

**MINUTES OF THE JOINT MEETING  
OF THE  
ASSEMBLY COMMITTEE ON JUDICIARY  
AND THE  
SENATE COMMITTEE ON JUDICIARY**

**Eightieth Session  
April 1, 2019**

The joint meeting of the Assembly Committee on Judiciary and the Senate Committee on Judiciary was called to order by Chairman Steve Yeager at 8:06 a.m. on Monday, April 1, 2019, in Room 4100 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, and to Room 102, McMullen Hall, Great Basin College, 1500 College Parkway, Elko, 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/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**ASSEMBLY COMMITTEE MEMBERS PRESENT:**

Assemblyman Steve Yeager, Chairman  
Assemblywoman Lesley E. Cohen, Vice Chairwoman  
Assemblywoman Shea Backus  
Assemblyman Skip Daly  
Assemblyman Chris Edwards  
Assemblyman Ozzie Fumo  
Assemblywoman Alexis Hansen  
Assemblywoman Lisa Krasner  
Assemblywoman Brittney Miller  
Assemblywoman Rochelle T. Nguyen  
Assemblywoman Sarah Peters  
Assemblyman Tom Roberts  
Assemblywoman Jill Tolles  
Assemblywoman Selena Torres  
Assemblyman Howard Watts

**ASSEMBLY COMMITTEE MEMBERS ABSENT:**

None



**SENATE COMMITTEE MEMBERS PRESENT:**

Senator Nicole J. Cannizzaro, Chair  
Senator Dallas Harris, Vice Chair  
Senator Marilyn Dondero Loop  
Senator James Ohrenschall  
Senator Melanie Scheible  
Senator Scott Hammond  
Senator Ira Hansen  
Senator Keith F. Pickard

**SENATE COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Sandra Jauregui, Assembly District No. 41  
Senator Yvanna D. Cancela, Senate District No. 10

**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Patrick Guinan, Committee Policy Analyst  
Bradley A. Wilkinson, Committee Counsel  
Nicolas Anthony, Committee Counsel  
Traci Dory, Committee Secretary  
Lucas Glanzmann, Committee Secretary  
Linda Whimple, Committee Secretary  
Cheryl Williams, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Chelsea Parsons, Vice President, Gun Violence Prevention Policy, Center for American Progress  
Mike McLively, Senior Staff Attorney, Giffords Law Center to Prevent Gun Violence, San Francisco, California  
Todd P. Sklamberg, Chief Executive Officer, Sunrise Hospital and Medical Center, Las Vegas, Nevada  
Matt Griffin, representing Everytown for Gun Safety  
Annette Magnus, Executive Director, Battle Born Progress  
Chris Giunchigliani, Private Citizen, Las Vegas, Nevada  
Justin C. Jones, Private Citizen, Las Vegas, Nevada

Michael Collins, Private Citizen, Las Vegas, Nevada  
John M. Saludes, Vice Chair, Nevada Gun Safety Coalition  
Marlene Lockard, representing Nevada Women's Lobby  
Christiane Brown, Co-President, Brady Campaign to Prevent Gun Violence, Northern Nevada Chapter  
Heather Sallan, Private Citizen, Las Vegas, Nevada  
Elaine Sanchez, Private Citizen, Las Vegas, Nevada  
Andrew Woods, Executive Director, Save Lives Nevada  
Paulina Pelacios, Private Citizen, Henderson, Nevada  
Diana Loring, State Legislative Lead, Moms Demand Action for Gun Sense in America, Nevada Chapter  
Chip Evans, representing Indivisible Northern Nevada  
Geena Marano, Member, Moms Demand Action for Gun Sense in America, Nevada Chapter  
Sara Diss, Member, Moms Demand Action for Gun Sense in America, Nevada Chapter  
Lisa Hendricks, Member, Moms Demand Action for Gun Sense in America, Nevada Chapter  
Briana Escamilla, Nevada State Director, Human Rights Campaign  
Stephan Page, Northern Nevada Organizing Lead, Human Rights Campaign  
Leonard B. Jackson, Executive Director, Faith Organizing Alliance, Las Vegas, Nevada  
Vince Spotleson, District Director, First Congressional District, Nevada  
Daniel Reid, Western Regional Director, National Rifle Association of America  
Michael Findlay, Director of Government Relations and State Affairs, National Shooting Sports Foundation, Inc.  
Randi Thompson, representing Nevada Firearms Coalition  
Hal Greene, Private Citizen, Las Vegas, Nevada  
John Hermeler, Private Citizen, Las Vegas, Nevada  
Nick Alfonsetti, Private Citizen, Mesquite, Nevada  
Danielle Kohler, Private Citizen, Elko, Nevada  
Jeff Polish, Private Citizen, Elko, Nevada  
Lee Hoffman, Private Citizen, Elko, Nevada  
Anthony B. Wojcicki, Private Citizen, Carson City, Nevada  
Steve Johnston, Private Citizen, Reno, Nevada  
Jay Jacobson, Private Citizen, Minden, Nevada  
Julie Dianda, Private Citizen, Carson City, Nevada  
Samuel Peters, Private Citizen, Las Vegas, Nevada  
Mack Miller, Private Citizen, Las Vegas, Nevada  
Cody Cunningham, Private Citizen, Las Vegas, Nevada  
Clinton McGarr, Private Citizen, Elko, Nevada  
Maurice White, Private Citizen, Carson City, Nevada  
Janine Hansen, State President, Nevada Families for Freedom  
Phil Nicholas, Private Citizen, Gardnerville, Nevada

