

**MINUTES OF THE SUBCOMMITTEE OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
May 14, 2015**

The subcommittee of the Senate Committee on Judiciary was called to order by Chair Greg Brower at 9:38 a.m. on Thursday, May 14, 2015, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SUBCOMMITTEE MEMBERS PRESENT:

Senator Greg Brower, Chair
Senator Scott Hammond
Senator Aaron D. Ford

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Brian Wilson, Policy Advisor to Assemblyman John Ellison
Connie Westadt, Committee Secretary

OTHERS PRESENT:

Janine Hansen, Nevada Families for Freedom
John Wagner, Independent American Party
Brett Kandt, Special Assistant Attorney General, Office of the Attorney General
David Carter, Nevada Legislative Affairs Committee

Chair Brower:

We will open the hearing on Assembly Bill (A.B.) 100.

ASSEMBLY BILL 100: Requires the Attorney General to bring an action to protect and secure certain constitutional rights of residents of this State under certain circumstances. (BDR 18-50)

Brian Wilson (Policy Advisor to Assemblyman John Ellison):

I am representing Assemblyman John Ellison, Assembly District No. 33, who is unable to be here today. Assembly Bill 100 is designed to protect the rights of Nevada citizens. The Second Amendment to the United States Constitution reads, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The Second Amendment is simple and straightforward. The right to bear arms shall not be infringed. It is the most basic right we have to self-defense. However, our federal government from time to time seeks ways to circumvent this right through executive orders or other more subversive actions. Our right to bear arms is continually under threat.

Assemblyman Ellison sponsored A.B. 100 to ensure Nevadans' Second Amendment rights are not trampled. We have the pleasure of a friendly Attorney General who protects our Second Amendment rights. Recently, the Attorney General joined with 22 other state attorneys general to help block an executive order to ban ammunition of one of the most common rifle calibers. In the past, we have not been so lucky with our Attorney General being willing to defend our rights from these kinds of attacks.

Under the provisions of A.B. 100, if directed by the Governor or if the Attorney General determines that the Second Amendment rights of the residents of the State of Nevada have been infringed by an executive order issued by the President of the United States and it is necessary that a suit be commenced in any federal or State court, the Attorney General shall commence the action. In the Assembly, the Office of the Attorney General supported this bill.

Janine Hansen (Nevada Families for Freedom):

We support A.B. 100. There are national threats to which this bill will provide a response. The Constitution of the State of Nevada provides the undergirding for A.B. 100. Article 1, section 1 provides:

All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness.

Article 1, section 11 says, "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes." The Nevada Constitution goes beyond the Second Amendment by providing specific rights. We cannot exercise our rights if we have an executive order that infringes on them. Article 1, section 20 says, "Rights retained by people. This enumeration of rights shall not be construed to impair or deny others retained by the people." Assembly Bill 100 is reasonable in light of recent actions. We need a remedy to protect our rights.

John Wagner (Independent American Party):

We agree with Ms. Hansen's testimony. In the past, guns have been confiscated. In New Orleans, the mayor confiscated guns and the homes of residents were looted. It is not just this President. It could happen under any President.

Brett Kandt (Special Assistant Attorney General, Office of the Attorney General):

The Attorney General and all who serve under him have taken an oath to protect and defend the Constitution of the United States. The Office of the Attorney General will take all appropriate action to zealously defend the constitutional rights of Nevadans from any infringement. To the extent the Legislature deems it appropriate to provide a specific policy directive to the Attorney General to take action to defend the Second Amendment rights of Nevadans against infringement by the federal government, the Office of the Attorney General will respect and abide by that directive.

Chair Brower:

Does the Attorney General agree that both the State of Nevada and the federal government can impose reasonable restrictions on firearm possession and use in our State?

Mr. Kandt:

That is a hypothetical question. You are talking about reasonable restrictions as the qualifier.

Chair Brower:

For example, are there both federal and State laws restricting the possession, use and sale of firearms by Nevada citizens?

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Mr. Kandt:

Yes.

Chair Brower:

Does the Attorney General believe any of those laws are unconstitutional?

Mr. Kandt:

You are speaking very broadly. I am hesitant to make a broad response.

Chair Brower:

Has the Attorney General initiated any litigation challenging the constitutionality of any federal or State firearms law or has he opined that any of those laws are unconstitutional?

Mr. Kandt:

I would have to check and get back to you.

David Carter (Nevada Legislative Affairs Committee):

I agree with the testimony given in support of A.B. 100. I personally think that reasonable restrictions on Second Amendment rights are acceptable like those found by the courts to be reasonable restrictions on our First Amendment right to free speech. We cannot yell "fire" in a crowded theater. The question is what is reasonable. That will be where lines will have to be drawn. I support A.B. 100.

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Chair Brower:

We will close the hearing on A.B. 100 and adjourn at 9:48 a.m.

RESPECTFULLY SUBMITTED:

Connie Westadt,
Committee Secretary

APPROVED BY:

Senator Greg Brower, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster