:

I was in support of this bill until I saw the amendment to extend the time frame to 180 days. Does that sunset after all permits are past the 2011 exemption? As amended, I do not believe 180 days is necessary to grant a CCW permit when most of the time the sheriffs are running at 90 days currently.

Chairman Frierson:

I would encourage you to contact Assemblyman Ellison or Mr. Roshak.

Robert Roshak:

This amendment will sunset when the bill sunsets. It is specific just for renewals and does not impact new registrations.

Chairman Frierson:

Is there anyone wishing to offer testimony in the neutral position?

William Birk, representing Nevada Legislative Affairs Committee:

I am neutral on this bill; however, as I have pointed out many times before, when we put a bill in place, we should also try to fix the inadequacies of the bill before. Page 3, line 1 of the bill states, "Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued." If that sheriff is dead or not reelected, who would you go to get a new permit? Page 2, line 16 states, "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." There is no platform to notify the other sheriffs on who is applying for a permit, so this is moot and should not be in this bill.

Chairman Frierson:

Is there anyone else wishing to offer testimony in the neutral position? I see no one. I will invite Mr. Ellison back for closing remarks.

Assemblyman Ellison:

The reason for the 180 days is that there has been such an increase in CCW permit renewals that this will allow for an extension to perform the permitting process. [Testimony provided but not mentioned ([Exhibit EE](#)).]

Chairman Frierson:

I will close the hearing on A.B. 195 and open the hearing on Assembly Bill 234.

[Chairman Frierson left the room and Vice Chairman Ohrenschall assumed the Chair.]

Assembly Bill 234: Revises provisions relating to firearms. (BDR 15-915)

Vice Chairman Ohrenschall:

Good afternoon, Majority Leader. Thank you for presenting this bill. Please proceed whenever you are ready.

Assemblyman William Horne, Clark County Assembly District No. 34

With me today are my assistant policy analyst, Brittany Shipp, and my intern from the University of Nevada, Las Vegas, Whitney Morfitt. [Slide presentation shown ([Exhibit FF](#)).] To begin, I would like to tell you what this bill is not. This bill is not a ban on assault weapons or high capacity magazines. This bill does not eliminate or prohibit registration requirements. This bill is not an attempt to take away anyone's guns or infringe upon anyone's Second Amendment rights. As a proud gun owner, I believe in my Second Amendment right. However, as a lawmaker, I believe it is my responsibility to keep our community safe.

In light of recent tragedies—Sandy Hook, the Aurora shooting, and closer to home, the IHOP shooting—something became clear. We need to do something to address gun violence. There are several perspectives on how to do this. Some lawmakers are seeking to strengthen our gun control laws, and other lawmakers believe that our gun laws are too strict. Others believe we need to address our mental health programs or lack thereof. I wanted to find a middle ground between these two arguments. I want a policy that will keep guns out of the hands of criminals as well as strengthen our mental health programs. I believe this bill does that.

Assembly Bill 234 will supplement mental health services for those who suffer from mental illness, as well as provide aid to victims of gun violence.

Furthermore, it establishes policy that holds gun owners responsible for allowing their guns to get into the wrong hands. It is a policy statement designed to illustrate that being a responsible gun owner means obtaining a background check before selling or transferring your weapon.

In the conservative majority opinion of *District of Columbia v. Heller*, 554 U.S. 570 (2008), Justice Scalia said, "Like most rights, the right secured by the Second Amendment is not unlimited."

Nevada is one of the most liberal gun law states in the U.S. In fact, it receives a grade of "F" on <smartgunlaws.org>. Nevada allows open carry; has no statewide registration or licensing requirement; and does not prohibit the transfer or possession of assault weapons, .50 caliber rifles or large capacity magazines. Nevada does not limit the number of firearms that may be purchased at one time nor does it impose a waiting period on firearm purchases. This bill does not change any of that.

Now I will discuss what A.B. 234 does. In addition to the typical sales tax, all sales of firearms and ammunition, except private-to-private sales, will have an excise tax of \$25 per gun and 2 cents per round with an exemption for law enforcement purchases.

Slide number 5 shows a Taurus .38 Special. With an average cost of \$350, the tax would be \$25. The next slide is a 9mm. Again, there is only a \$25 fee for about a \$400 purchase. Next is a bolt-action rifle. The average cost is about \$350, still with only a \$25 fee. The next slide shows an AR-15, which has some notoriety. It has an average cost of \$850, but still a \$25 fee. The next slide is a sample of typical rounds of ammunition and what the fees would be when purchasing them. This will give the Committee a perspective on what this bill proposes to do.

Revenue from the proceeds of these sales will be allocated equally between the Fund for the Compensation of Victims of Crime and the Fund for Treatment of Persons with Mental Illness, established by this bill. The new trust fund is created to supplement programs within the Division of Mental Health and Developmental Services, Department of Health and Human Services, which help those that are potentially violent, such as home safety programs.

Gun violence is a problem in this state. At least three recent instances of gun violence in Nevada come to mind. In Carlin, a 52-year-old woman was killed and a 19-year-old man was injured in a shooting on March 11, 2013. Renee Bassett of Henderson was shot and killed on March 5, 2013, while her

children were in school. I am sure we all remember the shooting in front of the Aria Hotel and Casino that left three dead on February 21, 2013.

According to the Nevada Department of Public Safety, a violent crime occurs in Nevada every 33 minutes, 34 seconds. Between 2007 and 2011, approximately 61 percent of all murders, 40 percent of all robberies, and 16 percent of aggravated assaults were committed with use of some type of firearm.

Assembly Bill 234 will also help fund mental health programs, funding for which has been cut by 28 percent since 2009. These cuts translate into loss of vital services such as housing, assertive community treatment, access to psychiatric medications, and crisis services.

Of Nevada's approximately 2.6 million residents, close to 89,000 adults and about 28,000 children live with serious mental health conditions. Nevada's public mental health system provides services to only 20 percent of adults who live with serious mental illnesses in the state. In 2008, approximately 3,100 adults with mental illnesses were incarcerated in prisons in Nevada.