Gregory Ross, Private Citizen, Reno, Nevada  
Vernon Brooks, Private Citizen, Las Vegas, Nevada  
Joel Friedman, Private Citizen, Las Vegas, Nevada  
Jeffrey Watson, Private Citizen, Henderson, Nevada  
Kim Cantacessi, Private Citizen, Fernley, Nevada  
Jim DeGraffenreid, Private Citizen, Carson City, Nevada  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas  
Metropolitan Police Department  
Juanita Cox, Chairman, Citizens In Action  
Darchel Mohler, Private Citizen, Las Vegas, Nevada  
Jacob Mohler, Private Citizen, Las Vegas, Nevada  
Zach Conine, State Treasurer  
David O. Antonuccio, Private Citizen, Reno, Nevada  
Nicholas Marquart, Private Citizen, Las Vegas, Nevada  
Evan Louie, Private Citizen, Las Vegas, Nevada  
Kimberly Carden, Secretary, Nevada Gun Safety Coalition  
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County  
District Attorney's Office  
Linda Ruby, Private Citizen, Las Vegas, Nevada  
Daelyn Buch, Private Citizen, Las Vegas, Nevada  
John Buch, Private Citizen, Las Vegas, Nevada  
Ronda Malailua, Private Citizen, Henderson, Nevada  
Cheryl Loudermilk, Private Citizen, Boulder City, Nevada  
Kevin Jackson, Private Citizen, Las Vegas, Nevada  
Cassandra Rice, Private Citizen, Henderson, Nevada  
Jon Perry, Private Citizen, Las Vegas, Nevada  
Robert S. Uithoven, representing the National Rifle Association of America  
Andrew Quinn, Private Citizen, Carson City, Nevada  
Patti Jesinoski, Private Citizen, Henderson, Nevada  
Richard Brengman, Private Citizen, Yerington, Nevada  
Bob Russo, Private Citizen, Gardnerville, Nevada  
Peter O'Connor, Private Citizen, Carson City, Nevada  
Joseph R. Banister, Private Citizen, Silver Springs, Nevada  
Patrick Foster, Private Citizen, Boulder City, Nevada  
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada  
Jane Adams, Private Citizen, Las Vegas, Nevada  
Jared Raman, Private Citizen, Spanish Springs, Nevada  
Mary Porter, Private Citizen, Gardnerville, Nevada  
Tim Stoffel, Private Citizen, Reno, Nevada  
Timothy Brown, Private Citizen, Las Vegas, Nevada  
Trebion Wilson, Private Citizen, Las Vegas, Nevada  
Shawn Meehan, Private Citizen, Minden, Nevada  
Jim Verrees, Private Citizen, Las Vegas, Nevada  
Marla Turner, Private Citizen, Carson City, Nevada

**Chairman Yeager:**

[Roll was called and protocol explained.] We will be taking one of the bills this morning and then hearing our second bill at 6 p.m. to make sure that each one has adequate time. I will open the hearing on Assembly Bill 291.

**Assembly Bill 291: Revises provisions relating to public safety. (BDR 15-759)**

**Assemblywoman Sandra Jauregui, Assembly District No. 41:**

I have always been an advocate for gun safety. I supported the background check initiative in 2016, and have always supported sensible reform to put an end to gun violence and the meaningless tragedies that come with it. Before I turn the presentation over to Chelsea Parsons with the Center for American Progress, Mike McLively with the Giffords Law Center, and Todd Sklamberg with Sunrise Hospital, I would like to share my own personal story of gun violence and why I am bringing this bill forward. I want to make sure that no person or family member ever has to live through and face another mass shooting again.

What most people do not know is that after 1 October, I actually became more silent on the issue. I was terrified of sharing my story. I wanted to forget it ever happened and to never have to relive a single moment of it again. After the shooting at Parkland, I knew I could not stay quiet. I was so infuriated and angry that children had to face something so awful that I, a grown adult, could barely deal with. I knew it was my responsibility, given my unique position as a legislator, to do everything I could to make Nevada a safer place.

This is not an anti-gun bill. I am not an anti-gun legislator and this is not a partisan issue. I am married to a Republican, we own guns, and we believe that better gun laws make us better gun owners. The story I am going to share is not unique or new. We heard from many survivors earlier this year, including myself, but no matter how many times we share our story, you will never truly know the impact it has on us and those who love us. It is traumatic for everyone. My friends and family dealt with their own trauma. After I refused to speak to anyone in the aftermath of 1 October, my parents, siblings, and best friends had no idea how I was doing. They had some communication with my husband, texted him to make sure I was okay, but I completely shut down. I later learned this caused them their own traumatic situation to deal with. It took a full week before I was able to finally communicate again with them, so I wrote a letter to my family and friends and emailed it to all of them. Sharing this very personal letter is the best way I can share my story.

October 6, 2017. I know all of you have been worried about me. I cannot bring myself to verbally go over in detail what happened. I have been able to speak to a counselor about the different things I have been feeling. The counselor told me it would help to share my story. She said the more I could talk about it, the more desensitized I would be to it. I do not know if I am ready to have this conversation with everyone, but I think it would help if you knew the story to understand why I have isolated myself. Maybe reach out to me tomorrow or Sunday. I know I am getting better every day and I try to do

a little more about what would make me feel like myself, but I do not know if I will ever feel like myself again.

We went to the concert to have a great time. We met up with my friend, Paulina, her daughter—whose 21st birthday we were celebrating—and another friend at Mandalay Bay, because they had a room there. We all walked over to the concert together and everything was fine. Jason Aldean had been playing for an hour, so we knew that the concert would probably end soon. Truman left to go get us drinks. He had been back for only a matter of seconds when the shots went off. We were right in the grassy area in front of the stage, center right of the stage. The girls and I hit the ground. Truman stayed up because he thought they were fireworks. When he saw Jason Aldean run off the stage, he hit the ground and crawled on top of me to shield me. He whispered to me that we could not stay there. He was going to count to three and we needed to get up and run. So on the count of three, we all got up and ran.

There were only two entrances and exits, and we tried to run back to the one where we came in from, but there were so many people who had been shot down and we could not get out. So we had to run back in towards the bullets. Whenever the shots would start again, I would freeze and I could not move. I was screaming that I was not okay. My friends asked Truman what they should do and he told them that they had to keep running, that they could not stay and that he would stay and take care of me because I was hysterical. I ran to hide under the bleachers. He came and told me we had to move. He said he knew I was scared, but we had to move. We ran, and every time shots went off, he just covered me and shielded me until we got to a fence that we had to get through and over. We ran until we got to the Tropicana and hid.

Once he knew I was safe, he went to go help some people who had gotten shot, and then came back and said we had to keep moving and could not stay. We then ran to our next hotel. We ran to Hooters and stayed there for about an hour until we thought it was safe and then we left and ran again. We ran until it was hard to walk and someone pulled over and offered us a ride.

I have been upset for a lot of reasons. I am happy that my husband, Truman, was there with me. I am upset that I was going to go without him if he did not buy his own ticket. I am upset that I thought I ran and I left my friends. I later learned that Truman told them to keep going, but I initially thought I left my friend and her daughter and I felt guilty about that. I am sad that I could not do anything to help. Even the days after, I have been so paralyzed that I could not help. I feel lucky, but I also feel bad that we made it out okay. I do not feel like I can be happy or that I should be. I know that for every bullet that did not hit us, it hit someone else. I feel bad that if I could have

taken care of myself, maybe Truman could have done more to help other people. It was so hard seeing people who were hurt and shot, and knowing that I could not do anything, and just seeing them and knowing that it could have been us.

Truman and I have been handling it very differently. He has not been able to sleep or eat, whereas I went into hibernation mode and was sleeping 17 hours a day. I think it is my way of not thinking about it. He has been glued to the news, and the news just makes me more depressed and angry. I think he was dealing with lots of feelings of guilt, too. I know I am getting better every day, but I know I am still feeling many feelings of sadness, anger, and guilt, but I promise I am taking care of myself and Truman. I love you all very much and I am sorry I had to send this in writing.

It took me eight days before I could have a verbal conversation with my parents, and I am pretty sure that night has changed me forever. No matter how hard it is to share my story, I will do it as many times as it takes to help prevent any person or family from having to share my experience.

**Chelsea Parsons, Vice President, Gun Violence Prevention Policy, Center for American Progress:**

Even before October 1, 2017, Nevada was home to some of the highest rates of gun violence in the nation. From 2008 to 2017, Nevada had the fourteenth highest rate of gun deaths in this country, a rate 39 percent higher than the national average. A person is killed with a gun in Nevada every 21 hours, and many of these deaths never make the news. From 2008 to 2017, nearly 3,000 Nevadans died by suicide with a gun. From 2014 to 2018, there were 13 other mass shootings in this state that left 13 dead and another 43 people injured. Assembly Bill 291 is a crucial bill that will address some of the largest gaps in state law that impede efforts to keep all Nevada communities safe.

Section 1 of this bill will ban the manufacture, sale, and possession of bump stocks and similar devices in Nevada. No one who listened to the horrifying sounds of the shooter unloading 1,049 rounds on concertgoers in just 11 minutes can honestly say they do not understand why we need to ban these devices. Bump stocks are a dangerous firearm accessory that were specifically designed as a workaround to the current federal law that strictly restricts access to fully automatic machine guns. Bump stocks dramatically increase the rate of fire of a semiautomatic rifle, essentially converting it into a fully automatic one.

The 1 October shooter had 13 assault weapons equipped with bump stocks, and he used all but one of them. It is beyond debate that the unprecedented scale of the devastation that occurred that night—which took its place as the worst mass shooting in modern United States history—was the direct result of the shooter's choice to use these dangerous accessories. To date, nine states have taken action to ban bump stocks and similar devices that accelerate the rate of fire of semiautomatic rifles. The Federal Bureau of Alcohol, Tobacco, Firearms

and Explosives (ATF) recently issued a new regulation making these devices illegal under federal law, which went into effect last week and which the U.S. Supreme Court declined to stay from going into effect. This bill would add important value to this federal ban by also giving state law enforcement the authority to prosecute any violations of this law. Simply put, there is no legitimate reason to allow these devices in Nevada communities—the risk is far too great.

Assembly Bill 291, with the conceptual amendment that is being offered today, would also modify Nevada's sweeping preemption law that ties the hands of local jurisdictions to take action to protect public safety. I do not need to tell you that Nevada is a very large, diverse, and dynamic state and the public safety needs vary widely from county to county. For example, data from the Uniform Crime Reporting Program shows that from 2014 to 2017, the robbery rate in Clark County was 153 percent higher than the robbery rate in Carson City. During the same period, the rate of aggravated assaults in Storey County was 61 percent higher than in Clark County. Different localities around the state have vastly different public safety challenges and need the ability to develop narrowly tailored approaches to address them.

Current state law treats Clark County exactly the same as Esmeralda County, as if a county with 2.2 million residents and home to one of the largest tourist destinations in the world has the same public safety needs as one with fewer than 1,000 residents that most tourists would not be able to find on a map. The Legislature recognized this fact in 2015 when it passed Senate Bill 29 of the 78th Session, a bill that gave counties additional authority to legislate to enact local ordinances in certain circumstances. In doing so, it recognized that a strict interpretation of Dillon's Rule—the principle of limiting the power of local governments—"unnecessarily restricts a board of county commissioners from taking appropriate actions that are necessary or proper to address matters of local concern." The Legislature specifically defined "matters of local concern" to include "public health, safety, and welfare in the county," thereby freeing counties to take action to address their unique public safety challenges without having to come to the State Legislature and basically ask for permission to do so.

This bill will make it clear that local governments have the ability to enact ordinances related to firearms for the purpose of protecting the public health and safety in the local community. This does not mean that counties could enact laws that conflict with state law or that contradict or undermine state law. It means that where state or federal law has not stepped in, or where a county deems it necessary to go above what state law has determined, units of local government would be free to do so when necessary to protect health and public safety. Untying the hands of local government in this way is particularly important in Nevada where the State Legislature only meets every other year. Nevadans have had to wait over a year since the 1 October shooting to take action on bump stocks, whereas Clark County could have done so much more quickly had the state not had such a drastic preemption law in place.

Finally, section 3 of this bill is very simple. It brings the law for carrying while under the influence of drugs or alcohol in line with the current state driving under the influence laws. If you are too drunk to drive, you are certainly too drunk to carry your loaded firearm around the community. This is as basic common sense as you can get. In addition, there is research finding a disturbing link between alcohol and gun violence. A 2013 study found that 34 percent of perpetrators who committed a murder with a gun had been drinking at the time of the crime. In conclusion, thank you again for the opportunity to be here in support of this bill today. I look forward to answering your questions.

**Mike McLively, Senior Staff Attorney, Giffords Law Center to Prevent Gun Violence,  
San Francisco, California:**

I am a senior staff attorney at Giffords Law Center, which is a national gun violence prevention organization founded and named after Gabby Giffords, whom I am sure many of you are aware is the former congresswoman who was shot in the head in 2011 in Tucson, Arizona. She and her husband, Captain Mark Kelly, started this organization. Both of them are gun owners, respect the Second Amendment, and believe in the ability of people to have a gun for self-defense, but believe there is much that we have left to do in this country to address the huge public health crisis that gun violence presents.

In Nevada, it is no different. Hundreds of lives are lost every single year in both suicides and homicides, unintentional shootings, and dozens of nonfatal injuries that might not take a life but can change lives forever because of how severe gunshot injuries can be. Nevada has the fourteenth-highest rate of gun death in the country, and we believe there is much more that the state of Nevada could be doing to address this public health epidemic.

Assembly Bill 291 addresses three gaps in Nevada law that are all important, as my colleague, Ms. Parsons, mentioned. This bill regulates and prohibits bump stocks and similar devices that are essentially designed to take a semiautomatic weapon and increase its rate of fire to approximate that of an automatic weapon. I want to emphasize here that there is no legitimate self-defense purpose for these devices. Their sole purpose is to enhance the offensive capability of a firearm to be able to inflict maximum damage in an attack on numerous targets, which is exactly what happened tragically in October 2017 in Las Vegas. This state has seen firsthand what these devices are capable of doing. I have no doubt that many lives could have been saved if the shooter had not had access to these devices.

I want to highlight for everyone that this bill regulating these devices is not a threat or incompatible with the Second Amendment. The U.S. Supreme Court in the *Heller* opinion [*District of Columbia v. Heller*, 554 U.S. 570 (2008)], which was authored by the late Justice Antonin Scalia, a very conservative justice, was very clear in the opinion that the regulation of machine guns and automatic weapons is presumptively lawful under the Second Amendment. A device whose purpose is to take a semiautomatic firearm and make its rate of fire approximate that of an automatic weapon, of a machine gun, certainly does not violate the Second Amendment right as it has been defined by the U.S. Supreme Court. I want to highlight that for everyone here today.

In doing this, Nevada would be joining nine other states and the District of Columbia that enacted similar laws just last year. This includes states such as California, Delaware, Florida, Maryland, and a number of other geographically and politically diverse states that have all decided to take action on this issue in the same way it has been contemplated by this bill here today. In addition, as Ms. Parsons mentioned, the federal government has now prohibited these weapons as well. This is bringing Nevada in line with what many other states and the federal government is already doing with respect to these dangerous devices.

This bill would prohibit people who have a blood alcohol level of 0.08, which is exactly the same as the standards for driving under the influence of alcohol, from possessing a firearm in public. As Ms. Parsons said, this is pure common sense. As I have submitted in my written testimony ([Exhibit C](#)), there are a number of studies establishing the strong connection between alcohol misuse and abuse and the misuse of firearms. I recently learned that the number of men who have alcohol-involved deaths in the United States related to firearms is the same as the number of alcohol-related deaths by cars and automobiles. Alcohol and firearms are a dangerous combination, and it makes sense that if you are too intoxicated to drive, then you are too intoxicated to possess a gun in public and carry it around in the community. We think this is a very straightforward and important change to Nevada's existing law.

Finally, this bill would address Nevada's broad preemptive statutes that effectively tie the hands of local government when it comes to designing customized, tailored solutions to gun violence. In a state as diverse as Nevada is, it makes sense that solutions in one county and one city might be different than those in another that might be less populous or different in another way. There was a study in 2010 that allowed for local regulation of firearms. That study found that states that do not allow for it—Nevada currently does not—have much higher rates of crime gun exports, meaning those states are helping to supply crime guns to other states. There are hundreds of crime guns that are recovered each year in California—where I am from—that originated in Nevada.

It has been shown that increased local oversight over firearms dealers is one way of helping to cut down on illegal firearms trafficking. As it stands right now, no city and no county in Nevada can do more than Nevada is currently doing to regulate gun dealers, which helps contribute to illegal gun trafficking. Nevada exports illegal guns at the third-highest rate of any state in the nation. We think this is an important tool to allow units of local government to address gun violence in a way that makes sense in their communities. This bill would be an important step towards allowing that to happen.

Thank you for the consideration. This is absolutely an issue of life and death. Hundreds of lives are being lost in this state every single year, and there is certainly more that we can be doing to prevent that. This bill presents three important solutions to that problem, and we hope you will move it forward through this Committee.

