

SENATE BILL NO. 171—SENATORS SETTELMAYER, GUSTAVSON,
GOICOECHEA, ROBERSON, KIECKHEFER; BROWER AND HARDY

FEBRUARY 18, 2015

JOINT SPONSORS: ASSEMBLYMEN FIORE;
HICKEY, KIRNER AND WHEELER

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the issuance of permits
to carry concealed firearms. (BDR 15-597)

FISCAL NOTE: Effect on Local Government: No.
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; authorizing certain persons who possess a permit to carry a concealed firearm issued by another state to carry a concealed firearm in this State in accordance with the laws of this State; deleting certain provisions relating to the registration of firearms capable of being concealed; revising the applicability of certain provisions pertaining to the regulation of firearms by local governments; repealing certain provisions concerning reciprocity of permits to carry concealed firearms; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the Department of Public Safety to prepare annually a list
2 of states that have: (1) requirements for the issuance of a permit to carry a
3 concealed firearm that are substantially similar to or more stringent than the
4 requirements set forth in this State; and (2) an electronic database which identifies
5 each individual who possesses a valid permit to carry a concealed firearm by that
6 state and which a law enforcement officer in this State may access at all times.
7 Additionally, a state may only be included in the list if the Nevada Sheriffs' and
8 Chiefs' Association agrees with the Department's inclusion of the state. (NRS
9 202.3689) Existing law also authorizes a person who possesses a permit to carry a
10 concealed firearm that was issued by a state included in the list to carry a concealed
11 firearm in this State in accordance with the laws of this State unless the person: (1)
12 becomes a resident of this State; and (2) has not been issued a permit from the



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sheriff of the county in which he or she resides within 60 days after becoming a resident of this State. (NRS 202.3688)

Section 6 of this bill repeals all provisions of existing law relating to the list prepared by the Department. **Section 1** of this bill authorizes a person who is at least 21 years of age and possesses a permit to carry a concealed firearm that was issued by another state to carry a concealed firearm in this State in accordance with the laws of this State unless the person: (1) becomes a resident of this State; and (2) has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State.

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 2-4** of this bill delete the provisions requiring certain political subdivisions of this State to make such amendments.

Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State. (Chapter 308, Statutes of Nevada 1989, p. 652) However, section 5 of A.B. 147 provided that the preemptive effect of the bill applied only to ordinances or regulations adopted by local governments on or after June 13, 1989. **Section 5** of this bill amends section 5 of A.B. 147 to include and preempt ordinances or regulations adopted by local governments before June 13, 1989.

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

Section 1. NRS 202.3688 is hereby amended to read as follows:

202.3688 1. Except as otherwise provided in subsection 2, a person who *is at least 21 years of age and* possesses a permit to carry a concealed firearm that was issued by ~~{a}~~ *another* state ~~[included in the list prepared pursuant to NRS 202.3689]~~ may carry a concealed firearm in this State in accordance with the requirements set forth in NRS 202.3653 to 202.369, inclusive.

2. A person who ~~[possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to NRS 202.3689]~~ *meets the requirements of subsection 1* may not carry a concealed firearm in this State if the person:

(a) Becomes a resident of this State; and

(b) Has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State.

~~{3. A person who carries a concealed firearm pursuant to this section is subject to the same legal restrictions and requirements imposed upon a person who has been issued a permit by a sheriff in this State.}~~



Sec. 2. 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.]~~

Sec. 3. NRS 268.418 is hereby amended to read as follows:

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

~~3. If the governing body of a city 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 governing body shall amend such an ordinance or regulation to require:~~

~~—(a) A period of at least 60 days of residency in the city 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 city 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. 4. NRS 269.222 is hereby amended to read as follows:

269.222 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 town 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 town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~[(3. If a town board 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 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. 5. 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 ~~1, as amended on October 1, 2007,]~~ apply to ordinances or regulations adopted before, on or after June 13, 1989.

Sec. 6. NRS 202.3689 is hereby repealed.

TEXT OF REPEALED SECTION

202.3689 Department to prepare list of states that meet certain requirements concerning permits; Department to provide copy of list to law enforcement agencies in this State; Department to make list available to public.

1. On or before July 1 of each year, the Department shall:

(a) Examine the requirements for the issuance of a permit to carry a concealed firearm in each state and determine whether the requirements of each state are substantially similar to or more stringent than the requirements set forth in NRS 202.3653 to 202.369, inclusive.

(b) Determine whether each state has an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm issued by that state and which a law enforcement officer in this State may access at all times through a national law enforcement telecommunications system.

(c) Prepare a list of states that meet the requirements of paragraphs (a) and (b). A state must not be included in the list unless the Nevada Sheriffs' and Chiefs' Association agrees with the Department that the state should be included in the list.

(d) Provide a copy of the list prepared pursuant to paragraph (c) to each law enforcement agency in this State.

2. The Department shall, upon request, make the list prepared pursuant to subsection 1 available to the public.