Will this bill solve all of our problems? No, but it is not intended to. This is a small fee on gun sales that will allow for additional funding to help the mentally ill get the services they deserve and defending the safety of our community. This will provide a little more revenue for the victims of crime fund so that victims of gun violence can put their lives back together, such as the 12- and 13-year-old surviving children of Renee Bassett, who was gunned down in a murder-suicide by her ex-husband. It is a message from gun owners to the community that we are willing to do our part to help.

I want to stress that this bill is not intended to punish responsible law-abiding gun owners. This is a safety precaution, for the same reason we put seat belts and airbags in our cars. It is to keep people safe, and while it may not work all the time, it does not mean we should do nothing to limit the harm. We pay taxes to provide us with fire protection even though our homes may never catch fire.

Every safe, responsible driver, regardless of whether they have ever been in an accident, must have car insurance. This is because there are those who break the rules. It is the same rationale with guns. As responsible gun owners, we have a responsibility to help put programs in place that address gun violence. This is a public safety bill designed not to supplant public assistance services but to supplement these programs.

In addition to these provisions, there will also be a duty for private gun sellers to obtain a background check for all firearm transactions. This includes private-to-private sales, also known as the gun show loophole. Under this bill, all firearm sales must go through an authorized Nevada gun dealer or the Central Repository for background check service. This provision is widely supported by Nevadans in recent surveys. According to the survey taken by Shoen LLC for a coalition of more than 850 U.S. mayors, in Nevada, 86 percent of likely voters polled want every gun buyer to pass a criminal background check. The survey also estimates about 40 percent of gun transfers are done through private sellers, avoiding the background check requirement. I do not think a statistics table is needed to assume most criminals are buying guns in this manner, from a private seller.

There was a recent story in Washington where a man was released from prison on parole and proceeded to kill his grandparents. It was found that he was doing Internet searches of gun shows in Nevada because it is easy to come here to a gun show and buy a gun without a background check ([Exhibit GG](#)).

I want to make very clear that there is no mandate in this bill to obtain a background check in a private-to-private sale; it only provides that you are civilly liable if the buyer of that weapon illegally harms another person. It also provides immunity for those sellers that obtained a background check.

How often do we hear, "responsible gun owners are law-abiding citizens"? If this is true, then it is the responsibility of a gun owner to obtain a background check from their prospective buyer. No responsible gun owner should object to this.

This bill will also make it illegal to possess armor-piercing ammunition and tracer rounds, the sale and manufacture of which are already illegal in our state.

To conclude, A.B. 234 does not take away anyone's guns or right to own a gun in the state. As gun owners, we have a responsibility to ensure we sell our firearms to those that are legally able to obtain a weapon. As a community, it is also our responsibility to support programs that assist individuals with mental illness who might have access to firearms, and to help those who have been significantly affected by gun violence.

[Chairman Frierson reassumed the Chair.]

Chairman Frierson:

Are there any questions? Seeing none, you can go ahead and review the bill.

Assemblyman Horne:

Section 1 establishes background check procedures for private-to-private sales as well as provides immunity from civil liability to persons who transfer firearms in compliance with this process. Section 3, however, authorizes a civil cause of action brought against a person who transfers a firearm without obtaining a background check. Section 2 makes possession of armor-piercing and tracer rounds a gross misdemeanor. Section 32 repeals existing law that makes it a misdemeanor to discharge armor-piercing or tracer rounds. Section 13 imposes an excise tax of \$25 per firearm and 2 cents per round of ammunition. Section 10 directs the proceeds of the tax to be distributed equally between the Fund for the Compensation of Victims of Crime and the Fund for Treatment of Persons with Mental Illness created in Section 31. Sections 4 through 30 provide for the administration, collection, and enforcement of the tax by the Department of Taxation in a manner similar to other existing taxes.

Chairman Frierson:

Any questions?

Assemblyman Wheeler:

Section 31, subsection 1 states, "The Fund for Treatment of Persons with Mental Illness is hereby created in the State Treasury as a special revenue fund, to be administered by the Administrator." I am wondering if this is a special administrator, or is this the Administrator of the Department of Health and Human Services (DHHS)?

Assemblyman Horne:

This will be collected by the Administrator of DHHS, who will direct the funds to the appropriate programs. Michael Willden, Director of DHHS, has informed me that there is a program that actually does risk and safety assessments for patients who are more likely to be violent or pose a risk to the community but are going to be released. The purpose of this is to expand that program to allow them to make these types of home visits and help ensure a safer environment. This is designed to specifically address those patients who pose a greater risk of this type of violence.

Assemblyman Duncan:

In terms of the *District of Columbia v. Heller*, certainly that case stands for the proposition that there are definitely limitations on certain rights. For example, under the First Amendment right, I cannot come in here and yell fire, we cannot have access to child pornography, et cetera. Similarly, in terms of weapons, the Supreme Court has said that the government can deny access to the mentally ill. They can even, in some circumstances, go so far as to prevent concealed weapons in different areas, such as schools. We also have to look at

our constitutional rights in terms of burdens we put on the actual right to bear arms. There is the individual right to free speech, the right to cast a vote, and it is also recognized that there is an individual right to bear arms. Do you believe that putting an additional \$25 gun tax would not create an undue burden on law-abiding citizens who are trying to purchase weapons? The times that a court can restrict is not in terms of law-abiding folks, it is when you are trying to keep firearms out of the hands of people who are mentally ill or felons, et cetera. Do you know if this may have a constitutional challenge to it for being an undue burden for law-abiding citizens to have access to their firearm?

Assemblyman Horne:

First, I think that the constitutional question is washed away because today, when you go in to purchase a firearm, there is a sales tax on the purchase. We have already established that while you are exercising your Second Amendment right to purchase a gun, we can tax the conveyance of that firearm. Also, there are other jurisdictions that are doing this very thing. There is legislation being considered in Maryland, Massachusetts, New Jersey, Nevada, and Washington. Massachusetts has proposed a 25 percent tax on the sale of guns. Maryland has imposed a 50 percent tax on most ammunition and established a \$25 annual gun registration fee. New Jersey has proposed a 5 percent tax on all sales of firearms and ammunition to go to safety improvement in public buildings including schools. In Washington, there is a bill to impose a \$25 fee on firearms and \$15 if the firearm is purchased with a gun lock or a gun safe. There are multiple jurisdictions that have either enacted it or are attempting to. I think the \$25 fee is low enough to where it would not violate the poll tax. I do believe that if you said that all firearm purchases are going to have a \$500 fee and an ongoing \$100-per-year registration, that may approach a violation. That particular scenario would have a chilling effect on somebody not being able to purchase a gun because of finances. I do not believe that \$25 is going to prohibit anyone from purchasing a firearm. I do not think someone goes to their local gun shop to purchase a gun for \$300, and when they are informed there will be a \$25 fee, they would then say they cannot afford it. Most of us who purchase firearms do not go into a shop thinking, "I only have this much money, so what can I get for it?" We go in looking for a specific type of firearm, something that is for our own comfort or for a specific task. Then we look to see if it is within our price range. If it is, we purchase it. If it is not, we may not buy it, or may choose a different one. I do not think that this \$25 fee crosses the line to make it prohibitive for someone wanting to exercise their Second Amendment right.