**Todd P. Sklamberg, Chief Executive Officer, Sunrise Hospital and Medical Center, Las Vegas, Nevada:**

We are a 690-bed hospital, the most acute care hospital in the state with a Level II trauma center. On October 1 at about 10 o'clock in the evening, my phone went off. I get all the trauma pages at the hospital. The page that came across said, "Clark County Fire Department declares mass casualty." I did not know what it was. I get these pages every so often, and first thought it was perhaps a multivehicle accident or bus accident—not to minimize the urgency and critical nature of such. I called down to the hospital and talked to our house supervisor and said, "Kat, do you know what is going on? I got the page." She said, "No." A few minutes later, I received another page on the phone, and another. I got in my car and drove down Sahara Avenue to Maryland Parkway and Desert Inn Road and walked into our hospital.

As the doors of the emergency room opened, we were full. Our emergency room had 125 patients at that time and the hospital had 650 patients. As the doors opened up, I saw something that I said I would never, ever have thought to have seen. There was a patient on the left side and she had a bullet hole right in the middle of her eyes, right through her head. Patients were being rushed in. Our floors in the emergency room are the color of that wallpaper, but on October 1, they were red. Not red with drips of blood, but with pools of blood. Sunrise hospital treated 242 patients; 124 were gunshot victims—the most gunshot victims of any event that any hospital has ever treated. As those patients came in, and came in, and came in—our staff came in as well to treat the needs of these patients. Of the 124 gunshot victims, we also had 15 who were either deceased or unsalvageable. There was one patient who came in who was kept on life support until his parents could come in from Arizona. There was one patient who had his aorta blown apart. He was in the operating room for six hours and we were not able to save him. That was the only fatality of the 242 patients that came into the hospital.

We performed 58 surgeries immediately. Of those 58, 15 were abdominal, 5 cranial and cervical, 17 orthopedic, 2 vascular, 5 thoracic, and 9 multisystem. That was immediately followed by another 7 cranial surgeries, 15 abdominal surgeries, another 6 orthopedic surgeries, and another 2 multisystem injuries. We deployed 50 crash carts within an hour. We utilized 516 blood products to treat the patients who came in on that day.

One of the decedents was an off-duty police officer who, several years prior, was the Sunrise Hospital's community police officer. We knew him at the hospital. When he passed and after we were able to identify him, the honor guard came in and stood over his body with a flag. We also gathered all the family members who came into Sunrise Hospital. Over 350 family members came into our auditorium. The longest walk I took was from our emergency room to the auditorium, which is on the other side of the hospital, asking myself, When I go into the room, what do I say? What do I say to 350 family members who do not know if their brothers, sisters, wife, or husband are alive and what condition they are in? Most of the people were from out of state. They did not even know where they were. As I walked into the auditorium, it was as silent as this room is right now. You could hear a

pin drop. We tried to provide hope, let them know what was going on, and then we worked on identifying the patients, as 92 of the patients who came into the hospital had no identification at all. Zero. We worked over the next six hours to identify each of those patients and reunite them with their loved ones.

I was very proud of the Las Vegas community and the Las Vegas medical community. Both Sunrise Hospital and all of the fellow institutions in town provided for over 500 patients who needed life-saving care. The community and the trauma center system were designed to provide what it did on that day. We do not want to test it like this anymore. We do not want to push ourselves to the limit. If the shooter had been successful in aiming and hitting the gas tanks that he was shooting at, the catastrophe we saw on October 1 would have been in multiples.

I appreciate your consideration of the legislation you have in front of you. I will be happy to answer any questions and appreciate your support.

**Chairman Yeager:**

On behalf of this Committee, we want to say thank you to Sunrise Hospital, the other medical facilities, our first responders, and all of the unsung heroes that leapt into action on 1 October and the days following. It is nice to get some context about what happened.

**Assemblywoman Backus:**

My question pertains to the language of the bill. Taking your attention to section 1, subsection 1, paragraphs (a) and (c) include, "Materially increases the rate of fire of the semiautomatic firearm," but then when you look at paragraph (b), it goes on to explain "by eliminating the need for the operator of the semiautomatic firearm to make a separate movement for each individual function of the trigger." Is that what is intended by that language? Is that a proper definition for the "materially increases the rate of fire?"

**Chelsea Parsons:**

The short answer is yes. I think the other thing I would point out about the particular language here is that it is drafted slightly more broadly than the federal regulation. The purpose of that is to be able to anticipate future innovation by the gun industry to be able to cover other devices that are designed and function to approximate the rate of fire of a machine gun perhaps through a different mechanism. An example of a current type of device would be a trigger crank or trigger activators that perhaps use a different type of technology to have the same effect as a bump stock device.

**Assemblywoman Hansen:**

I have a question in regard to section 1, subsection 1, paragraph (c), "Any semiautomatic firearm that has been modified in any way." As a female, with my firearm, sometimes a 10-pound trigger is not comfortable. It is too tight for me. If I had my gun modified to a 5-pound trigger, would I be in violation of this law?

**Assemblywoman Jauregui:**

No, that was never the intention of this bill. Your conversion of your trigger to a lighter weight trigger—a 5-pound trigger—would not convert your gun into an automatic-type firearm, so you would not be in violation of any legislation.

**Senator Pickard:**

As I read subsection 1, paragraph (c), subparagraphs (1) and (2), the conjunction is "or." As I interpret this, "Materially increases the rate of fire," is separate and apart from "Approximates the action or rate of fire." Having been a competitive shooter for many years, I know many competitors who trade out a trigger system for a competition trigger, which is intended to increase the rate of fire and in no way approximates the rate of an automatic weapon, but as I read this, this bill would make possession of those weapons illegal. So they become criminals as of the day of adoption. Are you suggesting that the conjunction should be "and" so we clarify that these systems are still legal?

