

ASSEMBLY BILL NO. 404—ASSEMBLYMEN FIORE; AND JONES

MARCH 17, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning the issuance and renewal of permits to carry concealed firearms. (BDR 15-840)

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

~

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

AN ACT relating to concealed firearms; requiring a sheriff to refund the application fee for the issuance or renewal of a permit to carry a concealed firearm in certain circumstances; temporarily extending the validity of a permit to carry a concealed firearm beyond the expiration date in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an applicant for the issuance or renewal of a permit to carry a concealed firearm to pay a nonrefundable fee of \$60 or \$25, respectively. (NRS 202.3657, 202.3677) Existing law also requires the sheriff to whom an application for the issuance or renewal of a permit is submitted to grant or deny the application within 120 days. (NRS 202.366) **Sections 1 and 3** of this bill provide that if the sheriff does not grant or deny an application within 120 days, the sheriff must refund the respective application fee to the applicant or permittee.

Existing law further provides that unless a permit to carry a concealed firearm is suspended or revoked by the sheriff who issued the permit, the permit expires 5 years after the date on which it was issued. (NRS 202.366) **Section 2** of this bill provides that if a permittee submits an application for the renewal of a permit before the expiration date, the permit remains valid until the sheriff grants or denies the application for renewal. Evidence that the permittee has paid the application fee for renewal of the permit is sufficient proof that the permittee has submitted an application for renewal.



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

6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for



1 which would require the revocation of a permit or preclude the
2 issuance of a permit to the applicant pursuant to this section, the
3 sheriff shall suspend the person's permit or the processing of
4 the person's application until the final disposition of the charges
5 against the person. If a permittee is acquitted of the charges, or if the
6 charges are dropped, the sheriff shall restore his or her permit
7 without imposing a fee.

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

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

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

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

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

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

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

29 (g) A ~~nonrefundable~~ fee set by the sheriff not to exceed \$60 ~~+~~
30 , which, except as otherwise provided in subsection 8, is
31 nonrefundable.

32 8. *If the sheriff does not grant or deny an application for a*
33 *permit within 120 days as required pursuant to subsection 3 of*
34 *NRS 202.366, the sheriff shall refund to the applicant the fee set*
35 *forth in paragraph (g) of subsection 7.*

36 **Sec. 2.** NRS 202.366 is hereby amended to read as follows:

37 202.366 1. Upon receipt by a sheriff of an application for a
38 permit, including an application for the renewal of a permit pursuant
39 to NRS 202.3677, the sheriff shall conduct an investigation of the
40 applicant to determine if the applicant is eligible for a permit. In
41 conducting the investigation, the sheriff shall forward a complete set
42 of the applicant's fingerprints to the Central Repository for Nevada
43 Records of Criminal History for submission to the Federal Bureau
44 of Investigation for its report concerning the criminal history of the
45 applicant. The investigation also must include a report from the



1 National Instant Criminal Background Check System. The sheriff
2 shall issue a permit to the applicant unless the applicant is not
3 qualified to possess a handgun pursuant to state or federal law or is
4 not otherwise qualified to obtain a permit pursuant to NRS 202.3653
5 to 202.369, inclusive, or the regulations adopted pursuant thereto.

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

10 3. Within 120 days after a complete application for a permit is
11 submitted, the sheriff to whom the application is submitted shall
12 grant or deny the application. If the application is denied, the sheriff
13 shall send the applicant written notification setting forth the reasons
14 for the denial. If the application is granted, the sheriff shall provide
15 the applicant with a permit containing a colored photograph of the
16 applicant and containing such other information as may be
17 prescribed by the Department. The permit must be in substantially
18 the following form:

19
20 NEVADA CONCEALED FIREARM PERMIT

21
22 County Permit Number.....
23 Expires..... Date of Birth
24 Height Weight.....
25 Name Address
26 City Zip
27 Photograph
28 Signature.....
29 Issued by.....
30 Date of Issue.....
31

32 4. ~~Unless suspended or revoked by the sheriff who issued the~~
33 ~~permit, a~~ A permit expires 5 years after the date on which it is
34 issued ~~if~~ unless:

35 (a) *The permit is suspended or revoked by the sheriff who*
36 *issued the permit before the expiration date; or*

37 (b) *A permittee submits to the sheriff an application for the*
38 *renewal of the permit pursuant to NRS 202.3677 before the*
39 *expiration date, in which case the permit remains valid until*
40 *the sheriff grants or denies the application for renewal. Evidence*
41 *that the permittee has paid the fee set forth in paragraph (d) of*
42 *subsection 2 of NRS 202.3677 is sufficient proof that the permittee*
43 *has submitted an application for the renewal of the permit.*

44 5. As used in this section, "National Instant Criminal
45 Background Check System" means the national system created by



the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 3. NRS 202.3677 is hereby amended to read as follows:

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

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

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

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

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

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

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

(d) Be accompanied by a ~~nonrefundable~~ fee of \$25 ~~+~~, *which, except as otherwise provided in subsection 3, is nonrefundable.*

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

3. *If the sheriff does not grant or deny an application for the renewal of a permit within 120 days as required pursuant to subsection 3 of NRS 202.366, the sheriff shall refund to the permittee the fee set forth in paragraph (d) of subsection 2.*

4. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with handguns by successfully completing a course prescribed by the sheriff renewing the permit.

