

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

**Seventy-Eighth Session  
April 6, 2015**

The Committee on Judiciary was called to order by Chairman Ira Hansen at 8 a.m. on Monday, April 6, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Ira Hansen, Chairman  
Assemblyman Erven T. Nelson, Vice Chairman  
Assemblyman Elliot T. Anderson  
Assemblyman Nelson Araujo  
Assemblywoman Olivia Diaz  
Assemblywoman Michele Fiore  
Assemblyman David M. Gardner  
Assemblyman Brent A. Jones  
Assemblyman James Ohrenschall  
Assemblyman P.K. O'Neill  
Assemblywoman Victoria Seaman  
Assemblyman Tyrone Thompson  
Assemblyman Glenn E. Trowbridge

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman John Ellison, Assembly District No. 33

Minutes ID: 658



**STAFF MEMBERS PRESENT:**

Diane Thornton, Committee Policy Analyst  
Brad Wilkinson, Committee Counsel  
Linda Whimple, Committee Secretary  
Jamie Tierney, Committee Assistant

**OTHERS PRESENT:**

Mathew Higbee, Chairman, Foundation for Continuing Justice  
Vanessa Spinazola, Legislative & Advocacy Director, American Civil Liberties Union of Nevada  
Marti Deputy, Private Citizen, Minden, Nevada  
Megan Bedera, representing the Nevada Firearms Coalition  
Daniel Reid, representing the National Rifle Association  
Janine Hansen, representing Nevada Families Association  
Lynn Chapman, Chairman, Independent American Party, Washoe County  
Vernon Brooks, Private Citizen, Las Vegas, Nevada  
Roy Hardin, Private Citizen, Las Vegas, Nevada  
John Ridgeway, Private Citizen, Las Vegas, Nevada  
Brian Wilson, Private Citizen, Las Vegas, Nevada  
Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office  
Carol Howell, President, Northern Sierra Ladies Gun Club  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department  
Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County  
Robert Vester, Chief of Airport Police, Reno-Tahoe Airport Authority  
Dagny Stapleton, Deputy Director, Nevada Association of Counties

**Chairman Hansen:**

[Roll was called and protocol was explained.] We have three bills today, and we will take them out of order. My plan is to have us out of this meeting by 9:30, so I am going to allow approximately 30 minutes per bill. We have a lot of work session material to go over, so we are going to use some of that time for it. We have heard gun bills several times already, and we have three gun bills. I think a lot of the testimony can be handled in a relatively short window of time on all three of these.

The first bill we are going to hear today is Assembly Bill 357—a very appropriate number for a gun bill—which revises provisions relating to the prohibition against the ownership, possession and control of firearms by certain persons. It will be presented by Assemblywoman Fiore.

**Assembly Bill 357: Revises provisions relating to the prohibition against the ownership, possession and control of firearms by certain persons. (BDR 14-846)**

**Assemblywoman Michele Fiore, Assembly District No. 4:**

Assembly Bill 357 is truly bipartisan. It is about giving second chances to regular people. I have personally created second chances by employing people and walking the walk with them as they visit probation officers and watching them struggle to just get back their everyday living rights. While this bill does not address all the problems of the people who have paid their debt back to society by being convicted and serving their time, it would provide a path to those looking to restore their rights. This bill also adds misdemeanor domestic violence to the list of persons prohibited from owning a firearm in this state unless a court has ordered that person's rights be restored.

We have set up a tier system made up of three tiers. Please see section 2.5, paragraph 8, for the requirements of each tier ([Exhibit C](#)). Tier 1 consists of first-time nonviolent category E and D felons who have never been convicted of domestic violence and who were honorably discharged from probation. They would be entitled to immediately have their rights restored with court approval after completing their sentence.

Tier 2 consists of repeat nonviolent E, D, or C felons who have completed their sentence. This group must wait a minimum of two years after completing their sentence before petitioning the court to have their rights restored, and they must be able to prove with clear and convincing evidence to a judge that they are rehabilitated and unlikely to use their rights in an unlawful manner.

Tier 3 consists of E, D, or C felons who did not use a deadly weapon in their crime and do not have more than one conviction for domestic violence. People in Tier 3 must wait a minimum of six years after completion of their sentence before petitioning the court to request their rights be restored. As in Tier 2, they must be able to prove with clear and convincing evidence to a judge that they are rehabilitated and unlikely to use their rights in an unlawful manner.

In no instance is an A or B felon, or a person who used a deadly weapon in a crime, or a person who has more than one domestic violence conviction ever allowed to petition a court to have their firearm rights restored. These violent offenders would remain prohibited for life from owning a firearm.

Sections 1, 7, and 8 of the mock-up ([Exhibit C](#)) immediately restores all civil rights for a person whose rights have been restored under section 2.5 of this bill with the court's consent. Section 2 is deleted by amendment. Section 2.3 adds the provisions of section 2.5 to *Nevada Revised Statutes* (NRS) Chapter 179. Section 2.5 creates a process by which a person may petition a court to request their civil and firearm rights be restored if certain conditions are met.

Section 3 allows a district attorney to view a person's sealed records if that person has petitioned the court to have their rights restored under section 2.5 of this act. Section 4 allows a person to serve on a jury if their rights have been restored under section 2.5. Section 5 adds misdemeanor domestic violence to the list for persons prohibited from owning a firearm in this state unless a court has ordered that person's rights be restored.

In section 6, when a person is released from prison or parole, they are given notice of provisions of NRS that apply to their release. Section 2.5 of this act would now be included with those notifications. Section 9 restores a person's right to vote if their rights have been restored pursuant to section 2.5. Section 10 restores a person's right to hold office if their rights have been restored pursuant to section 2.5.

I would like to introduce Mathew Higbee, whose law firm is a national leader in the restoration of an ex-felon's rights.

**Mathew Higbee, Chairman, Foundation for Continuing Justice:**

This bill does two very important things; one is primarily focused on firearm rights, and the other one is the broader category of civil rights. Nevada has a hole in the NRS that permanently disenfranchises a large percentage of former offenders. Anyone who is currently dishonorably discharged from parole or probation is forever disenfranchised in Nevada, and that is a significant number of people, especially former drug offenders and youthful offenders. They often have a difficult time completing their probation or parole honorably and it results in them being members in our society as second-class status where they are no longer able to vote, sit on a jury, possess a firearm, or do many other things that come with being fully reenfranchised after being a former offender.

It also has the firearm rights restoration component that Assemblywoman Fiore spoke about. Currently, the only way a former offender in Nevada could have their firearm rights restored is through a pardon from the Governor. Nevada is quite an outlier in this area. Most states will allow former offenders, especially nonviolent ones, a quick path to full reintegration of civil rights, including firearm rights. California, Arizona, Oregon, and Utah all allow some former offenders to have their firearm rights restored, and this would bring Nevada a little closer to equal footing on it.

The bill has waiting periods in it that are tiered and based on the severity of the offense. It has a very good safeguard of allowing a judge discretion on whether to allow anyone who has more than one felony or has a violent conviction to have their firearm rights back. It has a very high standard; it must be proven. There needs to be clear and convincing evidence that the person is not only rehabilitated but unlikely to use those rights in an unlawful manner. It would probably make Nevada's firearm right to restoration by far the most thoughtful and productive of all the neighboring states that I am aware of.

**Assemblyman Ohrenschall:**

I am not sure how familiar you are with the Nevada process, but I have met many people who have had something in their past—a youthful conviction—and they would like to have their right to carry a firearm back, either for hunting, target shooting, or work. Oftentimes they have gone the route of trying to get on the agenda for the State Board of Pardons Commissioners—we have not really funded it where it should be. We are lucky if they meet once or twice a year, and it is very difficult to get on the agenda. If you do get on the agenda, there is no guarantee they will grant you that right. It is a very difficult and laborious process, and virtually impossible for someone to be successful. I am glad that this provides some alternatives to people who have paid their debt to society to get that right back.

**Assemblywoman Fiore:**

That is exactly why we brought this bill forward. How many people have been pardoned in Nevada? If you look, you are not going to find any with this governorship.

**Assemblyman Nelson:**

On page 7, section 2, subsection 7, it looks like a petitioner can get out of the requirement of making restitution if he can demonstrate that "his or her failure to satisfy such a financial obligation was due to economic hardship."

**Assemblywoman Fiore:**

Which mock-up are you looking at?

**Assemblyman Nelson:**

I am looking at the original bill. Is that out of the mock-up?

**Assemblywoman Fiore:**

I will hand you this one.

**Chairman Hansen:**

I have not seen that mock-up either. I have some questions in that same section.

**Assemblyman Nelson:**

You are telling me that it is not in the bill anywhere?

**Assemblywoman Fiore:**

I spent yesterday making sure we cleared up any concerns, so we redid a mock-up and made it strict and to the point. It is on the Nevada Electronic Legislative Information System, but we also delivered 20 copies this morning.

**Assemblyman Nelson:**

If it is not in there, then I do not have a question.

**Chairman Hansen:**

I had concerns over section 2, subsections 7 and 8 as well, but I see those appear to be deleted completely from the bill. We are dealing strictly with the restoration of the right to have a firearm, and we are giving a great deal of discretion to the judges rather than making it mandatory.

**Assemblyman Gardner:**

It is my understanding that everyone who wants to get his rights back has to go through a judge first, correct?

**Assemblywoman Fiore:**

[She nodded her head.]

**Chairman Hansen:**

Are there any further questions? [There were none.] Is there anyone who would like to testify in favor of A.B. 357 at this time?

**Vanessa Spinazola, Legislative & Advocacy Director, American Civil Liberties Union of Nevada:**

The Second Amendment to the *U.S. Constitution* says that there is a right to bear arms. The *Heller* decision [*District of Columbia v. Heller*, 554 U.S. 570, 128 S.Ct. 2783 (2008)] says that it is an individual's right to bear arms, so we are in support of closing the gap.

In regard to the voting rights, we do a lot of work with reentry programs and with individuals trying to navigate getting their rights back. We have a flow chart that we created to try to navigate our current system of restoring rights. To answer Assemblyman Nelson's question, yes, there are regulations that state you can go through parole and probation if you have had financial difficulty repaying your restitution. That is the only way you can get from a dishonorable discharge back to an honorable discharge.

We spoke briefly with Assemblywoman Fiore this morning. We want to make sure that the current NRS on restoring your voting rights, NRS 213.154 and NRS 213.155, are expressly referred to in the law, indicating that you can restore your voting rights through the pathways we still have. The bill that was presented this morning is just an alternative to get your rights restored.

**Marti Deputy, Private Citizen, Minden, Nevada:**

Our son lost all his rights due to a marijuana conviction when he was 22 years old—12 years ago. He went through the process of restoring his voting rights, which was quite laborious, but he did get it done. He has yet to have any Second Amendment rights restored. I am definitely in favor of this bill so he can have that restored. He is a functioning member of society, has his own business in Carson City, and has been a good guy ever since, but he still has no Second Amendment rights.

**Chairman Hansen:**

How long did your son serve?

**Marti Deputy:**

I do not remember—six months maybe, and all that was taken care of and he was signed off.

**Chairman Hansen:**

He has been out for 12 years?

**Marti Deputy:**

Yes. He is now in his mid-30s, so it has been a long time.

**Megan Bedera, representing the Nevada Firearms Coalition:**

I will just say ditto. I, like the Chairman, agree that it is great to be able to echo the sentiments of the American Civil Liberties Union of Nevada in restoring those rights.

**Daniel Reid, representing the National Rifle Association:**

We are in support of this bill.

**Janine Hansen, representing Nevada Families Association:**

There are increasing numbers of C, D, and E felonies for election violations, and they are certainly nonviolent. I have increasing concerns over people being convicted on election issues and then losing their right to keep and bear arms. I do think that violating election laws is an important issue, but I am concerned about a lifetime of being labeled a felon and losing the right to keep and bear arms as well as other rights with regard to election laws.

**Lynn Chapman, Chairman, Independent American Party, Washoe County:**

We want to be on the record as being in favor of this bill. It is a good one and I, too, really enjoy having A.B. 357 as being the number to this bill.

**Vernon Brooks, Private Citizen, Las Vegas, Nevada:**

A big "me too" to everything that has been said thus far. I want to add that I appreciate the judicial discretion in this process. I think this is a good bill.

**Roy Hardin, Private Citizen, Las Vegas, Nevada:**

I wanted to support this bill in January 2013 when President Obama ordered a report on gun violence. To the surprise of some, the report came back and said that guns are used defensively 500,000 to 3 million times per year, and an armed victim is much more likely to survive an attack and with less injuries. When we ban a class of people from owning firearms, we also have to realize that the right to own a firearm is also the right to life itself. When we ban a class of people from owning a firearm, we should do so very sparingly. One-time, nonviolent felons are just not a threat to society. On average, a murder suspect has already had four or more previous arrests, so it is quite a stretch to think that a one-time, nonviolent felon is a risk to the rest of society.



I know these bills have to get through Committee soon, but one thing I would like to see changed—if there is time; if there is not, it is no big deal—is the expansion of this bill to nonviolent class B and C felons as well. The reason being is that with violent crimes—as you step up from E to D to C, B, and A—it is very clear that each of those crimes is worse than the one before; however, with nonviolent crimes it gets a little murky. For instance, a public official can extort someone for \$500,000 and would get relief under this bill because it is a class D felony. However, if a private citizen extorted someone for \$10,000, it is a class B felony and they would not be able to have relief under this bill. Also, if someone stole \$10,000 from a construction site, that would be a class D felony; however, if someone stole \$650 from their employer which is a class C felony, or \$3,500 which is a class B felony, they would not have relief under this bill. I still think that is unjust. If there is time to amend the bill, I would like to see that happen.

**Chairman Hansen:**

Would you email copies of the 2013 report to our Committee? I would like to see it.

**Roy Hardin:**

Yes, I will.

**Chairman Hansen:**

Is there anyone else in Las Vegas who would like to testify in favor of A.B. 357?

**John Ridgeway, Private Citizen, Las Vegas, Nevada:**

I feel this bill will help complete the constitutional process. We have a due process that starts severing someone from their rights, and they have a right to free speech and things of that nature. There should also be a really good closure. Once they have served their time and their penalties and proven themselves not to be repeat offenders, I think this bill satisfies a constitutional situation.

[([Exhibit D](#)) and ([Exhibit E](#)) were submitted but not discussed.]

**Chairman Hansen:**

Is there anyone else in Carson City who would like to testify in favor at this time? [There was no one.] Is there anyone in Carson City or Las Vegas who is against A.B. 357? [There was no one.] Is there anyone in the neutral position

who would like to testify at this time? [There was no one.] We will close the hearing on A.B. 357, and open the hearing on Assembly Bill 404, which will also be presented by Assemblywoman Fiore. It revises provisions concerning the issuance and renewal of permits to carry concealed firearms.

**Assembly Bill 404: Revises provisions concerning the issuance and renewal of permits to carry concealed firearms. (BDR 15-840)**

**Assemblywoman Michele Fiore, Assembly District No. 4:**

Assembly Bill 404 is a straightforward bill that serves two purposes. First, it temporarily extends the expiration date of a concealed firearm permit while a person or new resident is waiting for their renewal or permit to be processed. Second, it will ensure timeliness and consistency when processing the National Firearms Act (NFA) sign-offs from chief law enforcement officers.

Daniel Reid from the National Rifle Association (NRA) is here with me, and I have asked him to explain the sections of the bill to the Committee.

**Daniel Reid, representing the National Rifle Association:**

This is an amendment ([Exhibit F](#)) to A.B. 404, so it does two things. It provides for the consistent, fair, and timely processing of necessary certification by chief local law enforcement officers on items regulated by the NFA, and it makes changes as far as expirations on concealed carry weapons (CCW). In the amendment, section 0.5 is the section that deals with the processing of the sign-offs for the necessary form to acquire an item governed by the NFA.

**Chairman Hansen:**

Let me interrupt you. The amendment is substantially longer than the original bill, so we are talking about the amendment at this point, correct?

**Daniel Reid:**

Yes.