**Assemblywoman Jauregui:**

Correct. Assembly Bill 291 specifies in the bill that to materially increase the rate of fire by eliminating the need to make a separate movement for each individual function of the trigger, that is what we are trying to get at here.

**Assemblywoman Cohen:**

I would like to direct your attention to the "Text of the Repealed Sections", page 12, subsection 8, paragraph (a). Are we repealing the language "A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms"? Is there someplace else in the bill where we are covering that?

**Assemblywoman Jauregui:**

We handed out a conceptual amendment ([Exhibit D](#)), that covers preemption. We are no longer repealing the entire section, and this is intended to replace that.

**Assemblyman Roberts:**

Upon passage, we repeal the preemption. I know that a lot of municipalities probably still have a lot of these laws on the books around the state. Would this immediately upon passage make those come into law again? All those city and county ordinances that were passed previously may still be on the books. For instance, in Clark County, I know we had blue cards. I do not believe we repealed those ordinances whenever this preemption bill was put into statute in 2015. If those ordinances are still on the books, as soon as you pass this, would they become effective again?

**Bradley A. Wilkinson, Committee Counsel:**

The answer to that is no. If you review the preemption sections, the local jurisdictions were required to eliminate those ordinances and it would require the enactment of new ordinances.

**Assemblyman Edwards:**

This is an interesting session because Friday we heard a bill where we essentially want to make sure that the state law enforcement does not do the job of the federal government, which is proper. This bill seems to make law enforcement at the state level do the federal government's job, and that does not make sense to me. Is this not an intrusion into federal law using state agencies that really are not equipped to do so?

**Mike McLively:**

In different areas of law around the country, there are many times when something might be prohibited or regulated federally that is also regulated at the state level. Not only is that proper, but it can actually be beneficial because of the limited resources that the federal government has to engage with a lot of the activities it is tasked with engaging in. As a quick example, in this context, because of limited resources, the ATF is only able to inspect gun dealers an average of once every ten years. Allowing state government—if it wants to—to come in and fill in some of those gaps is extremely appropriate and many times necessary, just because of the nature of limited resources in the federal government. A number of studies show that when those gaps are filled by additional local resources, it can have very positive effects, especially when it comes to gun trafficking. In terms of a policy perspective, I think it is actually not inappropriate at all.

**Senator Hansen:**

I represent seven Nevada counties, most of which are in open rebellion against some of the gun control measures. You have mentioned that you basically want to get around the Dillon's Rule concept and allow the county to have greater flexibility in Clark County, but you do not allow that to go the other direction in the counties that feel that increasingly restrictive gun control measures are dramatically impacting their Second Amendment rights. Are you willing to entertain an amendment to this bill that would allow that same Dillon's Rule concept to be more flexible for the rural counties in the state of Nevada?

**Chelsea Parsons:**

The loosening of preemption that is proposed by this bill applies equally to the counties across the state. So state law will continue to set the floor when it comes to laws and regulations related to guns across the state. To the extent that a county determines, based on input from its constituents, that there needs to be more with respect to an aspect of gun regulation, the county will be free to do that. That is the intent of this particular bill.

**Senator Hansen:**

More, not less. Thank you.

**Senator Pickard:**

Going back to the language of subsection 1, paragraph (c), if we are trying to anticipate future technologies, is it not true that if we are talking strictly about the approximation of an automatic weapon, that the conjunction "and" would make more sense? Otherwise, we are including all things that either materially increases the rate of fire or approximate the action.

**Assemblywoman Jauregui:**

I am definitely open to working on language that would accomplish what my intent is—including the and/or approximates machine gun-style weapon—that is something I am definitely open to discussing again. My intent is just to ban those automatic firearms.

**Senator Pickard:**

Could you explain how the federal language that is currently in place does not accomplish that?

**Chelsea Parsons:**

The way that the new ATF regulation is defined—I will go ahead and read it:

[T]he definition of "machinegun" . . . includes bump-stock-type devices, i.e., devices that allow a semiautomatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of the semiautomatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter.

That is very specific in the sense of talking about harnessing recoil energy. That is the language I think is particularly narrow in the ATF regulation where I think there is a benefit in the language that is in the bill as written.

**Assemblyman Edwards:**

I have city, suburb, and rural in my district. I know that they are going to ask me this question, so I am going to ask it of you. You had mentioned that you were a responsible gun owner before this incident. What in this bill is actually going to make you or any Nevadan more responsible? I just do not see it. Please tell us what really makes the gun owners responsible that comes from this bill?

**Assemblywoman Jauregui:**

I think provision 3 makes everyone responsible, making it illegal for people to walk around with a firearm if they have higher than a 0.08 blood alcohol content. That alone brings great responsibility.

**Senator Hammond:**

I have been in Nevada for many years before the preemption law was changed in 2015. I live in Las Vegas, and you have several jurisdictions; the way I understand the bill the way it is written, you are giving authority not only to counties but also city, district, agencies, and many other political subdivisions. There was such a complication with, for instance, the blue cards. You have law-abiding citizens, gun owners who are keeping the laws of that particular jurisdiction, but then if they crossed over to go shopping or drop their kids off at a friend's house or whatever, they are law-abiding citizens one minute and then by the act of driving around in different municipalities, all of a sudden they are not. That is the part I am having a hard time with. I get what you are saying about having some flexibility, but with that flexibility you create criminals for no reason other than the fact that there are so many

different laws on the books now; different ordinances and different policies in different jurisdictions. How does this help with that aspect of having too many different regulations and rules?

