

ASSEMBLY BILL NO. 352—ASSEMBLYMEN ELLISON, WHEELER,
FIORE, OSCARSON, DOOLING; DICKMAN, JONES, MOORE,
O'NEILL AND SEAMAN

MARCH 17, 2015

JOINT SPONSOR: SENATOR GUSTAVSON

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to permits to carry
concealed firearms. (BDR 15-1070)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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

AN ACT relating to concealed firearms; exempting a peace officer
from payment of the fees to obtain a permit to carry a
concealed firearm; clarifying certain provisions of law
concerning the carrying of a concealed firearm while on
the premises of any public building; deleting certain
provisions relating to the registration of firearms capable
of being concealed; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

Under existing law, an applicant for a permit to carry a concealed firearm must pay: (1) a nonrefundable fee for a sheriff to obtain a report from the Federal Bureau of Investigation concerning the criminal history of the applicant and a report from the National Instant Criminal Background Check System; and (2) a nonrefundable fee set by the sheriff not to exceed \$60. (NRS 202.3657) **Section 1** of this bill exempts peace officers from the payment of such fees.

Existing law authorizes a person who holds a permit to carry a concealed firearm to carry a concealed firearm while he or she is on the premises of any public building, with certain exceptions. (NRS 202.3673) **Section 2** of this bill clarifies that such a provision of law must not be construed to prohibit a person from carrying a firearm that is not concealed while the person is on the premises of any public building upon which a prohibition on the carrying of a firearm is not otherwise imposed by law.



Existing law also requires certain political subdivisions of this State in a county whose population is 700,000 or more (currently Clark County), which adopted ordinances or regulations before June 13, 1989, that require the registration of firearms capable of being concealed, to make certain amendments to such registration provisions. (NRS 244.364, 268.418, 269.222) **Sections 3-6** of this bill delete the provisions requiring certain political subdivisions of this State to make such amendments.

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

Section 1. NRS 202.3657 is hereby amended to read as follows:

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

2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

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

(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:

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

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

➤ Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph



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(1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

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

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

(b) Has been judicially declared incompetent or insane.

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

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

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

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

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

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

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

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

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

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

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

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

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed



1 an offense or engaged in any other activity specified in subsection 4
2 which would preclude the issuance of a permit to the applicant or
3 require the revocation of a permit pursuant to this section.

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

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

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

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

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

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

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

33 (f) ~~IAI~~ *Except as otherwise provided in subsection 8, a*
34 *nonrefundable fee equal to the nonvolunteer rate charged by the*
35 *Central Repository for Nevada Records of Criminal History and the*
36 *Federal Bureau of Investigation to obtain the reports required*
37 *pursuant to subsection 1 of NRS 202.366; and*

38 (g) ~~IAI~~ *Except as otherwise provided in subsection 8, a*
39 *nonrefundable fee set by the sheriff not to exceed \$60.*

40 8. *A peace officer is exempt from payment of the fees*
41 *authorized by paragraphs (f) and (g) of subsection 7. As used in*
42 *this subsection, "peace officer" includes any person upon whom*
43 *some or all of the powers of a peace officer are conferred pursuant*
44 *to NRS 289.150 to 289.360, inclusive.*



Sec. 2. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. *This section must not be construed to prohibit a person from carrying a firearm that is not concealed while the person is on the premises of any public building upon which a prohibition on the carrying of a firearm is not otherwise imposed by law.*



7. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 202.265.