Assemblyman Martin:

Will you clarify the private-to-private sales? I have a Clark County blue card and if I want to sell my gun to my neighbor who also has a blue card, do we go

through the middle person for a background check? Is this an effort to avoid straw purchases for people who do not have licenses?

Assemblyman Horne:

That provision is designed to put you on notice that you have a responsibility, regardless who you sell your firearm to, of knowing who you sell it to. A blue card has no other identifying information on it. You could put an ad in the paper and somebody could come with a blue card, which does not necessarily mean that since the time they were issued a blue card, that they have not been convicted of domestic violence. A background check would deny you because of a conviction on your record. The one thing I would like to remind people of is that we tend to get comfortable in our neighborhoods and our own little bubbles, but we do not know who our neighbors are in this regard. You may have known Joe, who lives around the corner, for the last ten years, but you do not necessarily know that Joe has been struggling with mental illness his whole life and has never had a firearm in his house. He seems like a nice guy at the Fourth of July picnic, but you do not know him. You do not know that another neighbor may be beating his spouse behind closed doors. These things go unnoticed by your neighbors every day. You get comfortable and sell your firearm to Joe. Heaven forbid you sell the weapon to Joe and Joe harms his wife or someone else with it. This bill provides that if you get a background check on Joe, and it comes back clear, and if Joe harms someone, you have immunity because you did the right thing as a responsible gun owner. If you sold it to Joe without doing a background check, you could be civilly liable. There are no criminal penalties in this.

Assemblywoman Spiegel:

Section 2, subsection 4, paragraph (b), where it states who this section does not apply to, says, "Any law enforcement officer of this State or the United States." Is that overall, across the board, or just on materials that are used in the course of their employment? Also, how will the gun store owners identify a law enforcement officer from another state?

Assemblywoman Horne:

I wanted law enforcement to be able to exercise their sworn duties and be able to obtain the tools needed to do their job. Gun shop owners simply need to request identification. I have known members of law enforcement in multiple jurisdictions, both active and retired. Even the retired ones have identification or badges they carry. Supply stores also give discounts to law enforcement.

Assemblyman Hansen:

There are about 100 million gun owners in America who are buying billions of rounds of ammunition, and somehow they should be held accountable for the

mental health problems of certain individuals. Following that logic, we should put a tax on Nevada legislators because of the conduct of Mr. Brooks. I do not think there is any relationship between the two. People abuse a privilege, so everybody who does not abuse the privilege should be forced to pay for a mental health issue. This is not a firearms issue, this is a mental health question. Regarding the shooting on the Strip, my understanding was that was between two pimps fighting over territory. You mentioned a criminal who went online to Nevada to buy firearms; he is already a convicted felon. It seems that we are always trying to punish people who have done nothing wrong to make up for the conduct of people who have abused a privilege. Make the connection for me why those 100 million gun owners in America should be forced to pay for the mental health problems of a handful who have abused firearms?

Assemblyman Horne:

This legislation is going to affect Nevadans, not the 100 million gun owners in the United States. I never said that gun owners are accountable for gun violence in our state. My testimony was, as responsible gun owners, we have a responsibility to ensure proper conveyance of our weapons and that they go to responsible, law-abiding gun owners. Also, this is us doing our part in recognizing that there is an issue. Not because you, as a gun owner, caused it, but the fact that we practice our Second Amendment right puts guns in the stream of commerce. Guns are unlike anything else. A firearm is designed to shoot a metal projectile at a high velocity into the body of another. It is designed to take a life. If you are hunting, it is the lives of the animals. That is what they are designed to do. You hear the arguments about using a knife or a bat; these things are designed for other uses as well. A gun is designed to kill. We have a heightened responsibility with that product. As for the Strip shooting, I highlighted that and others because part of this bill provides for funds for victims of crime. That would be an incident where you have victims of crime. The victims of crime fund could use some additional funding. This bill is a policy statement. It is not intended, as you state, to punish anyone. This bill is for the gun-owning community to recognize that there are issues out there and this is something that it can do to address it. In Arizona, gun owners are giving contributions to purchase guns to give away. They are literally giving money to gunshop owners who then give shotguns to people in the community ([Exhibit HH](#)). If you can have that kind of policy, to give away guns, certainly you can have a policy to put a little money in the coffers for mental health services and victims of crime.

Assemblyman Hansen:

Section 3 of the bill states that if I, as a gun owner, sell my gun to someone else without doing a background check, and he shoots someone with it, I could be held liable for that. Does that same principle apply if I sold my automobile to

someone and they got drunk and killed somebody in an auto accident, would I be liable?

Assemblyman Horne:

I know that if you were to loan your vehicle instead of selling it you would be, but again, an automobile is different from a gun. Nobody buys a car to run people down with it. But to sell someone a gun who cannot normally buy a gun, I think you have a higher responsibility. I have firearms and I can tell you, even without this, I believe I have a responsibility to know who I am selling my gun to. Guns are different from cars.

Assemblyman Hansen:

It is a debatable point about guns having just one purpose. Is there currently in Nevada law a liability factor for me if I sell my automobile to someone and they then kill someone?

Assemblyman Horne:

I do not know that there is. I doubt it. But again, cars are different from guns.