**Chelsea Parsons:**

The challenge that you are identifying is one that we actually face nationwide when it comes to different gun laws. I currently live in the Washington, D.C., metro area and I can—in the course of an hour—be in Virginia, Washington, D.C., and Maryland. Each have very different laws when it comes to whether it is legal to carry a firearm either on my person or in my car. The bottom line is that it is the responsibility of both the jurisdiction to make sure it is clear what the rules are with respect to carrying and to make sure people are not inadvertently violating them, and it is the responsibility of the individual gun owners who would like to carry their guns with them through different jurisdictions to understand and know what the laws are where they are going so they do not inadvertently violate them.

**Senator Hammond:**

I understand. Unfortunately, when you talk about cities, you can go from one street to another and not really know that you just crossed jurisdictions, whereas when you go from one state to another, there is usually a demarcation clearly identifying one jurisdiction over another. You know those boundaries. It is a little different when you are traveling around a city and you have the city of Las Vegas, Henderson, or North Las Vegas. You just do not know sometimes when you cross one line to another. That is my concern with it. Any thoughts on that?

**Chelsea Parsons:**

I would just emphasize the importance of having local jurisdictions be able to regulate firearms for public safety in their community outweighs the challenges for the gun owners who are traveling between jurisdictions.

**Assemblyman Roberts:**

You mentioned earlier that the intent of the bill is to reduce gun violence. I have been in law enforcement for a while and even when the state had preemption, gun violence was high. Since we put this in statute, violent crimes actually dropped in Nevada. Would you provide some statistics of some of the other states that have preemption laws? Has it impacted their violent crime? Has it been reduced as a result of that?

**Mike McLively:**

The state I am most familiar with is California, which has allowed for local control of gun laws for a number of years. Our experience has been that allowing for local innovation has allowed certain policies to percolate up from the local level that have then been adopted at the state level during a time when gun violence and gun death rates have dropped substantially in our state. We went from having one of the highest gun death rates in the country to now averaging it out to much lower—looking at homicide and suicide.

I will give you one example of the impact that has had in California. We have a program called Armed & Prohibited Persons System that is fairly unique in the country. It started at the local level, and it allows law enforcement to cross-reference people who have purchased firearms and people who are prohibited from purchasing firearms and very narrowly and specifically targets people who are prohibited from having guns and removes them from those specific individuals. That is a program that started at the local level that would not have been able to be piloted with preemption in place. It is an example of something that has percolated up to the state level and it is helping to disarm people who are not lawfully allowed to own a firearm and yet have one anyway, and not having preemption in place has allowed us to do that. That is one example, and I can certainly provide you with others if you would like.

**Assemblywoman Hansen:**

From my question about going from the 10-pound to the 5-pound trigger as a female, which is a more comfortable action for me and other females, I know that the intent might not be there, but I really think it is in the language. In section 1, subsection 1, paragraph (c), subparagraph 1, "Materially increases the rate of fire of the semiautomatic firearm." If I can pull the trigger a little easier, it is going to increase the rate.

**Assemblywoman Jauregui:**

I am willing to work on the language to accomplish my intent of the bill. My intent is never to make it illegal to modify your weapon in any way. My intent is aimed at the modification that would turn your weapon into an automatic machine gun-style weapon.

**Assemblywoman Hansen:**

Then we can look forward to seeing language that removes it or clarifies it better so it is not going to be modification of trigger springs.

**Assemblywoman Jauregui:**

Correct. I am open to working on an amendment that would clarify my intent.

**Assemblywoman Tolles:**

I am looking at the conceptual amendment ([Exhibit D](#)), and I will have to go back and look again comparing what I think I understand it does. Specifically, under "Grant a local government the limited authority to proscribe any ordinance or regulation . . . more stringent than state law," would you help walk us through how you envision that working? Does it mean that a local government would have to come to the Legislature to ask for permission on a specific prohibition or more stringent law? What does the process look like for it? Would they just be able to pass something in a city council meeting?

**Chelsea Parsons:**

The intent of the conceptual amendment is to leave in place the current state preemption law. To clarify, local jurisdictions have the authority to go above state law to enact more stringent regulations to the extent that they determine necessary to protect public safety in the

community. The idea behind the amendment is that it would just clarify in the state statute the authority that local jurisdictions have in this area so they would be able to enact those ordinances on their own without coming to the State Legislature.

**Senator Harris:**

Do you have any suggestions on how we get gun manufacturers to be more responsive to the needs of women and those with disabilities so that people do not feel like they have to constantly be modifying their own guns?

**Chelsea Parsons:**

As those needs become apparent in the gun-owning community—I certainly do not want to speak for the gun-owning community—I think those needs should be brought to the gun industry and the manufacturers and to say, We appreciated bump stock devices because they allowed for this accommodation. Now that we cannot have that anymore, what can you do to accommodate certain types of physical disabilities that does not run afoul of federal law? Frankly, that should not be that big of an ask of the industry.

**Chairman Yeager:**

I want to thank the four of you for presenting the bill this morning. I want to remind people for support, at the sponsor's request, I have a list of people who I am going to call to the table, both here and in Las Vegas. At this time, I will call to the table here in Carson City Mr. Matt Griffin, Ms. Annette Magnus, Senator Yvanna Cancela, and Mr. Ryan Works. In Las Vegas, I will call to the table Ms. Chris Giunchigliani, Commissioner Justin Jones, and Mr. Michael Collins. We will start the testimony here in Carson City. I would like to remind everyone that you are going to have two minutes, so I will be timing and when you reach your two minutes, I will let you know and we will move on to the next presenter.

