

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session
March 25, 2013**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 9:02 a.m. on Monday, March 25, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Tick Segerblom, Chair
Senator Ruben J. Kihuen, Vice Chair
Senator Aaron D. Ford
Senator Justin C. Jones
Senator Greg Brower
Senator Scott Hammond
Senator Mark Hutchison

GUEST LEGISLATORS PRESENT:

Senator Donald G. Gustavson, Senatorial District No. 14
Senator Joseph P. Hardy, Senatorial District No. 12
Senator James A. Settelmeyer, Senatorial District No. 17
Assemblyman John C. Ellison, Assembly District No. 33

STAFF MEMBERS PRESENT:

Mindy Martini, Policy Analyst
Nick Anthony, Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Lynn Chapman, Nevada Families Association
John Wagner, Independent American Party
Derek Clark

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Duncan Rand Mackie, Nevada Firearms Coalition
Matthew Yealy
Greg Ross
Ron Cuzze, Nevada State Law Enforcement Officers' Association
Gordon Utz, Stillwater Firearms Association
Daniel J. Klaich, Chancellor, Nevada System of Higher Education
Joyce Haldeman, Clark County School District
Ron Dreher, Peace Officers Research Association of Nevada
Michael Richards, President, College of Southern Nevada
Sandy Seda, Deputy Chief, Department of Police Services, University of Nevada, Las Vegas,
James Green, Captain, Criminal Investigations Division, Police Department, City of Henderson
Marc Johnson, President, University of Nevada, Reno
Adam Garcia, Director, Police Services, University of Nevada, Reno
Craig Stevens, Nevada State Education Association
James Richardson, Nevada Faculty Alliance
Darryl Caraballo, Chief of Police, College of Southern Nevada
Janine Hansen, Nevada Families for Freedom
Edward Hayes, Good Governance Group
William Birk
Juanita Cox, Citizens in Action
Richard Brengman
Chuck Callaway, Las Vegas Metropolitan Police Department
Tehran Boldon
Eric Spratley, Lieutenant, Washoe County Sheriff's Office
Mike Patterson, Religious Alliance in Nevada; Lutheran Advocacy in Nevada; Episcopal Diocese of Nevada
John T. Jones, Jr., Clark County
Robert Roshak, Nevada Sheriffs' and Chiefs' Association
Julie Butler, Records Bureau Chief, Records and Technology Division, Department of Public Safety
Dan Reid, National Rifle Association

Chair Segerblom:

We have a number of bill draft requests (BDRs) to introduce.

BILL DRAFT REQUEST 15-70: Makes it unlawful to engage in certain acts relating to capturing and transmitting certain violent images involving a child. (Later introduced as [Senate Bill 414.](#))

BILL DRAFT REQUEST 41-188: Revises provisions governing the regulation of gaming. (Later introduced as [Senate Bill 415.](#))

BILL DRAFT REQUEST 41-1104: Revises provisions governing gaming. (Later introduced as [Senate Bill 416.](#))

BILL DRAFT REQUEST 2-1105: Revises provisions relating to construction defects. (Later introduced as [Senate Bill 417.](#))

BILL DRAFT REQUEST 41-1106: Revises provisions relating to pari-mutuel wagering. (Later introduced as [Senate Bill 418.](#))

BILL DRAFT REQUEST 11-1107: Revises provisions relating to marriage. (Later introduced as [Senate Bill 419.](#))

BILL DRAFT REQUEST 14-1108: Revises provisions relating to the issuance of subpoenas. (Later introduced as [Senate Bill 420.](#))

BILL DRAFT REQUEST 2-1109: Revises provisions governing jurors. (Later introduced as [Senate Bill 421.](#))

BILL DRAFT REQUEST 3-1110: Revises provisions governing non-compete clauses. (Later introduced as [Senate Bill 422.](#))

BILL DRAFT REQUEST 16-1112: Revises provisions relating to inmates. (Later introduced as [Senate Bill 423.](#))

BILL DRAFT REQUEST 3-1113: Revises provisions relating to mortgages. (Later introduced as [Senate Bill 424.](#))

BILL DRAFT REQUEST S-1111: Repeals certain provisions relating to pari-mutuel wagering. (Later introduced as [Senate Bill 425.](#))

BILL DRAFT REQUEST 3-600: Makes various changes concerning medical and dental malpractice claims. (Later introduced as [Senate Bill 426.](#))

BILL DRAFT REQUEST 5-72: Revises provisions governing bullying. (Later introduced as [Senate Bill 427](#).)

SENATOR FORD MOVED TO INTRODUCE [BDR 15-70](#), [BDR 41-188](#), [BDR 41-1104](#), [BDR 2-1105](#), [BDR 41-1106](#), [BDR 11-1107](#), [BDR 14-1108](#), [BDR 2-1109](#), [BDR 3-1110](#), [BDR 16-1112](#), [BDR 3-1113](#), [BDR S-1111](#), [BDR 3-600](#) AND [BDR 5-72](#).

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Segerblom:

I will open the hearing on [Senate Bill \(S.B.\) 223](#).

[SENATE BILL 223](#): Revises provisions governing the carrying of concealed firearms on school property. (BDR 15-1062)

Senator Joseph P. Hardy (Senatorial District No. 12):

This bill would allow an employee of a private or public school or the Nevada System of Higher Education (NSHE) to carry a concealed weapon with notification to the president of the branch of NSHE or the principal of the school. The bill comes from a concern about children and teachers who are at risk from shootings such as the one at Sandy Hook Elementary School in Newtown, Connecticut, in December 2012. I have written testimony explaining the value of having armed staff on campus who can respond instantly to a violent attack ([Exhibit C](#)).

Chair Segerblom:

As I understand it, [S.B. 223](#) gives this ability only to employees, not students. Is that correct?

Senator Hardy:

Yes.

Lynn Chapman (Nevada Families Association):

We are in favor of S.B. 223. We are concerned about children, and they will be safe with responsible adults watching over them. We have to remember that criminals prefer unarmed victims. Thomas Jefferson wrote a letter quoting from *Essay on Crimes and Punishments* by the Italian author Cesare Beccaria:

Laws that forbid the carrying of arms ... disarm only those who are neither inclined nor determined to commit crimes. Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than prevent homicides, for an unarmed man may be attacked with greater confidence than an armed one.

John Wagner (Independent American Party):

We support S.B. 223. I drive past two schools to get here. Both of these school yards, Carson Middle School and Bordewich Bray Elementary School, are open to the public. Someone could shoot into the school yard from a passing car and be long gone before any police officer gets there. But if there were a teacher or an employee on the school grounds with a concealed weapon, he or she might be able to scare the shooter away.

In 1935, Adolf Hitler passed a bill that took away all the guns. The world thought it was a great idea to get rid of all the guns in private hands. We all know what happened after that.

Chair Segerblom:

Thank you. I will point out that S.B. 223 does not take away anyone's guns.

Derek Clark:

I wholeheartedly support S.B. 223 as a citizen of Nevada. I am a retired law enforcement officer who served for 32 years in California. During my service, I responded to two shootings at high schools. I can tell you from personal experience that the time it took for a well-equipped, highly responsive organization to respond to these school shootings was enough time to see dozens of people killed or wounded. No law enforcement agency in the U.S. can respond to a situation as fast as an armed person on campus who can face the situation and stop it as it is happening. No law enforcement agency can get there in the time it takes me to draw my service weapon and take out a suspect.

Duncan Rand Mackie (Nevada Firearms Coalition):

We support S.B. 223. I have written testimony explaining the need for this bill ([Exhibit D](#)), as well as a letter from Don Turner, President of the Nevada Firearms Coalition ([Exhibit E](#)).

Matthew Yealy:

I support S.B. 223, which would allow employees to carry concealed weapons on campus. My mother is an employee of the Clark County School District, and she also supports this bill. This bill allows citizens to be the first line of defense against school shootings. The police cannot be everywhere. The Clark County School District police force does not have an officer at every post in every school. This bill allows trained employees to have a chance to stop a school shooter. People who have a permit to carry concealed weapons (CCW) in Nevada have to go through training on escalations in the use of force. Every firearms class I have ever taken talks about how to carry a firearm, when to use force and how to be a responsible permit holder. Please start trusting citizens to be responsible with their firearms.