Assemblyman Carrillo:

You mentioned in your presentation that there was an individual in Washington who was online looking to buy a firearm. I went to a gun show recently in Las Vegas and purchased a firearm. There are background checks for those who do not have a CCW, but to clarify for the members of the Committee, if you go to a gun show, you are going to get a background check done. If you have a CCW, you will be able to purchase a gun and leave the facility that day with the gun. I even witnessed an 18-year-old who was trying to purchase a gun, and they realized that he could not purchase the gun because he was not of age. I would like more clarification so the members can understand that background checks are also done at gun shows.

Assemblyman Horne:

I have attended multiple gun shows. The rub is that while most of the sellers in gun shows are licensed dealers, not all of them are. If you are not a licensed dealer, you do not have to do a background check. There are sellers at the gun shows that could be considered a private-to-private seller, and they are not required to do a background check. I apologize if I made it sound like no one at a gun show does background checks, that was not my intent.

Assemblyman Carrillo:

How many states currently have this type of legislation? Is there something from another state, or is this the first time ever proposed in the United States?

Assemblyman Horne:

Cook County in Illinois is the only one that has passed this to date. The other states that I mentioned before have pending legislation.

Assemblyman Wheeler:

My 11-year-old grandson is coming to visit in August. I have a single-shot .22 that I learned to shoot with, which was given to me by my grandfather. I want to give this gun to my grandson. If, ten years from now, he falls down and shoots someone in the foot when he is 21 years old, can they still come back and sue me? The other two questions are for clarification. You said that guns are designed to kill people or, as you put it, penetrate flesh. I target shoot with my pistols all the time and I have never shot anyone with them. I bought them to target shoot and for self-protection, not to kill people. Also, since Cook County is the only county which has enacted this, I was wondering if you realize that Cook County has one of the highest murder rates in the world.

Assemblyman Horne:

As for the liability in giving the gun to an 11-year-old who is now 21, I would arguably say that ten years later, I doubt that you would be liable. I do not do personal injury work, and as the statute reads, I do not think that would apply. As to what you use your firearm for, that does not mean that is what it was designed to do. I have never shot anyone either, but that does not mean they are designed to just shoot targets. I have mine for self-defense. The target shooting is for me to maintain my proficiency. God forbid if I ever have to use it on an individual, but I am not going to shoot them to wound them. That is not my intention. My intention is to stop them, and to stop them I aim at center mass, and if center mass is hit, the likelihood of them dying from a gunshot increases significantly. Yes, I am very well aware of Cook County and its murder rate. I do not know how long that bill has been in place, I believe it is recent. I do not know exactly where their imposed fee goes. Nothing here proposes that the \$25 fee is going to end gun violence. I readily admit that. What it is designed to do is get gun owners to step up and say, "This is what we are going to do to help. We realize there is a need." It does not solve the problem; it is us doing our part.

Assemblyman Duncan:

Starting on page 2, line 15, it states that a seller is not able to transfer the weapon to the buyer; however, if they have not heard anything from the Central Repository after three days, then they are allowed to transfer the weapon. What happens if on the fourth day, or the fifth day, something comes back from the Central Repository that shows the weapon should not be sold to the buyer? Does the bill anticipate that? Who would then confiscate the weapon, or who would alert whom if that happens?

Assemblyman Horne:

We had these discussions with the Department of Public Safety along with the National Instant Criminal Background Check System (NICS), and what their restrictions are in being able to save information on background checks and their prohibitions in doing that. There is going to be someone here to discuss that today. I cannot tell you if local law enforcement would go to the address of the purchaser or not, but we could require the private-to-private seller to do a NICS check, or require all background checks go through a licensed Nevada gun dealer. I like that option because gun dealers are more accessible to the consumer. They are in multiple locations and have the forms available. I am not particularly crazy about requiring all background checks on private-to-private sales to go through a central repository, establishing record keeping requirements and a 60-day waiting period for background checks to clear. I am more than willing to work on how the notification would work, et cetera. I would also remind the Committee that currently in statute, you are permitted to request a background check. If, after five days, you have not received word, you are permitted to sell the firearm. You are not required to do the check in the first place, but if you do, the statute calls for a five-day waiting period. There are some states that have various methods. California, Rhode Island, and Colorado recently passed some laws on background checks.

Chairman Frierson:

I have a question regarding the liability aspect of the bill as far as someone transferring a firearm without doing a background check. If a person right now sold or gave a firearm to a person who was mentally ill or under the influence of drugs, could there be a civil case under existing law?

Assemblyman Horne:

I would say arguably there could be an issue under the negligence laws. As for actually selling a firearm, I am sure if you knowingly sold your firearm to someone with mental health challenges, an attorney could make an argument for negligence in that regard. There is nothing in statute.

Chairman Frierson:

Are you aware of any other states where there might be a requirement that the person who transferred the firearm knows, or has reason to know, the buyer?

Assemblyman Horne:

I am uncertain on the liability in other states. Colorado recently passed a provision dealing with liability.

Brittany Shipp, Policy Assistant:

Colorado just passed House Bill 13-1229, which is private-to-private background checks ([Exhibit II](#)). In that, there is a civil liability for someone who conveys a firearm without a background check. There is an exemption for temporary transfers for self-defense, shooting ranges, or sport hunting. I assume under the laws that if it was used maliciously in a temporary transfer, they would be subject to civil liability as well.

Chairman Frierson:

Are there any other questions? I see none. I will now invite those in support of A.B. 234 to come forward.

Chuck Callaway, representing Las Vegas Metropolitan Police Department:

We are in support of two sections of the bill and are neutral on the remainder of the bill. Those sections are 1, which requires the background check for private party transfers, and section 31, which establishes a fund for the treatment of mental health. We believe those are two significant issues that impact law enforcement. The Las Vegas Metropolitan Police Department is very supportive of keeping firearms out of the hands of prohibited folks, and the background check can help us do that. Also, police departments across the country are often the ones who deal with folks who suffer from mental illness, unfortunately. Our jails also tend to be the largest mental health facilities in the state. Based on those reasons, we support those sections of the bill. How this Committee chooses to generate revenue to support those areas of the bill, we would leave that to you and be neutral.

Assemblyman Wheeler:

Does federal law already prohibit, with severe fines, the selling of a firearm to a prohibited person?