(b) "Public building" means any building or office space occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➔ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 3. NRS 244.364 is hereby amended to read as follows:

244.364 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no county may infringe upon those rights and powers. As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

2. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~{3. If a board of county commissioners in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:~~

~~—(a) A period of at least 60 days of residency in the county before registration of such a firearm is required.~~

~~—(b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~—4. Except as otherwise provided in subsection 1, as}~~ **As** used in this ~~section:~~

~~—(a) "Firearm"]~~ **subsection, "firearm"** means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

~~{(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~—(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.]~~



1 **Sec. 4.** NRS 268.418 is hereby amended to read as follows:

2 268.418 1. Except as otherwise provided by specific statute,
3 the Legislature reserves for itself such rights and powers as are
4 necessary to regulate the transfer, sale, purchase, possession,
5 ownership, transportation, registration and licensing of firearms and
6 ammunition in Nevada, and no city may infringe upon those rights
7 and powers. As used in this subsection, "firearm" means any
8 weapon from which a projectile is discharged by means of an
9 explosive, spring, gas, air or other force.

10 2. The governing body of a city may proscribe by ordinance or
11 regulation the unsafe discharge of firearms.

12 ~~{3. If the governing body of a city in a county whose~~
13 ~~population is 700,000 or more has required by ordinance or~~
14 ~~regulation adopted before June 13, 1989, the registration of a~~
15 ~~firearm capable of being concealed, the governing body shall amend~~
16 ~~such an ordinance or regulation to require:~~

17 ~~—(a) A period of at least 60 days of residency in the city before~~
18 ~~registration of such a firearm is required.~~

19 ~~—(b) A period of at least 72 hours for the registration of a pistol~~
20 ~~by a resident of the city upon transfer of title to the pistol to the~~
21 ~~resident by purchase, gift or any other transfer.~~

22 ~~—4. Except as otherwise provided in subsection 1, as}~~ As used in
23 this {section:

24 ~~—(a) "Firearm"} subsection, "firearm" means any device~~
25 ~~designed to be used as a weapon from which a projectile may be~~
26 ~~expelled through the barrel by the force of any explosion or other~~
27 ~~form of combustion.~~

28 ~~{(b) "Firearm capable of being concealed" includes all firearms~~
29 ~~having a barrel less than 12 inches in length.~~

30 ~~—(c) "Pistol" means a firearm capable of being concealed that is~~
31 ~~intended to be aimed and fired with one hand.}~~

32 **Sec. 5.** NRS 269.222 is hereby amended to read as follows:

33 269.222 1. Except as otherwise provided by specific statute,
34 the Legislature reserves for itself such rights and powers as are
35 necessary to regulate the transfer, sale, purchase, possession,
36 ownership, transportation, registration and licensing of firearms and
37 ammunition in Nevada, and no town may infringe upon those rights
38 and powers. As used in this subsection, "firearm" means any
39 weapon from which a projectile is discharged by means of an
40 explosive, spring, gas, air or other force.

41 2. A town board may proscribe by ordinance or regulation the
42 unsafe discharge of firearms.

43 ~~{3. If a town board in a county whose population is 700,000 or~~
44 ~~more has required by ordinance or regulation adopted before~~
45 ~~June 13, 1989, the registration of a firearm capable of being~~



~~concealed, the town board shall amend such an ordinance or regulation to require:~~

~~—(a) A period of at least 60 days of residency in the town before registration of such a firearm is required.~~

~~—(b) A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~—4. Except as otherwise provided in subsection 1, as]~~ **As** used in this ~~section:~~

~~—(a) “Firearm”]~~ **subsection, “firearm”** means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

~~[(b) “Firearm capable of being concealed” includes all firearms having a barrel less than 12 inches in length.~~

~~—(c) “Pistol” means a firearm capable of being concealed that is intended to be aimed and fired with one hand.]~~

Sec. 6. Section 5 of chapter 308, Statutes of Nevada 1989, as amended by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as follows:

Sec. 5. ~~[1. Except as otherwise provided in subsection 2, the provisions of this act apply to ordinances or regulations adopted on or after June 13, 1989.~~

~~—2.]~~ The provisions of this act ~~[, as amended on October 1, 2007,]~~ apply to ordinances or regulations adopted before, on or after June 13, 1989.

Sec. 7. This act becomes effective on July 1, 2015.