Greg Ross:

I support S.B. 223. If teachers are allowed to carry a concealed weapon outside of school, there is no reason to think they would be less trustworthy inside school. There are children in theaters and supermarkets as well as in schools. A shoot-out is far preferable to a massacre, and that is what happens when teachers are not allowed to carry firearms in school.

Ron Cuzze (Nevada State Law Enforcement Officers' Association):

We support the basic intent of S.B. 223. Our only concern has to do with training. People in this particular setting might need a little more training and proficiency than the average person with a CCW permit.

Gordon Utz (Stillwater Firearms Association):

We support S.B. 223. These shootings always seem to take place in gun-free zones. My wife works for the school district in Fallon. Within a couple of days of the Sandy Hook shooting, she was approached by several people on the staff, including some who had previously been against having armed people on campus, to see if there was any way she could be allowed to carry a gun at school because they all knew she was an active, avid shooter who would know how to handle a firearm in a situation. Unfortunately, it is nearly impossible to get that permission granted. Passing S.B. 223 would allow her to respond to a

shooter faster than the police can and possibly take down a threat before a massacre happened.

Chair Segerblom:

We have also received written testimony from Lawrence Koepke, Nevada CCW Training, LLC, in support of the bill ([Exhibit F](#)).

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

We oppose S.B. 223. We ask a lot of our faculty. We do not ask them to patrol our streets; we ask them to teach. The restrictions on the Second Amendment with respect to sensitive areas such as schools and NSHE campuses are clearly constitutional and within State statutes. The Board of Regents has adopted a policy for reasonable rights of carry on campus when required ([Exhibit G](#)). We believe this policy is a reasonable reaction to both the Constitution and Nevada's statutes, and we encourage you not to pass S.B. 223. The Board of Regents has taken all the actions that are required in this area, and arming our faculty is clearly inappropriate for these sensitive areas.

Senator Brower:

You do understand that S.B. 223 would not require anybody to carry a firearm; it would simply allow those with CCW permits to do so.

Mr. Klaich:

Yes. I still think it is inappropriate.

Senator Hutchison:

You spoke about sensitive areas in which firearms are inappropriate. Can you expand on that? What are your concerns about employees wanting to carry firearms on campus?

Mr. Klaich:

I support the reasoning of the U.S. Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), indicating certain sensitive areas within our society where it was appropriate to have a balancing test between the Second Amendment and the right to have gun-free zones. We have child care facilities on our campuses, and elementary school students are everywhere. It is not appropriate to have campuses be armed places. I understand the testimony, but I do not think you will solve any of the problems you have heard today by putting more guns into the situation.

Senator Hutchison:

I am sure you have read that other countries allow guns on school grounds to a great degree. Senator Hardy's testimony referred to Israel, where there are plenty of guns on campus, and Israel does not seem to have the kind of violence we have in the U.S.

Mr. Klaich:

I have enormous respect for Senator Hardy, but we are neither Israel, surrounded by sworn enemies, nor pre-World War II Germany.

Senator Hutchison:

Would your fears be alleviated if there was required or enhanced training for those who were allowed to bring firearms on campus?

Mr. Klaich:

That would be an interesting thought. My initial reaction is that my fears would probably not be alleviated, but I would be interested in understanding what that might entail.

Senator Hammond:

Is it true that it is possible to get permission to carry a firearm on campus?

Mr. Klaich:

Yes.

Senator Hammond:

How many applications do you get each year, and how many do you approve?

Mr. Klaich:

We have asked the presidents of the NSHE institutions those questions, and I will send the information to your staff when we get answers. I do not believe we have had more than double digits on any campus. I would say most of them have been denied, but some have been approved.

Senator Hammond:

You said you did not think it was appropriate for your staff to be asked to patrol. I do not think the bill was necessarily saying staff members would be on patrol; they would just be allowed to carry weapons.

Mr. Klaich:

That is my understanding of the bill as well. I would like to see our faculty members engaged full-time in the primary job taxpayers give them money for, and that is teaching the young men and women on our campuses.

Senator Brower:

With respect to the rule that allows each campus president to approve requests to carry firearms on campus, what are the criteria that go into making a decision on such a request?

Mr. Klaich:

There must be a written request. Each case is handled on its merits. Typically, peace officers are exempted from the need to get permission to carry a weapon. Security guards are also exempted. Permission is normally granted for persons subject to threat and for valid educational experiences associated with firearms. The president is allowed to take other factors into account.

Senator Brower:

Are those part of a formal policy?

Mr. Klaich:

Yes. They are part of the policy in [Exhibit G](#).

Senator Kihuen:

Have you done any polling of your faculty and staff as to how they feel about this bill?

Mr. Klaich:

I personally have not. There are faculty members present today intending to testify. If they cannot testify due to the time constraints, we will provide a written response to your question.

Joyce Haldeman (Clark County School District):

We are opposed to S.B. 223. We would like to remind the Committee that in spite of the tragic incident at Sandy Hook Elementary School, schools remain the safest places a child can be. Children are much safer in a school environment than on the street or even at home. We would like to maintain that. This bill would allow a person to carry a concealed weapon and notify the principal that he or she is doing so. Nevada statute already allows a concealed

weapon to be carried by a district employee with the permission of the principal. That is a fine distinction—the person notifying the principal that they will be carrying a weapon, rather than asking for permission.

We mirror many of the policies NSHE has in place in terms of how permission is granted. We currently have people who are allowed to carry weapons on campus. Most applications are based on personal safety concerns; people requesting permission might be in disputes with ex-spouses or those kinds of domestic issues. We would like to retain the ability to control who on campus has a gun.

Senator Brower:

The idea that people on a school campus could be in fear for their own safety such that a principal would grant them the right to carry a firearm, and yet no one else on campus knows about the potential threat, is somewhat troubling. If the threat is such that one person needs to carry a firearm and I was another teacher at that school, I would like to know about that threat. We know from experience that it is not just the primary target of violence who becomes a victim in a situation like that.

Senator Hutchison:

Is there someone on each campus in Clark County who is authorized to carry a firearm?

Ms. Haldeman:

I doubt if there is someone on every campus. I would like to remind you, however, that we have a robust police force who are trained and actively carry weapons. We have 150 school police officers. Many of them are focused on high school and middle school campuses, but they also patrol the elementary school campuses. The instances in which employees have requested permission to carry firearms are far fewer than that. I do not know the numbers, but I would guess that it is less than a couple dozen.

Ron Dreher (Peace Officers Research Association of Nevada):

We oppose S.B. 223. Last Session I testified in opposition to S.B. No. 231 of the 76th Session for the same reasons expounded by Mr. Klaich and Ms. Haldeman today. The provisions in *Nevada Revised Statute* (NRS) 202.265 allow for the principal or superintendent to give individuals permission to carry firearms.

The other concern I raised in 2011 was this. When police officers respond to a shooting on campus, they have no clue whether a civilian with a drawn gun is a person with a CCW permit or an attacker. I have been in situations where the law enforcement people responding to a call have no clue who we are when we get there.

The provisions of the law already allow people to bring guns on campus with permission. Because we already have that provision in place, we are opposed to S.B. 223.

Michael Richards (President, College of Southern Nevada):

We are opposed to S.B. 223. I would like to make two points in addition to those you have heard already. First, we support the reasonable rights of carry with permission that are already part of the policy of the Board of Regents. I would also point out that at the College of Southern Nevada, we have officers on each campus trained and prepared to respond. We think this bill is not needed in higher education.

Sandy Seda (Deputy Chief, Department of Police Services, University of Nevada, Las Vegas):

We are opposed to S.B. 223 and are concerned about its unintended consequences. I have written testimony from José Elique, Chief of Police and Director of Police Services at the University of Nevada, Las Vegas, describing our concerns in detail ([Exhibit H](#)).