Chuck Callaway:

I believe there are federal statutes that hold people criminally accountable for providing a firearm to a prohibited person. I do not know specifically what they are. The problem lies in the fact of whether you know that person is prohibited when you provide them the weapon. Obviously, in the scenario that was given earlier about the neighbor, if my neighbor and I are friends and I decide to sell him my handgun, I may not know if he is prohibited or has a mental illness, or if he was convicted of domestic violence, or any of the other things that could prohibit him from possessing a firearm. If I make that sale, and I do not know, there is a huge difference there between me selling to someone I know is an ex-felon or is prohibited. That is where it is difficult to prosecute—if you do not know the person was prohibited.

Eric Spratley, Lieutenant, Washoe County Sheriff's Office:

Ditto to what Metro supports and is neutral on.

Matthew Sharp, representing Nevada Justice Association:

We are in support of the immunity provision in section 1, subsection 6, and the liability provision of section 3. If a person complies with section 1 of the bill, they are immune from liability. If he does not comply with section 1, and as a result, an injury occurs, then he can be liable. In Assemblyman Wheeler's example, in my opinion, you would not be liable because, had a background check been done, there was nothing there that would prohibit you from transferring the firearm to your grandson. There would not be any liability. You have to show what is called proximate result. If, in a background check, you were to be put on notice of something that prohibited you from transferring the firearm, then you could be liable.

Assemblyman Hansen:

Currently, under Nevada law, if I sell a firearm to someone else and they misuse it, I could not be held liable for that action. If this passes, then I would, is that correct?

Matthew Sharp:

I do not think that is exactly the case. Currently, if you do not do the background check, there is no cause of action for that, but there is a separate duty of care. If you are put on notice that someone is dangerous, regardless of a background check, and you proceed to transfer a firearm, I think you could be responsible. I cannot think of an example right now. On the proposal, if you do the background check, you are immune. If you do not, and you would not have sold the firearm had you done a background check, then you can be liable.

Assemblyman Hansen:

What I am getting at is this bill will establish a new cause of action that will allow the members of the Nevada Justice Association to sue on the liability basis for something that currently is not a cause of action, correct?

Matthew Sharp:

I am not seeing the cause and effect here. It seems to me that if you are transferring arms in a safe manner, complying with section 1, you are immune.

Assemblyman Hansen:

What I am saying is that cause of action currently does not exist in Nevada law. That is my point. The Nevada Justice Association supports it because it is going to raise the liability standard to sue people.

Matthew Sharp:

My point is the bill encourages safety and responsibility. That is why we have a civil justice system. That would be my point.

Assemblyman Duncan:

I understand that if you have done a background check, there is the immunity provision. Is there still a right of action if you do a background check and the guy tells you he is going to kill someone with the gun, but he passes the background check so you give him the gun anyway? Is there still a separate right under negligence law to sue, or does this subsume all of that because the person in fact did a background check?

Matthew Sharp:

As I am reading the bill, the answer would be that it still creates immunity from liability. Page 3, line 30 of the bill states, "A person who transfers a firearm in compliance with the provisions of this section is immune from civil liability for any claim arising out of the transfer of the firearm." So I believe your example would be subject to the immunity.

Susan Meuschke, Executive Director, Nevada Network Against Domestic Violence:

I am here to testify today in favor of A.B. 234. I have provided you with a copy of my testimony ([Exhibit JJ](#)). I would also like to emphasize that the link between domestic violence and homicides using firearms is huge and background checks are a way of preventing that. Closing the private sale loophole is critical.

Chairman Frierson:

Is anyone else wishing to offer support?

Tehran Boldon, Private Citizen, Las Vegas, Nevada:

My brother was a victim in the Aria Hotel and Casino shooting. Once you have lost a family member to a violent crime, I am sure your position will change. I am a big gun control advocate. Mr. Hansen, I do not believe this bill is to punish anyone, but to save lives. My punishment is that I do not have my brother. You cannot put a price on that. I think the \$25 fee is a pittance for a one-time fee on a new gun. It should be \$100; \$25 is not even a dinner for two at any decent restaurant. Five cents should be for every round of ammunition. Also, private sale owners should not be exempt from the excise tax. It should be added while going through the background check before selling the weapon. The money should be 45 percent for mental health, and youth programs and education as it relates to gun violence. Our youths are victims and are perpetrators of crimes.

Chairman Frierson:

Support means you support the bill as it is, or with any amendments that have been approved by the sponsor. If you are offering amendments or changes, that is not considered support under our rules. I need to clarify from you if you are supporting as the bill exists, or if you have ideas you feel are necessary to change.

Tehran Boldon:

I support this bill wholeheartedly. There are some provisions that seem to have been overlooked, such as the penalties for having the ammunitions.

Chairman Frierson:

Well, then, that would mean you are in opposition. I have to be consistent. If you would like to discuss ideas that you think are necessary, overlooked, or warranted, then you need to provide that testimony in opposition.

Tehran Boldon:

It seems like you are comparing apples and oranges as far as comparing a car with a gun. A car has to be registered every year which is more than \$100. I do not understand how anyone can deny any funds allocated to help solve a situation. We are trying to save lives; we are not trying to punish anyone. There is no silver bullet answer to stop gun violence, but with certain programs in place, like this bill, it can help to deter and decrease the amount of gun violence we have here in our society and in Nevada.

Assemblywoman Fiore:

I want to extend my condolences on your brother. Do you own any firearms?

Tehran Boldon:

No, but my father was a hunter and my deceased brother was a hunter.

Assemblywoman Fiore:

I do own firearms and am an avid shooter. The cost is about \$200 in ammunition for a weekend of shooting. It is not cheap. Sometimes my shooting hobby costs more than registering a car.

Tehran Boldon:

Shooting is a hobby. I do not believe that driving a car is a hobby, it is a necessity. I do not own a gun and I fear guns. I believe that if a gun is not present, then a person will not get shot.

Assemblywoman Fiore:

How did your brother get shot?

Tehran Boldon:

My brother was not shot. His vehicle was struck by a person who was fatally wounded by a gunshot. As a result of this gunshot, my brother was killed. Do you understand? He was incinerated.

Assemblywoman Fiore:

I understand; my condolences. But because of your fears, you should not implement them on the people who are not afraid.

Chairman Frierson:

I do not believe that was a question, so we are going to move on.

Tehran Boldon:

I would like to let her know, I am prior service as well, so it is not a fear of guns, it is a fear of people with guns.