**Chairman Hansen:**

We will toss out the original A.B. 404 and go to the amended version.

**Daniel Reid:**

Section 0.5 of the amended version is the portion dealing with the NFA sign-off. Items covered by the NFA are short-barreled rifles or short-barreled shotguns, suppressors, et cetera. In order to obtain one of those items, there are two passes that someone could use to obtain one of those either as an individual or as a trust. I want to make it clear that these items are already legal to own under Nevada law; this is simply dealing with the process for

obtaining them. When you are obtaining one of the items as an individual, you need to get an extra sign-off portion as opposed to obtaining through a trust. That extra sign-off is a sign-off by your chief local law enforcement officer. He is signing off on item 17 on Form 4. Essentially what it says is that he has no knowledge that this item will be used for anything other than lawful purposes and that by state law you are not prohibited from owning a firearm.

This amendment states that when one of these forms comes into the chief local law enforcement officer, he needs to process it within 15 days of receipt and provide the certification if the applicant is not prohibited by law from receiving or possessing a firearm, or is not the subject of a proceeding that could result in the applicant being prohibited from possessing a firearm. If law enforcement is unable to make the determination, they need to provide the response in writing as relating to the denial. It also adds some definitions, including: (1) the definition of a chief local law enforcement officer, (2) what certification means—which is on Form 4, and (3) what a firearm is—which is covered under NFA 26 U.S.C. Chapter 53. It also sets forth a process for appealing in the event an applicant is denied.

Section 1 of the amendment makes no changes to current law. Section 2 is dealing with permits. The renewal says that if you apply for a permit and you have not received a decision, your permit will remain valid until you get a decision, assuming it has not been obtained or revoked prior to that time. This portion also makes a change. In the original bill, there were refunds for fees and that is being taken out.

Section 3 makes no changes. Section 4 deals with former nonresidents who are becoming residents. Nevada law requires that you apply within 60 days. Right now, the sheriffs have 120 days to process a permit, so this says that a valid out-of-state permit will remain valid so long as they have proof they have applied for a new permit, until they get a decision.

**Chairman Hansen:**

Are there any questions from the Committee? [There were none.]

**Daniel Reid:**

I left out a very critical component of this. It also provides indemnification for the chief local law enforcement officer who is signing off on these forms. As long as they are doing so in good faith, they are immune from any liability arising from any act or omission in making this certification. That is really critical and protects our law enforcement in signing off on these things.

**Chairman Hansen:**

Thank you for that clarification. With that, I will open it up to the general public. Is there anyone who would like to testify in favor of A.B. 404?

**Brian Wilson, Private Citizen, Las Vegas, Nevada:**

Ditto on the NFA items. As far as the CCWs, and in Las Vegas specifically, it is common for law enforcement to take 120 days and sometimes longer to approve a renewal. This bill simply solves the problem with paperwork and, as long as you get your application in before your old one expires, your old one remains valid until they make a decision and issue you a new one. It does not really change the qualifications, and it does not affect anything other than just that lapse in time while paperwork is stuck on a desk somewhere. I fully support this bill.

**Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office:**

We are here in support of the NRA and the proposed language in section 5. We worked with Dan Reid on this, and our sheriff supports it. We like the nonrefundable fee change in the proposed amendment. The Washoe County Sheriff's Office processes CCWs in less than 120 days unless there is an issue—sometimes the applicant may need a court disposition or some other thing. We have the staff and the capability to move these things through as does our counterpart at the Las Vegas Metropolitan Police Department (LVMPD). It is not always our fault if something is sitting on the desk. We are capable of moving these things through within the statutory guideline, but often it is something other than our agency's fault. We are in support of this bill.

**Chairman Hansen:**

Does it need some kind of cleanup language on the 120 days?

**Eric Spratley:**

It is my first look at it this morning. Like you, I was getting showered on with things this last week, so I am trying to get my head around it. I will talk with my counterparts and make sure this is going to work for us.

**Assemblyman Elliot T. Anderson:**

I am looking at subsection 5 of the amendment where it talks about background checks with a "may." Is there any circumstance where LVMPD, your office, or anyone that you know of would not do a background check? I believe it is for machine guns and other types of weapons if I looked at the site provided in the bill, correct?

**Eric Spratley:**

I would have to defer to Dan Reid of the NRA for a specific answer to it, but my understanding is that when we are just signing off, we are not aware of anything that would prohibit the person locally from obtaining that piece of equipment for the specific firearm. I think it allows us to conduct a background check to further look at it, but the main background part would be done by the federal government.

**Megan Bedera, representing the Nevada Firearms Coalition:**

I am speaking in support of this legislation and thanking Assemblywoman Fiore for bringing it forward, specifically the portion in regard to the CCW renewals. Concealed carry renewals have been a huge concern for many of our members, as well as Nevadans across the state. We want to make sure we are not penalizing people—who are not the most punctual people in Nevada—for following the law and getting the permits and making sure that we do not let them fall through the cracks and inadvertently subject them to fines and even more aggressive penalties.

**Carol Howell, President, Northern Sierra Ladies Gun Club:**

On a personal note, I would appreciate your passing this as my CCW expires this year and, through no fault of my own, I would not like to have the gap in the time that I apply for it and the time that it is issued. I would appreciate your support on this.