James Green, Captain (Criminal Investigations Division, Police Department, City of Henderson):

We oppose S.B. 223. We believe the campus administrator should control who is allowed to carry concealed weapons on campus and also to revoke permission to carry. I have spoken with members of the Nevada State College, and they also oppose this bill.

Marc Johnson (President, University of Nevada, Reno):

We oppose S.B. 223. I have written testimony noting some of the difficulties arising out of this bill ([Exhibit I](#)). When we speak of shootings on campus, we are talking about dire circumstances with a probability about equal to that of each of you winning the lottery. Having guns on campus will influence the environment there every day. Our faculty, staff, police officers and administration oppose this bill. The faculty were surveyed, and the Faculty

Senate unanimously passed a resolution opposing any legislation that eases current restrictions on weapons on the University of Nevada, Reno (UNR), campus ([Exhibit J](#)).

It is not easy to differentiate between students and employees at UNR because more than 3,000 students are also employees. We have many children on campus with four day care centers, a high school, many events on campus and tens of thousands of children who visit the campus every year. We want to have a presumptive safe environment for them all.

Our policy is working very well. Presidential permission allows us to review the cases when someone requests to carry a firearm. Our police chief is directly involved in this review.

Senator Hammond:

How many applications to carry a firearm have you received in the last 10 years, and how many have you granted?

Mr. Johnson:

We have granted perhaps half a dozen CCW permits for educational purposes and for personal safety. Most of them are not granted because there is no specific reason for the person to carry a weapon.

Adam Garcia (Director, Police Services, University of Nevada, Reno):

I oppose S.B. 223. I have written testimony explaining the importance of leaving NRS 202.265 intact ([Exhibit K](#)). I agree with the U.S. Supreme Court's *Heller* decision and feel this is one of the cases where that decision should be applied.

This bill could have a plethora of unintended consequences that could result in a dangerous situation on the UNR campus. For example, supervisors might have serious reservations about participating in the disciplinary process with an employee who could potentially be carrying a firearm.

There was a comment earlier about training. The police officers I supervise had almost 2,000 hours of combined training in 2012. That included three intensive days of active shooter training. They are equipped, and they are trained. Those are the people we want armed on campus. The U.S. Department of Education found that the overall homicide rate at postsecondary education institutions in

the U.S. was 0.07 per 100,000. That is compared to 5.7 per 100,000 in the general population.

This bill poses a dangerous threat not only to law enforcement, whose job it is to contain potential critical incidents, but also to our faculty, staff, students and the public.

Senator Hammond:

Senator Hutchison brought up Israel. In Israel, people openly carry weapons everywhere. You see women shopping for shoes with automatic weapons strapped to their backs. A friend of mine who went there was taken aback by the weaponry around him, but he felt more comfortable with it as time went on. You said if S.B. 223 passed, an officer might show up on the scene of an incident and not know who were good guys and who were bad guys. My friend said that because of their training, everyone who carries a gun in Israel can use it. When the police show up at an incident, they know exactly who the bad guys are because they are typically the ones lying dead on the ground.

What we are missing here is training. How would you respond if the bill required a certain number of hours of training before people were allowed to carry firearms on campus?

Mr. Garcia:

Police officers train for almost a year before they are allowed to carry a weapon in the course of their duties. They are also subjected to psychological examinations, polygraph examinations and an intensive background check process. I tell those who apply to my department that when we are done with our background checks, I will know more about them than they do.

As Mr. Klaich said, I would be interested to see what was proposed before agreeing that we would want to pursue that path. As it stands today, the process to obtain a CCW permit in Nevada is insufficient for this type of activity.

Senator Jones:

Under S.B. 223, the person who holds a CCW permit would still have to notify the president that he or she was bringing a firearm on campus. From your perspective, what is the difference between someone receiving authorization to carry a weapon versus notifying the president?

Mr. Garcia:

As Mr. Johnson mentioned, we have 4,000 employees. This bill makes it possible for all 4,000 employees to come to work armed.

Senator Jones:

The bill does not allow all 4,000 employees to come to work armed unless they have CCW permits and notify the president. They would have to follow those steps before they would actually be able to bring guns on campus.

Senator Hutchison:

I agree that the Second Amendment can certainly be restricted, but why is a campus a sensitive area under *Heller*? You mentioned employment situations in which an employee could blow up, but that can happen in every employment situation. Similarly, it is always difficult to know who are the good guys and who are the bad guys in a complex, confused environment. I have the same problem when I go to a mall or a theater where there has been a shooting. What I have heard so far does not seem to be unique to a campus environment. What makes the campus uniquely vulnerable?

Mr. Garcia:

We can have thousands of children on campus on any given day, given the plethora of special events we have. The large crowds that attend our sporting events—the age demographics of the people combined with the alcohol imbibed at sporting events and concerts—make for an unsafe environment. That makes it a special place. Think of the four on-campus child care centers at UNR, the combined second- and third-grade class of the Washoe County School District that is held in the College of Education, the Davidson Academy, the numerous weeklong activities that attract well over 10,000 kindergarten through Grade 12 students to our campus every year.

Craig Stevens (Nevada State Education Association):

We are opposed to S.B. 223.

James Richardson (Nevada Faculty Alliance):

We are opposed to S.B. 223 for a number of reasons that have been laid out by other speakers. A number of senates have passed resolutions opposing this bill. This bill is unnecessary. We trust our campus police.

Darryl Caraballo (Chief of Police, College of Southern Nevada):

I am opposed to S.B. 223 and echo the statements made by those in opposition to the bill.

Chair Segerblom:

We also have written testimony in support of S.B. 223 from J. L. Rhodes ([Exhibit L](#)) and in opposition to S.B. 223 from the UNR Residence Hall Association, citing sister Assembly Bill 143 ([Exhibit M](#)); the Truckee Meadows Community College (TMCC) Police Department ([Exhibit N](#)); Shannon Ellis on behalf of UNR Student Services ([Exhibit O](#)); David W. Zeh representing the UNR Faculty Senate ([Exhibit P](#)); J. Kyle Dalpe on behalf of TMCC and TMCC President Maria Sheehan ([Exhibit Q](#)); Dotty Merrill for the Nevada Association of School Boards ([Exhibit R](#)); the TMCC Faculty Senate ([Exhibit S](#)); Vanessa Spinazola of the American Civil Liberties Union of Nevada ([Exhibit T](#)); and Wayne Carlson of the Nevada Public Agency Insurance Pool ([Exhibit U](#)).

ASSEMBLY BILL 143: Makes various changes relating to concealed firearms. (BDR 20-615)

I will close the hearing on S.B. 223 and open the hearing on S.B. 226.

SENATE BILL 226: Makes various changes concerning firearms. (BDR 15-38)

Senator James A. Settelmeyer (Senatorial District No. 17):

The goal of this bill is to create uniformity of the CCW laws in Nevada. This would provide predictability for all those involved. All 17 counties issue their own CCW cards today. This bill seeks to eliminate that and instead create an endorsement on the driver's license or ID card. Missouri currently does this, and I have a sample to show you how the CCW endorsement appears on Missouri driver's licenses ([Exhibit V](#)).

Senate Bill 226 also adds the ability to get a second ID card. Some people are concerned that others may see the CCW indications on their driver's licenses and decide to come to their homes to steal their firearms. For that reason, I am asking for the ability to have a second ID card issued to an individual, just as Missouri does. Individuals would not be allowed to have two driver's licenses, and if asked by law enforcement, they would be required to show IDs with the CCW endorsement. As for the concern that someone might follow you home to

steal your guns, it has never been an issue in Missouri, where this law has been in place for more than 15 years.

The second part of S.B. 226 seeks to unify the CCW laws in Nevada. In 1989, the Legislature enacted NRS 244.364, which established a uniform set of laws regarding CCW permits. However, Legislators included a grandfather clause for Clark County. This bill would repeal that language and eliminate Clark County's handgun registration program.

Unfortunately, I just found a problem with the bill today. Due to my lack of knowledge, I included language that repeals NRS 202.3673, which pertains to airports. I did not understand the difference between the ownership of the McCarran International Airport in Clark County versus Reno-Tahoe International Airport. As S.B. 226 is currently written, it would allow people to carry a gun inside the airport in Clark County, which is not our desire. Therefore, there would need to be an amendment to remove that provision from S.B. 226.