Chairman Frierson:

Anyone else wishing to offer testimony in support? Anyone opposed?

Gregory Ross, Private Citizen, Reno, Nevada:

I would like to start by making sure you are aware that NRS 193.170 says when a penalty is not described by law, it is by default a misdemeanor, punishable by six months in jail and up to \$1,000 in fines. This law regarding background checks does not specify a penalty. Based on my reading of this, it is still going to be applying criminal penalties; it changes "may" to "shall." Also, regarding the restrictions on ammunition, Article 1, Section 11 of *The Constitution of the State of Nevada* says that a citizen should have the right to bear arms. It says every citizen. Criminals do wear body armor, that is why police are exempt from this provision. Citizens should be allowed to possess armor-piercing ammunition as well. Police also carry rifles for this explicit purpose. Tracer ammunition should not be banned either. For training purposes, it is very important and valuable for people to be able to use tracer ammunition to see the trajectory. The only problem with tracer ammunition is a fire concern and the law already covers use in situations where it could be a fire hazard. This bill would repeal those safety rules. Also, there is no grandfathering, so people who already possess this ammunition will be criminals as soon as this bill is passed. As far as the tax portion, I would like to mention, if you buy a 550-round box of .22LR, it is \$20; this would add \$11 to that purchase. People will just start buying their ammo online, and the money will go elsewhere. It is the same thing with guns. I bought an Enfield rifle for \$100; adding the \$25 background check fee and the \$25 tax, that is a 50 percent tax. People are going to go to neighboring states to purchase their firearms. There are no exceptions like familial transfers, and I think that the

background checks are ineffective at stopping bad people. Only prison walls can prevent bad people from causing harm.

John Wagner, State Chairman, Independent American Party:

Gun shows do have signs saying "For Nevada Residents Only." As far as rifles are concerned, once I was going to buy a .22 from a local dealer. I am on a limited income and the gun was just on the border of what I wanted to pay. I asked the guy if I had to go through the background check since I have a CCW; he said I did. That pushed me over the limit and I did not purchase the gun. Also, I have a .22 rifle from my father-in-law. This gun is now classified as an antique; I was going to give it to my great-granddaughter who is eight years old. Does she have to go through a background check? I urge a no vote.

William Birk, representing Nevada Legislative Affairs Committee:

I urge a no vote for no other reason than there are at least six items covered under this bill. A bill should only cover one item. If these six items need to be covered, we should have six separate bills. The ammunition section where it says no armor-piercing, tracer, or incendiary rounds goes against Coast Guard law, which requires you to have a flare gun in your boat. As far as the fees to sell firearms, I purchased my granddaughter a very small .22 called a Crickett. It cost \$100. By the time I paid for the background check, it was up \$25. If we add this on to it, it would be a 50 percent increase. Then, if we add the additional tax to the ammunition, that would be another 50 percent increase. I think this bill should be reconsidered and submitted under five different bills that could be argued individually.

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

I oppose this bill. I think it is an onerous tax on law-abiding citizens. I would also remind you of Priscilla Ford who murdered seven people with her automobile. An automobile makes a .357 Magnum look like a hiccup.

Janine Hansen, representing Nevada Families for Freedom:

I am opposed to this bill. I am concerned about the term "transfer." What does it mean? It is not defined in the bill. If you went out for an afternoon of recreational shooting with your family and were using each other's guns, would that come under the definition? My son lent me a gun when I first qualified. Would that be considered a transfer? When my husband picks up my shotgun by the door, is that a transfer? I am much more concerned about the taxes in this bill. Oftentimes taxes can be used to suppress certain activities. Certainly, the amount of money that is put on each round will suppress participation in recreational shooting and in self-defense. Much of this bill, starting on page 5, deals with the issue of regulations by the Nevada Tax Commission. I am concerned if any of that information about who is buying ammunition

would be a part of any of those reports. I do not see it directly, but I do have concerns.

Dale Lavelly, Private Citizen, Reno, Nevada:

I stand in opposition of A.B. 234. I shoot recreationally. I do not think this is a fair tax. I have a mentally ill son and did attend the latest National Alliance on Mental Illness convention. The mentally ill are underrepresented in shooting cases. They do not even meet the average for shooting events. If people want to donate to help the problem, they are certainly not kept from that. This is a very unfair tax.

Daniel S. Reid, representing National Rifle Association of America:

I would like the opportunity to address a few sections of the bill. I will submit my comments in writing.

Joannah Schumacher, representing Gifted Minds With Too Little Time:

I represent a large bipartisan group of men and women who are expressing our opposition to this bill.

Hillary H. Reister, Private Citizen, Sun Valley, Nevada:

I oppose this bill. I have heard the words "not intended" so many times here today. It does not matter what is said here, it only matters what is written. This bill is bad.

Paul Grace, Private Citizen, Reno, Nevada:

I oppose this bill.

Sherry Powell, representing Ladies of Liberty:

I oppose this bill, based on the \$50,000 cap for victims of crime and \$3,000 of that goes to mental health for the victims. I find it ironic that the victims get less money than the criminals who commit the crimes.

Don Turner, President, Nevada Firearms Coalition:

We strongly oppose this bill.

Bob Irwin, Owner, The Gun Store, Las Vegas, Nevada:

This bill is way too complicated to even discuss; it should be withdrawn.

Matthew Yealy, Private Citizen, Las Vegas, Nevada:

I strongly oppose this bill and would like to request more time for further opposition, discussion, and better timing when planning meetings.

Chairman Frierson:

Thank you, Mr. Yealy. The *Nevada Constitution* requires us to get our business done in 120 days. We do the best we can. Is there anyone here to testify in a neutral position?

Julie Butler, Records Bureau Chief, Records and Technology Division, Department of Public Safety:

I have met with Assemblyman Horne. From a legal standpoint, we cannot comply with the provisions in section 1, which require a check of NICS for private party sales. The use of NICS is only for state point-of-contacts, like Nevada and for federally licensed firearms dealers. We would request to work with Assemblyman Horne on the language.

Juanita Clark, Private Citizen, Las Vegas, Nevada:

I am speaking on behalf of the Charleston Neighborhood Preservation. We oppose this bill in its entirety.