**Vernon Brooks, Private Citizen, Las Vegas, Nevada:**

The amendment regarding NFA items becoming effectively "shall issue" is a good improvement. It should expedite the process along for people who are interested in that sort of purchase. Closing up the gaps is an important one. This is a regular problem. In the past, you could not start the renewal process until 120 days before expiration, so unless you were standing there in the building on the day, it was entirely likely that you were going to have at least a brief gap, if not a month or two, between your old CCW being valid and your new one taking effect.

In addition, the language is added for out-of-state persons moving here and covering the gap that they inherently experience. Currently, the 60-day requirement means that they come here before they move into their new place, immediately take the CCW class, file their paperwork on the very first day that they get here, and they will still be without coverage of a concealed permit for a couple of months. This minor change is actually a fairly significant improvement for people coming here and we welcome them.

**Chairman Hansen:**

Is there anyone else in Carson City or Las Vegas who would like to testify in favor of A.B. 404 at this time? [There was no one.] Is there anyone who would like to testify against A.B. 404? [There was no one.] Is there anyone neutral?

**Chuck Callaway, Police Director, Office of Intergovernmental Services,  
Las Vegas Metropolitan Police Department:**

I am here today as neutral on the mock-up amendment. I appreciate Mr. Reid from the NRA and also Mr. Wilson from Assemblywoman Fiore's staff reaching out and having some discussions on this prior to the hearing today. The reason I am neutral on section 0.5 is that I believe some of the recommended changes are positive in the fact that it provides indemnification for the sheriff and it also creates a more structured process. On the other side of the coin, I know that it makes it "shall," which takes away the discretion of the sheriff. There are some law enforcement agencies in the country, such as the National Sheriffs' Association, that have expressed concerns about it when the same bill proposal has come up in other states. I wanted to reflect that on the record.

I would like to talk about the section on keeping the permit valid until the new one is approved. I certainly support that. I am glad that Assemblywoman Fiore has stricken out the refund portion. The only suggested change that I would ask for is putting a time frame in there because we do not want to encourage people to come in at the very last second. We do not want people to come in the day their permit expires and then expect the permit to remain valid. Currently, it is taking us about 90 days. In the past, we have been at the 120-day mark, depending on resources and the number of applications we receive. We expect that when the handgun registration program is repealed, we will be able to put additional resources toward CCW processing, which could even further reduce our numbers. In section 2 of the amendment where it says, "The permittee submits to the sheriff an application for a review of the permit," I would like to see the words 60 days or 30 days prior to the expiration date in there, so if the person shows good faith and comes in a period of time prior, their permit would be valid until it is renewed rather than if they show up the day before it is to renew and expect it to be valid throughout. I do not know if Assemblywoman Fiore is in agreement with that.

**Chairman Hansen:**

Are there any questions? [There were none.] I have a question on that exact point. I realize my CCW is going to expire and I show up the day before. It takes 60 or 90 days to process. What do I do currently in that window? I cannot legally carry a CCW, correct?

**Chuck Callaway:**

You are correct. You come in on the day your permit expires and the next day we are working on it but your permit has expired. If you can present to us a legitimate concern of why you need your permit extended, such as someone is out there threatening you or you carry large sums of money to and from your business, we can submit a request to the sheriff to provide you a temporary permit until your new permit has been approved. That is usually the exception rather than the rule. I do not think most people even know they can potentially get a temporary permit, so we usually do not have a lot of requests for it.

[([Exhibit G](#)) and ([Exhibit H](#)) were submitted but not discussed.]

**Chairman Hansen:**

Are there any questions? [There were none.] Is there anyone else who would like to testify in the neutral position on A.B. 404? [There was no one.] I will bring the sponsor back up. Is there anything you need to add?

**Assemblywoman Fiore:**

Regarding Roy Hardin's concern on Assembly Bill 357, I would like Mr. Hardin to look on the Nevada Electronic Legislative Information System. I think he will be pleasantly surprised with all of the amendments.

To address Mr. Callaway's concerns on A.B. 404, just so everyone is crystal clear, we cannot put our application in to the sheriff to get our CCW permit extended more than 120 days. I am totally willing to work with our sheriff. If he would like a 30-day window, I am okay with that. Most people do not know that you can get a temporary permit because once your permit expires, it takes time to get a temporary. This is just an easy fix to this whole thing.

I also want to make it clear to our sheriffs across Nevada that it is not their fault our CCW permits are delayed. I think they might have taken offense thinking that I thought they were lazy and not doing their job. That is not the issue. The issue is with our federal government because sometimes Washington takes longer. It is not our Nevada sheriffs or police, it is the federal government. This bill is to bridge that gap, and that is why this bill is so important.

With Assemblyman Anderson's question I feel we have reinforced a second part to make it even harder, so everyone gets background checks. Now the sheriff has to sign off on it. It is literally more of a cleanup.

**Chairman Hansen:**

We will close the hearing on A.B. 404 and open the hearing on Assembly Bill 352. This bill revises provisions relating to permits to carry concealed firearms.

**Assembly Bill 352: Revises provisions relating to permits to carry concealed firearms. (BDR 15-1070)**

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

As I present Assembly Bill 352 to you, I am also presenting an amendment ([Exhibit I](#)). After much feedback, I would ask you to look at the amendments I proposed from the original bill. I greatly simplified this bill. You will see that most of the bill has been deleted.

The premise of the bill is very simple. A person with a concealed firearm permit, who has had training and has been through federal, state, and local background checks, should not be considered a criminal for carrying their concealed firearm in the same place where it is currently legal to open carry a firearm. Let me give you an example. Right now, it is perfectly legal for me to walk into the Department of Motor Vehicles (DMV) carrying my firearm. Our state *Constitution* guarantees us that right; however, if I were to walk in that very same DMV building carrying the very same firearm, only this time my firearm was covered by my jacket, I would be considered a criminal even though I have a concealed firearm permit. As I go through the sections of this bill, I will ask you to keep in mind nothing in this bill changes where it is legal to carry a firearm. The only thing this bill does is change whether or not we are allowed to wear a jacket when carrying a firearm.

I brought Brian Wilson, a policy advisor, and Daniel Reid from the National Rifle Association (NRA) who will help go through sections 2 and 3 of the bill. You will also see that there is an email memorandum ([Exhibit J](#)) from the Legislative Counsel Bureau (LCB) and the legal staff regarding the current law that exists now.

**Brian Wilson, Private Citizen, Las Vegas, Nevada:**

I think Assemblyman Ellison eloquently explained the purpose of the bill. It is very simple. We have a hole in our law where open carry is legal in most public buildings in the nonsecure areas—places that are open to public access—and it is perfectly legal to carry firearms in those buildings. Thanks to one word in the



law, if you have a concealed firearm permit and you carry your concealed weapon in that same exact building, you are a criminal. All this bill does is set that straight. It sets the same standard that anywhere you can legally open carry your firearm already, you can also legally carry your concealed firearm if you have a permit. It is as simple as that.

**Chairman Hansen:**

Are there any questions for Mr. Wilson? [There were none.] Is there anyone else who would like to testify in favor of A.B. 352?

**Janine Hansen, representing Nevada Families Association:**

We support this bill, we think it is reasonable, and we believe in the right to keep and bear arms.

**Lynn Chapman, Chairman, Independent American Party, Washoe County:**

We want to go on the record as supporting this bill.

**Megan Bedera, representing the Nevada Firearms Coalition:**

We greatly appreciate the sentiment behind this legislation and the amendment, and we appreciate Assemblyman Ellison for bringing it forward. I did not have a lot of time to review it this morning, so if we have any detailed comments or concerns, we will certainly be sending those along with the emails.

**Carol Howell, President, Northern Sierra Ladies Gun Club:**

Yes, we are in support of this bill. It does not make sense that we can open carry, and because we have a CCW, we cannot wear our jackets. Please support this bill.

**Vernon Brooks, Private Citizen, Las Vegas, Nevada:**

I cannot say a whole lot about a bill that is short, and that is probably a good thing. I want to say stop jacket discrimination now. This is an improvement to that situation. A question came up in one of my social circles recently, about going to a public building where the only lawful way to carry is open carry. Is that incompatible with wearing a suit? The conclusion that was drawn after several hundred comments was, yes, it is. We could not think of any practical way to carry our firearm lawfully while wearing a suit. Since I noticed many of you are wearing suits, I thought this might be of interest.

**Daniel Reid, representing the National Rifle Association:**

We are in support of this bill. As Ms. Bedera said, we are still going through this but if there are any issues, we will definitely voice them to the Committee.

**Assemblyman Elliot T. Anderson:**

While looking at section 2, subsection 3(b), of the amendment, it is changing "or" to "and." The way I read it is that for all the buildings that have signs posted up that say "No firearms" but then do not have metal detectors, a concealed weapon would be allowed in the building. There is a specific prohibition of law for the Legislative Building, so for the Grant Sawyer State Office Building or the Supreme Court, the way I read it is that if they do not have a metal detector because it is now an "and," then that sign would be null and void and would not have any legal effect.

**Brian Wilson:**

If you refer to the legal opinion on open carry in public buildings, you will see that not all areas of the building are open access. So as a general rule, the nonsecure and open areas of a public building where you can walk around and are not in a protected area, you can open carry a firearm. This change of "or" to "and" applies that same standard to a concealed firearm. Secure locations of public buildings that are closed off to public access are not open access. You would still have the same prohibition for both concealed or open carry firearms.

**Assemblyman Elliot T. Anderson:**

Would you point me to the part in the bill exactly how that applies? It just says "A public building that has a metal detector at each public entrance and a sign posted at each public entrance." The root of that is "a permittee shall not carry a concealed firearm while the permittee is on the premises." It does not talk about secure areas. It just says if it does not have a metal detector and the sign, then that is when you would be prohibited. If it does not have a metal detector, then that means that even in areas where you are not allowed to open carry, such as here in the Legislative Building, it does not say that you cannot open carry, it says you cannot have a firearm. It is the same thing at the Grant Sawyer Building. It says "No firearms allowed." It does not make a distinction between open carry and concealed, does it?

**Brian Wilson:**

To help clarify this, understand that at the Grant Sawyer Building, the "No firearms" sign applies only to a concealed firearm. Under our current law—and it has always been this way in Nevada—the "No firearms" sign at the Grant Sawyer Building applies to nothing other than a concealed firearm. That same exact firearm, when not concealed, is perfectly legal in the Grant Sawyer Building. This is applying that same standard to the concealed firearm.

**Assemblyman Elliot T. Anderson:**

I guess they need a new sign then, because it does not make any sense that they would have a sign that says "No firearms" but then concealed is okay.