In October 2010, Clark County Commissioner Rory Reid asked the Clark County Manager's Office to arrange an audit of the handgun registration program. He requested this information on program appropriations and objective data indicating the program's success, along with other items. To my knowledge, that information has never been provided. I worry that in these financial times, the Las Vegas Metropolitan Police Department (LVMPD) is asking for additional taxes because they do not have the funds. To me, this is a program that has not provided enough results to warrant its continuation. If you live in Clark County for more than 60 days, you have to register any gun with a barrel less than 12 inches in length; if you buy a gun and have it for more than 72 hours after you have been there for 60 days, you must register it. With that type of law in place, you still have individuals who have been there 30 days with unregistered guns. I do not necessarily feel this program is worthwhile continuing.

Senator Jones:

Would you consider an amendment to delete sections 14 through 16 of S.B. 226? Those are the provisions regarding the handgun registration program in Clark County.

Senator Settlemeyer:

I would consider that an unfriendly amendment. I would like to see some uniformity in our laws in Nevada.

Chair Segerblom:

Is there a fiscal note on this bill?

Senator Settlemeyer:

I have spoken with the Department of Motor Vehicles (DMV), which indicated the largest portion of the fiscal note on S.B. 226 would come from the need to reprogram the system computers to allow an individual to have two forms of ID at once. That is the largest portion of the fiscal note. In theory, the fiscal note would cover just the CCW endorsement, and it would be similar to the fiscal note on the veterans endorsement, which I think was \$5,000 to \$10,000. The fiscal note regarding the second ID was around \$250,000.

Mr. Dreher:

With the proposed amendment by Senator Settlemeyer, we support S.B. 226. The 17 counties in Nevada should follow the same laws instead of 16 counties doing it one way and one doing something else.

Chair Segerblom:

Yes, but that one county has 75 percent of the population of Nevada.

Janine Hansen (Nevada Families for Freedom):

We support S.B. 226. We support uniformity in the laws. Repeal of the Clark County gun registration program is long overdue. The people in Clark County deserve to have their gun rights protected the same as the people in the rest of Nevada. I have had the misfortune of being stopped by the police a couple of times. It would be helpful to have the CCW endorsement on my driver's license. It has never been a problem for me, but it has for other people I know. If the police immediately know you have a CCW permit, that makes everybody safer under the circumstances. I would highly recommend that you keep the CCW endorsement on the license as well as the option, if you feel it is necessary, to have a separate ID if you are concerned about people seeing that you have a CCW. The concept of this bill is sound, and we support the uniformity of laws throughout Nevada.

Mr. Clark:

I support S.B. 226. The standardization of the laws is a good idea, and putting the CCW endorsement on the driver's license is a simple way for law enforcement to be aware that someone has a CCW permit.

Mr. Mackie:

We strongly support S.B. 226. I have written testimony ([Exhibit W](#)) and a letter from Don Turner, president of the Nevada Firearms Coalition, expressing Coalition support for the bill ([Exhibit X](#)).

Edward Hayes (Good Governance Group):

We are in favor of S.B. 226.

William Birk:

I support S.B. 226. I am a resident of Carson City. I have a CCW permit that says "Issued by Carson City Sheriff" on its face. When I go to another state that has reciprocity with Nevada, that statement immediately jumps out at people. I have to point out that on the back of that permit in very tiny letters it says "State of Nevada." Then there is some question about whether the permit was issued by the State of Nevada and if it is covered by the reciprocity agreement. Putting the CCW endorsement on the driver's license or allowing us to have the other ID would make it clear to an officer in another state that has reciprocity with us that it was issued by the State of Nevada as a CCW permit.

Juanita Cox (Citizens in Action):

We support S.B. 226.

Richard Brengman:

I support S.B. 226. As things now stand, CCW permits in Nevada have 17 different formats, and they are not consistent. Some of them look as if you could make them on your home computer in about 5 minutes; some look like driver's licenses. It makes sense to have consistency and put the CCW designation on the driver's license.

Chuck Callaway (Las Vegas Metropolitan Police Department):

We oppose S.B. 226. We do not have policy issues with the driver's license provisions of the bill, though there are some logistical concerns. For example, we routinely suspend or revoke CCW permits when permit holders are arrested

for certain offenses. We would need to coordinate with the DMV to have the CCW endorsement removed from driver's licenses when that happens.

Our primary opposition to S.B. 226 comes from the repealing of the gun registration program in Clark County. Gun registration has been in effect in Clark County since 1948. Clark County is the only county in Nevada that has gun registration, but it has 70 percent of the State's population and the majority of Nevada's crime. It is the largest urban area in Nevada and the fourteenth largest urban area in the U.S. Gun registration is a valuable investigative tool for law enforcement.

We had a case recently in which a young lady was shot inside of a vehicle. We knew the caliber of the weapon used, but that was about all. The detective spoke to friends of the victim who said she had had an argument with her landlord. Based on gun registration, it was determined that the landlord had a weapon registered to him that was the same caliber as the gun used in the murder. Based on that information, a search warrant was obtained, and the weapon was recovered. A ballistics test showed that it was the murder weapon. For those who point out the cost of handgun registration, if it was your daughter who was murdered and the murderer was caught with that investigative tool, the cost would be well worth it.

Gun registration is free to citizens. They can register their guns at any LVMPD substation or at our headquarters. On average, it takes about 20 minutes from the time you walk in to register a handgun. The information is useful for law enforcement on a variety of levels. We oppose repealing that section. We support the recommendation made by Senator Jones to amend the bill by deleting sections 14, 15 and 16.

Senator Brower:

Can you estimate the percentage of handguns in Clark County that are registered?

Mr. Callaway:

I would say that 85 percent of gun owners in Clark County have registered their guns. We have a large database. Those who do not register their guns are either the criminal element or people who have just come into town and do not understand that we have handgun registration, and when they find out it is the law, they register. When the sheriff was running for office a few years back, he

did some polling, and 70 percent of the people polled supported gun registration in Clark County.

Senator Brower:

So you think as high as 85 percent of the guns on the street and in the homes are registered?

Mr. Callaway:

I believe so. It would be difficult to know for sure, but we have a large database of registered guns in Clark County. In fact, when people move to Clark County from other states that require registration, they are surprised at how easy and quick it is to register a gun in Clark County and also that there is no associated fee. Some cities charge a fee to register a handgun.

Senator Brower:

You mentioned that Las Vegas is the fourteenth largest metropolitan area in the U.S. How many of the top 15 metropolitan areas have similar laws?

Mr. Callaway:

I do not know.

Chair Segerblom:

We will get that information.

Tehran Boldon:

I am the brother of Matthew Boldon, the cab driver killed in Las Vegas on February 21. He was a victim of gun violence.

I represent the families of victims of gun violence. In the United States, 8 children and 90 adults are going to die today from gun violence. I support Senator Jones and Senator Segerblom on any efforts to control and curb guns in these cities. We need more restrictions on guns. We do not need assault weapons or guns with high-capacity magazines in the street. We do need background checks and gun registration. When guns get registered, even if they get stolen, they can be tracked. To say that any legislation is going to impinge on the right of someone to own a gun is ridiculous. We need more safeguards, and we need them immediately. People are dying every day.

The legislatures across the U.S. are working on this issue. Can we please have some action immediately?

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

We agree with the position stated by Mr. Callaway. We oppose the sections of S.B. 226 that would repeal handgun registration in Clark County but do not oppose the sections dealing with the CCW endorsement on driver's licenses. Because of the mechanical issues that go along with reporting to the DMV, it would be difficult for us to make it by the January 14 deadline.

Chair Segerblom:

How would you deal with the issue of revoking or suspending a CCW permit that is marked on a driver's license?

Lt. Spratley:

We would have to figure that out.