Chairman Frierson:

Is there anyone else here wishing to testify in a neutral position? I will now invite Assemblyman Horne to come up for closing comments.

Assemblyman Horne:

Thank you for this opportunity. Regarding the liability issue that Mr. Hansen is concerned with—yes, if today you convey your firearm to someone recklessly and they harm someone you cannot be sued—if tomorrow you can be sued, too bad. You should not be conveying your firearm recklessly. You should be responsible when you sell your gun. I am glad some people feel comfortable that there is a sign on the door of a gun show that says "Nevada Residents Only." We all know that more than Nevada residents go to gun shows and buy guns. I arrived at the flat fee of \$25 to make it simpler. Do I think it should be higher depending on the firearm being purchased? Absolutely. But I picked a flat fee to simplify. If this Committee thinks it is too high, it is within your purview to lower it.

The one thing that concerns me most is that I did not hear anyone argue against the purpose of the bill—that is to address a shortfall in funds we have in mental health services and victims of crime. No one said those were bad things. Also, no one said anything about closing loopholes that allow persons with criminal records and mental health challenges to get a gun. Every debate you have heard, both sides agree that we have to address those issues. Not one person here today provided any alternative proposals to address it. There was a gentleman here who did not get to speak from the National Rifle Association. Not one time did they call my office, come by my office, send me an email, or

a note. Not once. I believe this Committee knows that I am pretty easy to find. [Testimony also provided but not mentioned include ([Exhibit KK](#)), ([Exhibit LL](#)), ([Exhibit MM](#)), and ([Exhibit NN](#)).]

Chairman Frierson:

Thank you. I will close the hearing on A.B. 234 and open for public comment.

Gregory Ross, Private Citizen, Reno, Nevada:

I would appreciate it if Assembly Bill 143 was not limited to only night classes. I graduated from University of Nevada, Reno (UNR) recently and I often had an early morning class and would spend the rest of the day, sometimes until midnight, working in computer labs or working on group projects. A few years back, I asked the UNR police department and was told that at any given time, they only have a few officers on patrol to cover 3.2 million square feet of land. I do not think it is practical to rely on the police for defense. As far as mass shootings go, if there is 1 percent of the population over the age of 21, and you have a lecture hall of 300 people, assuming they were all over 21, there is going to be a high probability that someone will be armed to help stop a mass shooting. I think a shoot-out is a lot better than a massacre. The Campus Escort program is not a reasonable alternative at all. There are not enough escorts for everyone who wants one. As far as police shooting people who carry a gun without verifying who they are, what would happen if there was a campus attacker who was dressed like a police officer?

Juanita Cox, representing Citizens in Action:

We oppose Assembly Bill 234. It is penalizing the poor and attacking one industry for the benefit of another. We may as well start taxing vehicles to pay for mental health funding. If it is good for one, it is certainly good for another. Assembly Bill 195 is excellent, as is Assembly Bill 143.

Dan Zamperro, Private Citizen, Carson City, Nevada:

I do not know if you are familiar with the Pittman-Robertson Act, but over \$2.5 billion have been collected in taxes on ammunition and firearms from sales in the United States. I think we pay enough taxes on firearms. Also, regarding background checks, do we do that for cars? If I sell a car to someone, do I have to do a background check on the buyer? I think this is preposterous. My son is in Afghanistan serving in the Army. When he comes back, he might want to buy a firearm from me. I do not think he should have to go through a background check for that. I think I know my son well enough, and I think that the people in this state are responsible. They take into consideration who they might be selling a firearm to. There is no such thing as a gun show loophole. The laws inside the gun show are exactly the same as they are outside the gun show.

Joseph R. Banister, Private Citizen, Carson City, Nevada:

I spent five and a half years in federal law enforcement as a special agent in the Criminal Investigation Division of the Internal Revenue Service. I can tell you that taxation is frequently about punishment. [Provided written testimony ([Exhibit OO](#)).]

Richard Brengman, Private Citizen, Gardnerville, Nevada:

I will try to restrain myself and stick strictly to public comment. In regard to Assemblyman Horne's final statement, the reason he did not hear some of those objections is because I did not have the opportunity to speak. I have been a firearms retailer in Nevada for over 20 years. I have provided my business card in the past; I have provided it today. Anyone who is genuinely interested in reality and in the facts is free to call me or email me. This bill is objectionable in so many ways, I cannot even begin to go down the list. First, though, it is not a single-subject bill. I object to the use of pejorative terms such as gun show loopholes.

Joe Melcher, Private Citizen, Reno, Nevada:

In the late '60s to mid '70s, the State of Nevada basically gutted the Nevada mental health system and dumped all the mentally ill people on the streets. In the early '70s, I worked on an ambulance crew. We dealt with that problem. The only way to deal with them was to call the police and the police would call us. We would haul them to the hospital, the hospital would call the police, they would go back to jail. This was, and still is, a never-ending cycle of dealing with the mentally ill. Putting a tax on gun owners and claiming that is going to solve the problem is ridiculous. This is a society-wide issue across the whole country. If you are going to tax for mental health, it has to be spread over the entire population, it has to address the fundamental issues which have very little to do with guns. It was stated before, the mentally ill have very little to do with gun crime. It is a crime problem, it is a bad guy problem, it is not a mental health issue. In order to deal with mental health, the taxes need to be broad-based, the system needs to be broad-based, and we have to reach down to the people on the street and find ways to keep them out of institutions where they are warehoused like animals, and give them the help they need to lead productive lives.

Ron Sims, Private Citizen, Gardnerville, Nevada:

One area to consider if you think you want to require private-party sales to do a background check through all federally licensed dealers is that is going to put a strain on the dealers. We are not charities; we are businesses, which means we are also going to charge fees. The maintenance of a license is prohibitively expensive already. You will be adding severe costs with the purchase of

firearms to private parties in that respect as well. These taxes and background checks have a lot of hidden costs in them.

William Birk, representing Nevada Legislative Affairs Committee:

Regarding Assembly Bill 143, we heard much testimony stating the fact that there are already laws on the books to allow people to carry at the school; however, the statistics show that no one is ever permitted to do that. The small amount of permits that we are told about is in direct proportion to everyone knowing that they will not get permission, so why bother to apply? California is a concealed carry weapon (CCW) permit state; however, it is left to the sheriffs. They do not give the permits. It is the same as the colleges here. You are not going to get a permit to carry on a college campus.