**Brian Wilson:**

I think where the confusion comes in on this is there is a very different distinction between a public place and private property. Wal-Mart, Safeway, or Costco is private property. They have private property rights and they can put up any sign they want. A public building with public access does not have the constitutional authority under our state *Constitution* to put up a sign excluding one class of people or one group of people or one type of thing. The only weight their sign carries under law is that it is public space. When you are walking into the Grant Sawyer Building, it is the same as walking down a public sidewalk. It is the same public property. The only statutory authority that the Legislature has given to public buildings is the ability to ban concealed firearms in their building with a sign. They have no authority to ban an open carry firearm. I have a hard time understanding why you would force a person who has had federal background checks and has gone through training, to open carry their firearm. This may make them uncomfortable when they are already licensed to carry a concealed firearm, you already know who these people are, and they are already proven trustworthy. As Assemblyman Ellison touched on with DMV, when I walk into DMV I have to take my firearm and expose it to people. I would much rather have it hidden since I have the permit for it.

**Chairman Hansen:**

I think the legal opinion we were just handed clarifies that there is no prohibition against open carry currently but there is against conceal carry, and that is the issue we are trying to address in the bill. Is there anyone else who would like to testify in favor of A.B. 352? [There was no one.] Is there anyone opposed to A.B. 352?

**Chuck Callaway, Police Director, Office of Intergovernmental Services,  
Las Vegas Metropolitan Police Department:**

I was in support of certain sections of the bill as written, but with the amendments that were proposed today, unfortunately, I have to come before you in opposition. My primary concern with this is requiring both signage and metal detectors for the Las Vegas Metropolitan Police Department (LVMPD). With our headquarters, we have three separate buildings with multiple entrances and exits for the public. We would have to put metal detectors on each and every one of those entrances to comply with this. What is the point of having a metal detector unless you have someone there manning it. We would have to use resources to put someone at each one of those entrances. In addition, we have eight substations also with several different entrances for the public,

so we would have to put metal detectors and signage for those substations, and that would be a significant fiscal impact for us. I do not have information today on what that fiscal impact would be, but I could certainly try to get that from our finance section.

I understand the distinction—it has been raised before between open carry versus conceal carry—and we respect the right of people to open carry. As Mr. Wilson said, there are some restrictions as far as where the public has access. We would not allow someone to carry a firearm back into an interview room that is behind a secure area while a detective is conducting an interview. We have many citizens who come in and out of our police substations on a daily basis—some of them are witnesses, some of them are potential suspects, and many of them are victims. If the person were to come in open carry and they had an interview with the detective or to provide a statement, before they went back and conducted that business the detective would obviously see that they are carrying a weapon. He would probably ask them to secure it before they went back and conducted business in the secure area of our headquarters building. However, if this bill were to change and they came in concealed, the detective would not even know whether or not they were carrying a weapon when they went back for that interview.

**Chairman Hansen:**

Is there actually a deletion that requires the metal detector? I was wondering where is it required that we have metal detectors?

**Chuck Callaway:**

I believe the way the language was changed, it says "and," so you would have to have signage and a metal detector if I read it correctly on the Nevada Electronic Legislative Information System.

**Chairman Hansen:**

I read it that where you have a metal detector now, you might have to have a sign, but I do not see where you are going to have to have a metal detector. We will work with the bill sponsor on that.

**Assemblyman Elliot T. Anderson:**

I read it the same way as Mr. Callaway. Section 2, subsection 3, paragraph (b) says that a permittee shall not carry a concealed firearm while in a public building that has a metal detector at each public entrance or a sign posted. I think the "and" definitely reads that way. In looking at our Legal Division's memorandum on the law, there is no specific statutory provision that says you

are not allowed to open carry in your interview room. The way that Legal's argument reads is that you could not prohibit it now. I think there is a gap in the law, but I am not sure I am seeing the same gap. I am seeing a different gap where maybe there are certain places that should not be open carry, including an interview room when you are interviewing a suspect.

**Chuck Callaway:**

First of all, as a disclaimer, I am not an attorney or the LCB, but my understanding—I believe Mr. Wilson alluded to this in his testimony—is that it applies to areas where the public has access. If there is a secure area of the building such as an interview room where witnesses or suspects would go, that area would not be an area that the public normally has access to, so they would not be able to conceal carry or open carry in those areas. I would defer to LCB for the official legal opinion on it.

**Chairman Hansen:**

I think the intent was never to force everyone to get metal detectors, so I am pretty sure we can clean up that language and make it very clear in the bill.

**Assemblyman Gardner:**

I have a question regarding your substations and offices. I have been to some of your substations, and they are basically set up like a bank. You go to a small frontal area, and everyone is behind the one-inch or one-half inch Plexiglas. Are you saying that it is not secure now? Why would you need the metal detectors when it already seems to be secure? Even if someone brought in a gun, there is no checking on whether or not they are bringing in a gun.

**Chuck Callaway:**

I believe the substations would be much easier than the headquarters complex for us to—keep in mind that we have other off-sites as well. We have our dispatch center and we have a site off of Cameron Street that has different entrances. The substations do have one entrance for the public. There are no metal detectors. I believe we have signs posted regarding firearms. You could not get past the front counter back to the secure area unless someone buzzed you in. Currently, you would be able to open carry in the front area, but if you had to go back and speak with an officer or someone in the back of the facility, then you would have to be buzzed into that secure area.

**Assemblywoman Fiore:**

First, in all of our substations in Clark County we have not had a concealed weapons permit holder come anywhere in any of your locations and create a ruckus or shoot anyone. Please verify that. Secondly, when you have

interviews behind the nonsecured area, you know who is coming in because the appointment is set. Do you not do a background check on them to see if they have a concealed weapons permit, or are you off the cuff and you do not know who you are talking to?