Mike Patterson (Religious Alliance in Nevada; Lutheran Advocacy in Nevada; Episcopal Diocese of Nevada):

We are strongly against all of the bills being heard today that enhance or allow more access to guns, including S.B. 226. I have statements from the national bishops of the Lutheran and Episcopal Churches on gun violence ([Exhibit Y](#)). We do not want to see any expansion of guns in Nevada.

Mr. Callaway:

I would like to add two important points. First, we recover a lot of stolen handguns through the gun registration database. Most gun owners do not record the serial numbers of their guns when they are purchased. With the registration process, it is an easy matter to find the serial number of a registered weapon. In one case, a woman walked out to her mailbox in the morning and found a gun lying in her front yard. She called the police; we ran a check on the gun and found that it was not reported stolen. However, it was listed in the handgun registration database, and we discovered that it belonged to one of the woman's neighbors. When we spoke to the neighbor, he went to get his gun for us and found a window broken and the gun gone. We were thus able to return his gun before he even knew it had been stolen.

Second, there are several bills coming forward this Session aimed at keeping handguns out of the hands of prohibited people. When someone registers a

handgun with us, we do a quick background check through the National Crime Information Center, Background Scope Check Las Vegas and the National Instant Criminal Background Check System to make sure they are not prohibited from owning a handgun. It is not uncommon for us to have people try to register guns and find out they are registered sex offenders or have other issues on their records showing they should not be in possession of firearms. In these times of increased gun violence, I would strongly urge against loosening the checks and balances that are in place to keep guns out of the hands of offenders.

Captain Green:

We echo the opposition to S.B. 226 voiced by Mr. Callaway and the LVMPD. In Henderson, you can register a firearm at three of our stations; it is free and takes 15 minutes or less.

John T. Jones, Jr. (Clark County):

We oppose S.B. 226 and agree with the testimony of Mr. Callaway. We have two major concerns with this bill. Regarding the repeal of NRS 202.3673, Senator Settelmeyer has agreed to work with us on the prohibition of firearms at the airport. But we also have County buildings covered by that section, and striking NRS 202.3673 would cause us problems in that respect.

In addition, with regard to the grandfathering provision, we have numerous ordinances that have been in place since before 1965. It is the position of Clark County that the ordinances provide a reasonable balance between the rights of firearm owners and the rights of the general public.

Mr. Ross:

I hold a CCW permit, and I oppose S.B. 226 as written. I support the uniformity of laws throughout Nevada, oppose registration and would like to see NRS 202.3673 repealed. However, this bill would also outlaw the concealed carrying of semiautomatic rifles in their original cases, such as the .22 caliber rifle I have that is in a case shaped like a laptop bag. It is a very discreet case. For that reason, this bill is bad. Also, this bill would still require you to have both your driver's license and your CCW permit because it does not repeal the portion concerning the CCW permit. It looks to me like it would be creating a misdemeanor crime of carrying a concealed weapon without bringing your driver's license with you. At the moment, it is only a \$25 civil penalty to forget your CCW permit.

Robert Roshak (Nevada Sheriffs' and Chiefs' Association):

Based on the new rules, we are opposed to S.B. 226. We support the driver's license provisions of the bill, and we are neutral on the provisions regarding Clark County.

Chair Segerblom:

Senator Settlemeyer, could you address the issue of what happens if a local police department has to revoke or suspend a CCW permit and the CCW endorsement is on the driver's license?

Senator Settlemeyer:

Section 5 of S.B. 226 gives the DMV authority to adopt regulations to carry out the program. I talked to the DMV about how to handle that situation. I doubt that when a CCW permit is revoked, an officer goes to the person and physically removes his or her CCW card. It could be revoked electronically at any time. If an individual was pulled over for a traffic stop, the officer would know the person's CCW permit had been revoked when the driver's license number was run. The officer could then tell the person that he or she no longer had the right to have the CCW endorsement and would need to get a new license. The DMV might also create a regulation saying that when someone's CCW permit is revoked, a new driver's license would be issued to him or her.

Senator Jones:

Can I throw out a cheap solution? Use a hole punch to remove the CCW endorsement from the card.

Senator Settlemeyer:

We would have to use a hole punch with a shape other than a circle. Since the DMV began issuing driver's licenses by mail, the Department now punches round holes in driver's licenses to show they are expired. But yes, a hole punch would be an easy way for an officer to remove a CCW endorsement on the spot. The officer could also use a knife to notch the card or cut the endorsement out of the license.

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

We are neutral on S.B. 226. You asked earlier about the fiscal impact of this bill. It will have a technology impact. We have had some discussions with staff at the DMV. An interface would be required to share the State CCW permit

information we house from the county sheriffs and allow that information to pass between the county sheriffs and the DMV. We do not want to see a situation in which a sheriff revokes a permit, but the card still says the permit is valid. It is problematic from the standpoint of officer safety and also from the standpoint of a Brady background check. You would not want that person to walk into a sporting goods store like Cabela's and use the CCW endorsement to buy a gun when the CCW permit had been revoked. Some computer programming will be required; we do not know how much it will cost at this point other than to say there will be an impact, and we will have to work out those details with the DMV.

Chair Segerblom:

We also received written testimony regarding S.B. 226 from Lawrence Koepke ([Exhibit Z](#)).

I will close the hearing on S.B. 226 and open the hearing on S.B. 137.

SENATE BILL 137: Revises provisions governing concealed firearms. (BDR 15-426)

Senator Donald G. Gustavson (Senatorial District No. 14):

I have written testimony explaining the intent and history of this bill ([Exhibit AA](#)). I am also submitting a conceptual amendment to keep this a one-issue bill ([Exhibit BB](#)).

I have been questioned about section 11, which repeals NRS 202.3673. There is some question on the part of the law taken out by the Legal Department when the bill was written. I would be happy to work with the opponents of this bill to determine whether weapons can be carried on airport property. It was not the intent of the bill to allow people without a CCW permit to carry openly where they cannot carry now.

Senator Jones:

Are you familiar with any caselaw post-*Heller* in which concealed carry laws have been struck down under the Second Amendment?

Senator Gustavson:

I have heard of it, but I am not familiar with it.

Senator Brower:

Various states have banned the carrying of concealed firearms since the early nineteenth century, but those same states allowed firearms to be carried openly. I do not understand the historical underpinnings of the ban on concealed weapons. Without getting into a long historical discussion, can you give us the rationale behind why states have banned concealed weapons while allowing open weapons?

Senator Gustavson:

I do not have the whole history and background. My personal feeling is that we have a constitutional right to own firearms. Whether they are concealed or not has been at the authority of local jurisdictions. I prefer to carry a concealed weapon because a lot of people are intimidated by guns; if you carry a gun openly, they are intimidated and do not like that. If a person wants to carry a concealed weapon, it is not affecting anybody, and you are able to protect yourself without frightening others.

Senator Brower:

A lot of people share your view. That makes it strange to me that, historically, laws have banned concealed carry but not open carry in the same jurisdiction.

Senator Gustavson:

I have read that there are jurisdictions that do not allow weapons to be carried openly.

Assemblyman John C. Ellison (Assembly District No. 33):

I support S.B. 137. In my district in the last 2 to 3 months, we have licensed five clergymen and ten schoolteachers for a CCW permit in Elko. Teachers are getting these permits because they are worried about what is going on. They do not carry on campus, but they are getting permits. This weekend, we put out an Internet poll to see what bills people support. In one day, S.B. 137 had 212 votes in favor and 5 against. These are from Clark County all the way to Elko. The people support the language in this bill, and I am here to show support.

Senator Gustavson:

I also have letters of support from Duncan Rand Mackie ([Exhibit CC](#)), Don Turner for the Nevada Firearms Coalition ([Exhibit DD](#)), Kate Morra ([Exhibit EE](#)) and J. L. Rhodes ([Exhibit FF](#)).

Mr. Callaway:

We oppose S.B. 137. The testimony I gave regarding gun registration in Clark County applies to that portion of this bill as well. In addition, CCW permit holders in Nevada currently undergo training that includes weapons safety, interaction with law enforcement, handling and storage. We do background checks on applicants for CCW permits. We average about 10,000 applications a year in LVMPD's jurisdiction. Over the last 2 years, we denied 245 CCW permit applications for various reasons.