Sherry Powell, representing Ladies of Liberty:

I came initially to talk on A.B. 143. Unfortunately, I get to experience the aftermath. I go through the trials with most of the victims. I can tell you that there was a school shooter who shot a six-year-old girl in Las Vegas who served just ten years. He got out after getting a college education on our dime. I find it offensive that he got his college education considering my son is in Afghanistan as we speak. For victims who fall into the mental health category, it is a fine line. What are you going to tell a woman who has a nervous breakdown or has post-traumatic stress from being raped or watching her son get shot? "You cannot have a mental illness because now you are going to be denied a firearm that might give you a small amount of comfort." It is a very fine line. I have no issues with Assemblyman Ellison's bill.

The last one, A.B. 234, I have a huge issue with the victims of crime unit. It was embezzled just a year ago, but not only that, they delegate where the money goes. You do not get to say, "I have \$40,000 worth of medical bills because I was shot in the face." I am referring to Cindy Ball. The victims of crime fund did not help her at all. The \$3,000 of mental health care does not even touch a woman who was shot in the face by her husband when law enforcement released him from jail after he was charged with the rape and assault on his oldest daughter. He took his three girls out to the Carson River and beat them unmercifully with a crow bar. They were then forced to shoot their own father. Do you think \$3,000 will cover that? Cindy Ball recently filed bankruptcy. I do not think our mental institutions here in northern Nevada cage the people like animals. I know a lot of people who have gone there and have gotten great care and are now on an outpatient basis and doing quite well. We need to deplete the money from the criminals and put it toward the victims. But at the same time, do not penalize the law-abiding citizens.

Vernon Brooks, Private Citizen, Las Vegas, Nevada:

Assembly Bill 143 seems to be a "may" versus "shall" issue. Nevada at one time was a "may" issue state. That meant the regulations surrounding CCW permits issued were at the discretion of the local law enforcement. As a result, they were very rarely issued. In the '90s that changed, and Nevada became a "shall" issue state because of that problem. No one wants to be individually responsible for giving someone else permission to do much of anything. When the "shall" issue went into effect in Nevada, CCW permits went up dramatically. I think that is the same issue we are dealing with in campus carry. As a former adjunct instructor at College of Southern Nevada, when I was first hired, I already had my permit and was familiar with the state statutes regarding the fact that I had to request permission. I immediately attempted to do so and was told promptly, "Do not bother to apply. No one gets approved." I think the numbers of applications dramatically underrepresent the number of people who would apply if they believed they had a chance of being approved. The previous testimony is consistent with my experience, which is they will not get approved unless they can demonstrate need. Again, it is the "may" versus "shall" issue. We often point to the presence of law enforcement as a reason for not needing to be able to self-defend. I would point to many Supreme Court decisions stating the police do not have a constitutional obligation to provide for our safety, most recently in *Castle Rock v. Gonzales*, 545 U.S. 748 (2005). Regarding Assembly Bill 234, I, myself, applied for a private-party background check many years ago. I wanted to sell a firearm to a friend, but I also wanted the insulation of knowing that I had done everything I possibly could before transferring it. I applied on October 22, 2004. I received paperwork back more than 90 days later.

Chairman Frierson:

Thank you all for your passion and patience. Having no further business, I will adjourn today's meeting [at 12:52 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblyman Jason Frierson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: April 3, 2013

Time of Meeting: 8:08 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 143	C	Assemblywoman Fiore	Prepared Testimony
A.B. 143	D	Assemblywoman Fiore	NSHE Concealed Weapons Requests 2011/2012
A.B. 143	E	Assemblywoman Fiore	Proposed Amendment
A.B. 143	F	Assemblywoman Fiore	Sex Offenders Map
A.B. 143	G	Amanda Collins	Prepared Testimony
A.B. 143	H	Ron Knecht	Prepared Testimony
A.B. 143	I	Kristin Erickson	Letter of support by Richard Gammick
A.B. 143	J	Ron Sims	Letter from UNR denying CCW request
A.B. 143	K	Adam Khan	Prepared Testimony
A.B. 143	L	Alex Bybee	Prepared Testimony
A.B. 143	M	Alex Bybee	Senate of ASUN resolution
A.B. 143	N	Jessica Goldstein	Residence Hall Resolution
A.B. 143	O	Dan Klaich	Weapons on NSHE Property
A.B. 143	P	Adam Garcia	Written Testimony
A.B. 143	Q	Jennifer Batchelder	Prepared Testimony
A.B. 143	R	David Zeh	Prepared Testimony
A.B. 143	S	David Zeh	UNR Faculty Senate Resolution

A.B. 143	T	Don Turner	Nevada Firearms Coalition letter in support
A.B. 143	U	John Swallow	Letter in support
A.B. 143	V	Katherine E. Whitney	Letter in support
A.B. 143	W	J.L. Rhodes	Letter in support
A.B. 143	X	Marc A. Johnson	Letter in opposition
A.B. 143	Y	Kristen Kabrin	Polling results of UNR Staff Employee Council
A.B. 143	Z	Randy Flocchini	TMCC letter in opposition
A.B. 143	AA	Michael Gordon	Letter in opposition
A.B. 195	BB	Robert Roshak	Proposed Amendment
A.B. 195	CC	Daniel Reid	NRA Letter of support
A.B. 195	DD	Don Turner	Nevada Firearms Coalition letter of support
A.B. 195	EE	J. L. Rhodes	Letter of support
A.B. 234	FF	Assemblyman Horne	Slide Presentation
A.B. 234	GG	Assemblyman Horne	Oregon Live article
A.B. 234	HH	Assemblyman Horne	ABC News article
A.B. 234	II	Brittany Shipp	Colorado House Bill
A.B. 234	JJ	Susan Meuschke	Letter of support
A.B. 234	KK	Lesley Dickson	Nevada Psychiatric Association letter of support
A.B. 234	LL	Don Turner	Nevada Firearms Coalition letter of opposition
A.B. 234	MM	Daniel Reid	NRA letter of opposition
A.B. 234	NN	J.L. Rhodes	Letter of opposition
A.B. 234	OO	Joseph Banister	Letter of opposition