**Chuck Callaway:**

To the best of my knowledge, you are correct. I am not aware of any cases where a concealed carry weapon permit holder came in and caused a problem in the front office. I would have to research that, but I am not aware of it.

Secondly, we currently register firearms at our substation, so people come in with handguns to register them. It is quite common for people to come into the front lobbies of our area commands with firearms for the purposes of registration. We do not do background checks prior to interviews. We have so many people coming and going on a daily basis, especially through our headquarters building, that just the logistics of trying to do a background check on each of them would be very cumbersome.

**Assemblywoman Fiore:**

Just for the record, I do my homework, so you do not need to go and check because I have already done that, and we have not had any issue with CCW holders in Clark County coming in and shooting up any of our substations.

Concerning the metal detectors—you do not have to have the metal detectors implemented, so there is no fiscal note. This is not a problem. The "would have, could have, should have, imagine what is going to happen in the future" has no relevance with me.

**Chairman Hansen:**

It is an interesting question. We will make sure the metal detector language is straightened out in the bill.

**Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County:**

I share some of the same concerns as Mr. Callaway from LVMPD. Until this gets clarified, we still have to oppose. Clark County currently bars firearms from our facilities with the use of a metal detector or a sign at each of our facilities. We currently have eight facilities which have metal detectors. The county has over 300 buildings that we own or lease, and we believe this would give a fiscal impact to our operations if we had to go ahead and put forth a sign issued to the metal detector. My understanding is that metal detectors

cost between \$3,000 and \$6,000. I know this is not a fiscal committee, but as you can imagine, for us trying to accommodate the requirement of this bill with adding metal detectors at our facilities at multiple entrances per facility could be very costly to the county.

**Chairman Hansen:**

Are there any questions? [There were none.] Is there anyone in Carson City or Las Vegas who would like to testify against A.B. 352? [There was no one.] Is there anyone who would like to testify in the neutral position?

**Robert Vester, Chief of Airport Police, Reno-Tahoe Airport Authority:**

I originally came here today to testify against A.B. 352; however, I have not had an opportunity to completely review all of the amendments that were submitted, so I would like to take this position. I do have some of the same concerns Assemblyman Anderson had, but I would like to take this back to our legal department before we proceed.

**Dagny Stapleton, Deputy Director, Nevada Association of Counties:**

We want to thank Assemblyman Ellison for having conversations and talking with us about this bill. We want to get it down on the record something similar to what Clark County said. There are counties that currently post signs regarding regulation of firearms and, as we read it initially, it looks like this would require those counties to get metal detectors. If that is not the intent, then we are comfortable with it and we appreciate it. We just wanted to say on the record that that would have a fiscal impact for some counties.

**Chairman Hansen:**

We will definitely get the language corrected so it will not be a requirement. Is there any further testimony in the neutral position? [There was none.] Assemblyman Ellison, are there any last minute details that you would like to provide to the Committee?

**Assemblyman Ellison:**

Am I carrying a gun right now? If I walked in this building with a gun on my side, people would be looking at me like I was a criminal. I carry a weapon everywhere, and I carry a concealed weapon. The reason I keep it concealed is that I do not want anyone to know I have a weapon. Now everyone in the world knows. The reason I want this bill to come out is not to break any laws or create any kind of need for metal detectors or anything like that, but it is to protect the public in concealed carry. That is what it means: concealed.

[([Exhibit K](#)) and ([Exhibit L](#)) were submitted but not discussed.]

**Chairman Hansen:**

We will close the hearing on A.B. 352 and open it up for public comment. Is there anyone in Carson City or Las Vegas who would like to address the Committee at this time? [There was no one.] We will close public comment and go to Committee business.

One piece of business is that we passed Assembly Bill 31 out of this Committee. I think it was pretty close to a party line vote. It is on general file today, and I am going to move it back to the Chief Clerk's desk for the purpose of an amendment. There have been some issues with the Department of Corrections I do not feel have been cleared up and until they are, I think we are going leave it, unless this Committee has specific objections to it. We are going to move it unless there is an objection. [There were none.]

If you have noticed, there are a huge number of bills for work sessions. We are going to have a series of meetings, and everyone needs to review those. If you have specific objections to the bills, now is the time to let us know. I would prefer you meet with me, if you can, prior to hearings on certain ones so if there are issues we can see if we can resolve them. We will see if we have the votes to move it but if we do not, then I will not bring them forward. They are all currently in work session, and we will be adding some additional ones as well. Is there any further Committee business that we need to bring up? [There was none.] This meeting is adjourned [at 9:06 a.m.].

RESPECTFULLY SUBMITTED:

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Linda Whimple  
Committee Secretary

APPROVED BY:

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Assemblyman Ira Hansen, Chairman

DATE: \_\_\_\_\_



**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** April 6, 2015

**Time of Meeting:** 8 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 357	C	Assemblywoman Fiore	Proposed Amendment
A.B. 357	D	Nevada Firearms Coalition	Letter in Support
A.B. 357	E	Stillwater Firearms Association	Letter in Support
A.B. 404	F	Assemblywoman Fiore	Proposed Amendment
A.B. 404	G	Nevada Firearms Coalition	Letter in Support
A.B. 404	H	Stillwater Firearms Association	Letter in Support
A.B. 352	I	Assemblyman Ellison	Proposed Amendment
A.B. 352	J	Brad Wilkinson, LCB	Email Memorandum
A.B. 352	K	Nevada Firearms Coalition	Letter in Support
A.B. 352	L	Stillwater Firearms Association	Letter in Support