Allowing anyone to carry a concealed weapon would result in a lot of people carrying concealed guns who should be prohibited from doing so. It would take away law enforcement's ability to stop known gang members carrying concealed weapons. We see this as an officer safety issue. If someone is carrying a weapon openly, officers know the person they are dealing with is armed. You do not know that a person carrying a concealed weapon is armed, and if that person decides to take violent action, he or she would have the jump on you. Those may have been the reasons concealed weapons were outlawed without a permit.

Mr. Roshak:

We oppose S.B. 137. One of the primary reasons is that it uses the term "firearm," meaning that you could carry any weapon concealed. If you wanted to put a pistol grip on a 12-gauge shotgun, you could put it under your jacket and go. There are no restrictions on what you are carrying. That is our concern

Senator Hammond:

Did your organization take a vote on S.B. 137 as a group? If so, was the vote unanimous? I thought I heard some members say they were in favor of the bill.

Mr. Roshak:

We have not voted on every bill, and we did not take a formal vote on S.B. 137. My testimony was based on information I received from members as to their concerns about the bill. We are opposing the bill as an organization because of the "firearm" issue.

Mr. Jones:

We are opposed to S.B. 137. We appreciate Senator Gustavson working with Clark County with respect to sections 8, 9 and 10 of the bill. However, we have

some concerns about section 11 that proposes to delete NRS 202.3673 dealing with firearms at airports and other government buildings.

Mr. Dreher:

We are in opposition to S.B. 137 for the reasons given by Mr. Roshak.

Lt. Spratley:

We oppose S.B. 137.

Mr. Boldon:

I oppose S.B. 137. I like to know if a person is armed or not. I was on the bus the other day and had a post-traumatic stress attack wondering if someone was going to come on the bus and start firing. If someone had picked up that gun on the woman's lawn and shot another person, who would be held liable? There is no liability for people who own guns. They should be required to carry insurance just like when you drive a car so that if something happens in the commission of a crime with a gun you should have kept safe, you will be held liable.

When people talk about cost and inconvenience, remember that it is inconvenient for the families who have to bury their loved ones because of gun violence.

Capt. Green:

We oppose S.B. 137.

Senator Gustavson:

With regard to Clark County's concerns about carrying any other type of weapon concealed, section 2, subsection 1, paragraph (d), subparagraph (3) of S.B. 137 specifically excludes all weapons "other than a pistol, revolver or other firearm."

Chair Segerblom:

I will close the hearing on S.B. 137.

The Committee had an informational presentation on March 15 about gun violence. Many people voiced concern that there was no presentation from the progun side. I asked Dan Reid of the National Rifle Association (NRA) to make that presentation today, and after that we will open the meeting for public

comment. If you did not get to speak on March 15, today is your day to be heard.

Dan Reid (National Rifle Association):

The NRA supports S.B. 223, S.B. 226 and S.B. 137. Regarding local ordinances, Clark County is one of only two local communities in the U.S. that requires the registration of firearms. It is not a common thing. There is also a national registry of stolen firearms that could be used to locate stolen guns.

Chair Segerblom:

What is the other local community?

Mr. Reid:

Bismarck, North Dakota.

The informational presentation on March 15 covered a vast number of topics. I will limit my presentation to addressing a few points from that presentation that were misleading or might need some clarification. I also have an information packet for the Committee ([Exhibit GG](#)).

Regarding the term "assault weapons," there is no definition. It is a term of political art and tends to be confused with the assault rifle, which does have a precise definition. An assault rifle is a rifle that is chambered in an intermediate caliber and capable of select fire, meaning that it will continue to fire as long as the trigger is pressed. An assault rifle fires multiple bullets per trigger pull, whereas assault weapons, as discussed in the presentation on March 15, fire one bullet per trigger pull, like a revolver or a bolt-action rifle. In California, there has been a 20-plus year struggle to define assault weapons. California has continually gone back to try to define it because it is not a concrete term. Legislatures continue to pass or pursue legislation to address that.

In the hearing on March 15, it was stated that semiautomatic weapons are used by the military. I searched a list of all militaries in the world, and I did not find one with a primary ground infantry weapon that was solely semiautomatic.

It was also stated that more gun laws equal less crime, with California used as the model. Page 2 of [Exhibit GG](#) shows FBI murder data by state for the year 2010. California leads in overall homicides and overall homicides with

firearms. I am not sure California is doing it right. The statement that more gun laws mean less crime is in itself misleading.

Senator Hutchison:

Could you go over that data again? What conclusion do you draw from it?

Mr. Reid:

Page 2 of [Exhibit GG](#) lists the total number of murders in each state in 2010. That number is broken down to the number caused by firearms, and it is then broken down further into the deaths caused by different types of firearms. Pages 3 and 4 of [Exhibit GG](#) show data regarding homicides in the U.S. from 1991 to 2011 broken down by the weapon used. From the data on page 2, you can see that California, which has an A rating from many of the antigun groups, has the most total murders and the most murders using firearms. So-called assault weapons fall under the rifle category. On page 2 of [Exhibit GG](#), you can see that California, with its 20-plus years of assault weapon ban, had 59 rifle homicides in 2010, and Nevada, which does not have that ban, had 5.

Senator Ford:

Is this a per capita comparison, or is it just straight numbers?

Mr. Reid:

My understanding is that it is numbers.

Senator Ford:

You would agree with me, then, that these data do not give us much evidence of anything. California is one of the most populous states in the U.S., especially relative to Nevada.

Mr. Reid:

You are saying that just the pure numbers are not persuasive to you.

Senator Ford:

That is exactly right. Can you give me percentages or per capita numbers, something that compares apples to apples?

Mr. Reid:

I do not have that information on hand. I would be happy to get it for you, however.

Senator Hutchison:

The premise we heard on March 15 was that more gun restrictions mean fewer gun deaths. Do you have any actual figures to prove that is not true?

Mr. Reid:

There is not a direct correlation between more laws and less gun-related violence.

Senator Hutchison:

Why do you say that?

Mr. Reid:

There are varying factors. Certain pockets exist with high amounts of violence, like Chicago, which has many restrictions on guns.

Senator Ford:

We have different issues than Chicago, which has gang violence that cannot be compared to any other place in the U.S.

Mr. Reid:

My point is that passing additional laws is not going to make society any safer. There are other factors that go into it. By penalizing law-abiding citizens, you are limiting their ability to protect themselves, exercise a constitutional right, recreate, hunt and so on.

Senator Ford:

But to return to Senator Hutchison's point, you do not have a study demonstrating one way or the other that more gun laws mean fewer deaths or more deaths.

Mr. Reid:

I can look into that. There are numbers of studies out there, and I will try to provide that information.

Senator Ford:

One of the statements made at the last hearing that you are objecting to was that the prevalence of gun laws can lower the instances of gun violence, right?

Mr. Reid:

Yes.

Senator Ford:

You have known about this issue for 2 weeks now, and you have not been able to provide us with any study that refutes that one way or the other. Is that right?

Mr. Reid:

I would be happy to go into that. That may have been something I overlooked in my presentation.

Senator Hutchison:

Most of us up here are lawyers, and we deal with evidence and proof. I felt the presentation on March 15 was skewed in favor of the idea that if you restrict gun laws and become more like California, it is going to solve all your problems. There have to be some studies, some evidence we can take a look at. You know I am an NRA supporter. It is important that we get the right evidence.

Mr. Reid:

I agree.

In the March 15 hearing, the statement was made that there have been 30,000 deaths related to firearms. Pages 3 and 4 of [Exhibit GG](#) shows that the average number of firearm-related homicides has been significantly less than that. The data presented on March 15 includes justifiable homicides by law enforcement, who work hard to keep our streets safe. That statement needs clarification. Pages 3 and 4 also show that the total homicide rate has decreased in the last 20 years.

With regard to background checks, it was stated that 40 percent of firearms sold go without background checks. Pages 5 through 8 of [Exhibit GG](#) reproduce an article by John Lott from the *National Review Online* from January 24, entitled "The '40 Percent' Myth." That number is based on a 20-year-old study of 251 people who were asked if they thought a background check had been done. Since then, the way firearms are sold has changed. In 1994, the Brady Act instituted mandatory background checks on federally licensed firearm dealers. Also, the number includes inheritances and family gifts. So the number

is misleading, and the number of firearms sold without a background check is significantly less than 40 percent.

Senator Jones:

I read the article. If the NRA finds the study from two decades ago to be objectionable or irrelevant, why has it not done its own study to get better data? There is a fiscal note on my bill, S.B. 221, based on that same 40 percent, so I would love to see data that the number is lower than that because I do not believe it is 40 percent either. Why has the NRA not done the work on that?

SENATE BILL 221: Makes certain changes relating to persons with mental illness. (BDR 14-943)

Mr. Reid:

The NRA has not done its own study.

Senator Jones:

Why?

Mr. Reid:

I do not know. I can ask the higher-ups for you. It is probably something that would be difficult to do. I am just pointing out that 40 percent is a misleading number.

Senator Jones:

I understand, but getting back to Senator Hutchison's point, we deal with data. When someone comes into my office on any issue, I say, "Show me the data." It is easy to point at something else and say, "That data is wrong." But if you do not come with your own data, it is really not that helpful to us.

Mr. Reid:

I agree.

The hearing of March 15 covered many topics, including assault weapons, background checks and so on. Chair Segerblom has a bill on firearms, S.B. 396, and I noticed that many of the presenters highlighted different sections of your bill.

SENATE BILL 396: Makes various changes relating to firearms. (BDR 15-931)

I have read S.B. 396, and it has left me perplexed. Page 9 of [Exhibit GG](#) shows two pictures of a Remington 760/7600 pump rifle, which has a detachable magazine. This has been the basic deer rifle for 60 years. I suspect that many Nevadans own these guns and regularly hunt with them. As I read it, S.B. 396 would make this an assault weapon. Is that acceptable to you?

Chair Segerblom:

That was not my intent.

Mr. Reid:

Other provisions of S.B. 396 would classify the two weapons shown on page 10 of [Exhibit GG](#), the home defense shotgun and the Olympic pistol, as assault weapons. I do not see how that will make Nevada safer.

Senator Ford:

You have pointed out some examples of unintended consequences of S.B. 396. But we all know what an assault weapon is. To be honest, I have never shot a gun in my life; I do not own a gun. I am interested in learning more about guns, which is why data is so important when you are talking about issues of gun control. When we are talking about semiautomatics and assault weapons, it is generally understood that we mean those high-powered guns that are used to kill a lot of people at the same time. We are not talking about these weapons here. Can you express what your position is on having some form of control over those kinds of weapons?

Mr. Reid:

When you talk about assault weapons, it is a fluid definition. A semiautomatic firearm has features that make it look scary but do not have anything to do with the function. That is what causes the unintended consequences.

Senator Ford:

So how would you define "assault weapon"?

Mr. Reid:

I cannot. It is a fluid term because it does not refer to the function of the firearm. As I said before, a semiautomatic AR-15 rifle functions exactly like a revolver or a bolt-action firearm: one bullet per trigger pull, other than the fact

that it loads the next round by itself. If you are looking at banning all semiautomatic weapons, you are going to have unintended consequences like banning Olympic pistols and basic handguns. Many people think of an assault weapon as the same as an assault rifle, but they are very different.

Senator Ford:

You just gave examples of weapons that should not be banned. How about a ban with those weapons specifically not included?

Mr. Reid:

I am not sure how you would do that.

Senator Ford:

You would do it like you just said: "We do not intend this gun to be one of the things that is banned, so we except this out of the ban."

Mr. Reid:

In California, the initial process was to ban guns by name, which poses a problem because the makers change the names. One of the firearm makers changed the name of its rifle to the name of one of the legislators who wrote the law. So banning weapons by name is ineffective, and banning them by features has nothing to do with the way the guns function. This is not new technology; these rifles have been in existence for 60-plus years. As for modern technology, when you look at the scope of technological advances in firearms, you are dealing with the introduction of polymers and better optics. Semiautomatic firearms have been around for over 100 years.

Chair Segerblom:

One possibility is to limit the size of the magazine, which is what S.B. 396 does.

Senator Kihuen:

Why would an average American need an assault weapon? I am a gun owner, and I am proud of it. I believe in the Second Amendment. I believe in protecting myself; I have a handgun. Why would I need an assault weapon, something that can kill masses of people?

Mr. Reid:

Are we here about needs? This gun functions exactly the same as any other gun. Someone who is bent on committing evil will use whatever means necessary to commit evil.

Senator Kihuen:

Are you saying that a Kel-Tec P-32 can kill as many people as an AK-47 assault rifle?

Mr. Reid:

There are too many factors you are assuming.

Senator Kihuen:

Go back to my question, then. Why would an average American like myself need an assault weapon? I am not taking a side on this issue; I am just asking you as a representative of the NRA why someone would need an assault weapon.

Mr. Reid:

For any variety of reasons from home defense to recreational shooting to hunting.

Senator Kihuen:

So you are opposed to any kind of restrictions on assault weapons. Someone who is a registered hunter can own an assault weapon to go hunt. But you would not be in support of a restriction on anyone else having an assault weapon.

Mr. Reid:

No.

Senator Brower:

We find ourselves now where these debates often end up, and that is confusion over the definition of an assault weapon. It is a semantic game in large part. Let me try to help you out, Mr. Reid. Can you give us reassurance that it is not legal to possess automatic machine guns?

Mr. Reid:

Automatic firearms are those that are capable of continually firing as long as the trigger is depressed. They have been heavily regulated by the federal government since the 1930s. Semiautomatic firearms, or assault weapons as they are often tagged, only fire one bullet every time you press the trigger. You cannot hold the trigger down and continually fire.

Chair Segerblom:

Are the automatic rifles used by the military converted to semiautomatics and sold to the public?

Mr. Reid:

They are very different. Civilian models are not capable of doing what the military models do.

Chair Segerblom:

But they can be converted from automatic to semiautomatic and back again.

Senator Brower:

In part, yes, but that is no different from Senator Kihuen's weapon, which I presume is a semiautomatic. It automatically reloads, thus making it a semiautomatic, but Senator Kihuen cannot shoot more than one round per trigger pull. That is no different from an AR-15 rifle that you can buy at Walmart. The point you are making is that magazine size can make a difference. That is where the debate could be, and not with respect to the definition of "assault weapon." That is just semantics, a matter of marketing, if you will.

Mr. Reid:

I have many more questions regarding S.B. 396. There are a host of issues.

Chair Segerblom:

If S.B. 396 is heard in Committee, you will have a chance to testify there.

Senator Jones:

Can you identify any caselaw since *Heller* in which background checks or CCW permit laws were found to be in violation of the Second Amendment?

Mr. Reid:

I would be happy to research that for you.

Senator Ford:

Is it the NRA's perspective that we should not be trying to legislate magazine size either?

Mr. Reid:

We are against limitations on magazine capacity. You hear the number of rounds often put out there as high capacity. The weapons we are talking about are not high capacity. They are standard capacity magazines, and there are billions of them in circulation. We have been using variants of magazines since the Civil War.

Chair Segerblom:

Is there any public comment?

Mr. Brengman:

This is my area of expertise. I have been a firearms manufacturer and retailer in Nevada for over 20 years. You have my card and my contact information. I would be happy to fill you in on these matters from a practical standpoint.

I would not be here today if I had not been armed when I was assaulted by six gang members many years ago. Up to that time, I only had sporting weapons. The day after the attack, I bought my first AR-15 rifle because the bad guys do not always come one at a time.

Mr. Utz:

I have a couple answers to the question of why we need assault weapons. Ignoring the fact that we should not have to give a need to exercise a right, sometimes there is a need for a so-called assault weapon. During the Rodney King riots in Los Angeles in 1992, Korean merchants were abandoned by the police for 3 days. They stood by themselves and defended their personal property and their lives with these so-called assault weapons. If it were not for that, they would have had to run the gauntlet of the rioters and flee the area. They were cut off; they were surrounded by the rioting, and Koreans were specifically targeted above other groups. We do not always know when we are going to be met by a group of attackers. This was also seen in Hurricane Katrina in New Orleans in 2005, when large groups of people were looting and burning.

Chair Segerblom:

Is it your position that if people are looting, you can use an assault weapon to kill them?

Mr. Utz:

If you have 100 people coming down the street, a ten-round magazine is going to leave you shorthanded.

Chair Segerblom:

If they are coming to loot your store, can you just shoot till you run out of bullets?

Mr. Utz:

If you have a group of rioters coming at you, yes, I believe you can use deadly force to keep them from beating and killing you. I think that is a legal precedent that has been set—if you are personally threatened, you can defend yourself.

Chair Segerblom:

What if they are just trying to take your property?

Mr. Utz:

If they are trying to get into my house and take my property, they are going to have to come through me to do it.

Chair Segerblom:

How about your store?

Mr. Utz:

If I am at my store and they are coming through the door to take my stuff, I am not going to just open the door and let them run through. I am going to stand there and try to stop them. The only way to get past me is to physically assault me, in which case I am legally allowed to defend myself.

On the issue of what is an assault weapon, "assault weapon" is a term that was created by the media to demonize modern sporting rifles. The military uses assault rifles, which are selective fire weapons like the M16 rifle and the M4 carbine. Modern sporting rifles are civilian versions of those. People who modify rifles are not just changing a couple parts. In the case of an AR-15 rifle, the receiver that the gun is built on is machined differently. You cannot just get

the parts and change it over. You have to do significant work on that receiver to make those parts work. Can it be done? Of course; anyone with a machine shop can machine aluminum. But it is not just a simple thing of taking a couple parts out and putting a couple parts in. It is a significant design change.

You were asking about studies that have been done. In 1995, Gary Kleck and Marc Gertz published a paper titled "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun" in the *Journal of Criminal Law and Criminology*. They found 2.1 million to 2.5 million defensive gun uses a year in the U.S. In response to that, the Clinton Administration commissioned a study that concluded there were 1.46 million defensive gun uses a year. This study also showed that 15.7 percent of the people involved in defensive gun uses believe they almost certainly saved a life, and 14.6 percent said someone probably would have died. If you eliminate 90 percent of the "almost certainly" and 99 percent of the "probably," you still come up with 25,000 to 42,900 lives saved per year through defensive gun uses. That is the positive side. If you take the negative side, those who are killed through homicide, you still come up with a positive benefit between about 12,000 and 30,000 lives saved per year. A lot of the argument you hear to restrict gun rights says that it is justified if it saves just one life, and we are talking about 12,000 to 30,000 lives a year.

The definitive work on the effect of gun control on crime was done by John Lott. If you would like a copy of his book, I have some in my truck. So far, no peer-reviewed study has been able to refute his conclusions.

Senator Kihuen:

As you recall, 28 schoolchildren were killed by an assault weapon just a few months ago in Newtown, Connecticut. Would you agree that there needs to be some kind of gun control? The man who killed those children was mentally ill. If he had not been able to obtain that weapon, would those children still be dead?

Mr. Utz:

Yes, they would. You do not need guns to kill people. The largest school killing was carried out by a custodian in 1927 in Michigan who over months smuggled dynamite into an elementary school and detonated it, killing 38 children and 6 adults. There is another case of a man who built a homemade flamethrower and used it in an elementary school in Turkey. The latest article I read about the

killings in Connecticut stated that the murderer's mother bought the guns for her son, whom she knew was mentally ill. Straw purchases are already illegal.

As for the high-capacity magazines, I am a competitive shooter. I use an M1911 pistol, for which the standard magazine is seven or eight rounds. I have the extended ones that hold ten rounds because it helps me in competition. I can reload that magazine fast enough that the average person with a 30-round magazine will not outrun me by more than a second. The theory is if you have to reload, that is a time when people can attack and subdue the shooter. I attended a demonstration in which a man stood 15 feet away from a competitive shooter shooting down range, and when the shooter's slide locked back, indicating that the gun was empty, the man ran toward him. The runner made it about a third of the way before the shooter started firing again. This was also tried with a novice shooter, and she was a little slower reloading, but the runner still only made it three-quarters of the distance before she was ready to shoot again. So the idea that you can take someone down while he or she is reloading does not hold water unless you are just a foot or two away. In most of these mass shootings, anyone who could have responded is usually not standing right next to the shooter.

Senator Kihuen:

So you are saying that as many children would have been killed if the gunman had been using a pistol rather than a high-capacity rifle.

Mr. Utz:

It does not matter what the weapon was. If someone plans it out ahead, he or she can take more magazines and just reload. The Connecticut shooter did not just take an AR-15; he also had handguns. The reports have been conflicting, but some say that he reloaded between classrooms even though the magazine was not empty. Some say that once he got into the building, he abandoned the AR-15 and used only handguns.

It has been reported that there are about 3 million AR-15s in use right now. Some people own more than one; perhaps there are a million people who own at least one AR-15. To commit a mass murder, you have to cause at least four deaths. In the last year that it was available, there were 36 deaths through a mass shooting with an assault weapon. That means no more than nine people committed these crimes. Do we really want to restrict the rights of a million people because of those nine?

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Chair Segerblom:

Thank you all for your comments.

We have received another BDR for introduction.

BILL DRAFT REQUEST 7-166: Makes various changes to provisions governing business entities. (Later introduced as [Senate Bill 441](#).)

SENATOR KIHUEN MOVED TO INTRODUCE BDR 7-166.

SENATOR HUTCHISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Segerblom:

The meeting is adjourned at 11:17 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

EXHIBITS				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	17		Attendance Roster
S.B. 223	C	2	Senator Joseph P. Hardy	Written testimony
S.B. 223	D	1	Duncan Rand Mackie	Written testimony
S.B. 223	E	1	Nevada Firearms Coalition	Letter of support from Don Turner
S.B. 223	F	1	Lawrence Koepke	Written testimony
S.B. 223	G	5	Daniel J. Klaich	Weapons on NSHE Property policy
S.B. 223	H	3	José Elique	Written testimony
S.B. 223	I	1	Marc Johnson	Written testimony
S.B. 223	J	1	Marc Johnson	UNR Faculty Senate Weapons Resolution
S.B. 223	K	4	Adam Garcia	Written testimony
S.B. 223	L	1	J. L. Rhodes	Support SB-223 letter
S.B. 223	M	1	Residence Hall Association, UNR	Resolution
S.B. 223	N	1	TMCC Police Department	Statement
S.B. 223	O	1	Shannon Ellis	Written testimony
S.B. 223	P	3	David W. Zeh	Written testimony
S.B. 223	Q	1	J. Kyle Dalpe	Written testimony
S.B. 223	R	1	Dotty Merrill	Written testimony
S.B. 223	S	1	TMCC Faculty Senate	Statement
S.B. 223	T	1	American Civil Liberties Union of Nevada	Statement
	U	2	Wayne Carlson	Testimony re: Gun Bills
S.B. 226	V	1	Senator James A. Settelmeyer	Missouri driver's license and identification card
S.B. 226	W	2	Duncan Rand Mackie	Written testimony
S.B. 226	X	1	Nevada Firearms Coalition	Letter of support from Don Turner
S.B. 226	Y	4	Mike Patterson	A Pastoral Letter on Violence and Testimony

S.B. 226	Z	1	Lawrence Koepke	Letter of support
S.B. 137	AA	4	Senator Donald G. Gustavson	Written testimony
S.B. 137	BB	1	Senator Donald G. Gustavson	S.B. 137 Amendment
S.B. 137	CC	2	Duncan Rand Mackie	Written testimony
S.B. 137	DD	1	Nevada Firearms Coalition	Letter of support from Don Turner
S.B. 137	EE	1	Kate Morra	Written testimony
S.B. 137	FF	4	J. L. Rhodes	Written testimony
	GG	10	Dan Reid	NRA Exhibits