**Matt Griffin, representing Everytown for Gun Safety:**

Everytown is a movement of Americans working together to end gun violence and build safer communities. To this end, we support commonsense legislation throughout the country. Assembly Bill 291 is one of those commonsense measures. The prohibition, found in section 1 of this bill, of devices that are commonly referred to as bump stocks, is an important issue for the state of Nevada given the events of 1 October. In addition, preemption is an issue of particular relevance to the state of Nevada due to the various and unique differences between the local jurisdictions. Under A.B. 291, local governments can put in place measures that are more stringent and more specific to their jurisdictions that address the needs of their communities. We would like to thank the sponsor for bringing this forward, and we urge this Committee to pass A.B. 291.

**Annette Magnus, Executive Director, Battle Born Progress:**

I am here as a proud, second-generation native Nevadan, a gun owner, and to represent the 20,000-plus subscribers to our Battle Born Progress network statewide. Our organization has been doing gun violence prevention work for years, and we fought against the measure that created the preemption law in 2015. We have been consistent on this issue. Better gun laws

are needed for the state of Nevada. Today you heard the facts to back that up. This is why we support A.B. 291 and thank the Assemblywoman for her courage and leadership on this bill.

Two years and seven months to the day, victims and survivors of the worst mass shooting in modern history can finally receive the justice they deserve with this bill. Due to the preemption law change in 2015, representatives in Clark County and Las Vegas were barred from acting after the tragedy in 2017. It is now time to change these laws that were championed by the gun lobby. Today is the next step in seeking justice for victims and survivors of 1 October and those that have been impacted by the epidemic of gun violence. Today you will hear arguments from the gun lobby and their supporters that this somehow takes away their rights as gun owners. As a gun owner myself, I reject those deeply flawed arguments. Supporting better gun laws makes me a better gun owner. There is overwhelming support for these policies in Nevada and across the country as polling has consistently showed us. Nevadans want and expect you to enact stronger gun laws during this session, and we are asking you in this body to support this critical bill.

I will never forget the morning I heard the news. Like many others, I felt helpless. I was shaking uncontrollably and crying and felt like I had no power to help my community that I have lived in my entire life. I had no choice to make that day and I, like many others, made it my mission to use the power I have to change the laws in a positive way. Now you, as legislators, have the power to make the same choice. Today is that day. Please support this bill in honor of the 58 lives that were lost that day, the 869 people who reported injuries, and for all those affected by gun violence before and after that day.

**Senator Yvanna D. Cancela, Senate District No. 10:**

I am here today first and foremost to thank Assemblywoman Jauregui for her courage, bravery, and willingness to take action despite what is undoubtedly an extremely difficult personal journey. I am very grateful for her leadership. I also represent the Strip and the heart of what happens to be the economic engine of our state. It is important that we empower our Clark County Commission to be able to make decisions about gun safety on the Strip. Removing that power from them in 2015 was a mistake, and I am hopeful that passing this legislation will empower them to make the decisions necessary to keep the Strip quarter safe.

Additionally, 1 October happened in the heart of the district I represent. You will hear more testimony today about what an incredibly difficult day that was. Our community came together in a way that was unprecedented, and it is now our responsibility as legislators to match the power of the community that we have seen.

**Chris Giunchigliani, Private Citizen, Las Vegas, Nevada:**

As a former Clark County commissioner, I experienced the frustration of having our hands tied to enact gun safety measures in the aftermath of the 1 October mass shooting. Without the ability to enact stronger laws to keep guns out of the hands of those who should not have

them, all of our counties are vulnerable to further acts of gun violence. Even now we remain vulnerable to tragedies like 1 October because Clark County and other jurisdictions around the state cannot enact positive gun safety reforms that are suited for their community—they are called community standards.

Assembly Bill 291 will update the *Nevada Revised Statutes* (NRS) and enable local governments to protect their residents as they deem appropriate. State firearm presumption laws are a relatively recent phenomena inconsistent with the centuries of American history in which cities and rural areas had different gun laws. Make no mistake. This was a National Rifle Association (NRA) strategy to remove local control and now 42 states have lost their ability to have local control.

More importantly, there was a case in Highland Park, and Judge Easterbrook of the United States Court of Appeals for the Seventh Circuit explained the *Constitution* not only guarantees rights, but also "establishes a federal republic where local differences are cherished as elements of liberty, rather than eliminated in a search for national uniformity." Local concerns have always played a role in abdicating the boundary between gun rights and gun regulation, a fact that should be of special significance to originalists and others who care about constitutional history. No other characteristic of gun control in the United States is more longstanding and sensible than the stricter regulations of guns in cities rather than in rural areas.

Local gun regulation is not and never will be a perfect solution to gun violence, nor is it a substitute for federal or state reform, hence A.B. 291 complies with that. The local governments are better positioned to deal with matters like public hearings for which there is no one-size-fits-all solution that covers crowded urban cities and sparsely populated rural areas. Public carry restrictions can also be enforced locally regardless of what neighboring jurisdictions choose to do. The primary legal obstacle to such local government is not the Second Amendment, but the preemption laws adopted in most states since 2015 in Nevada.

I will conclude by also saying thank you to the Assemblywoman. I never thought in my day that I would have to add the words, survivor, trauma, and posttraumatic stress disorder in regards to gun violence. I commend her for her bravery.

**Justin C. Jones, Private Citizen, Las Vegas, Nevada:**

I am appearing in my individual capacity and not as Clark County Commissioner. In the aftermath of the 1 October tragedy—of which the bill sponsor herself is a survivor—local governments looked for options to respond and keep their communities safe. In particular, local governments looked to give assurances to the tourists so vital to our economy that Las Vegas and Clark County were doing everything in their power to keep our tourist corridor safe. In 2015, at the behest of Michael Roberson [then Majority Leader, Nevada State Senate], the Legislature stripped local governments of all power to respond to tragedies like 1 October with commonsense gun safety measures—commonsense measures like banning bump stocks or declaring the Strip a gun-free zone for major holidays like New Year's Eve.

Perhaps if we had a full-time Legislature—and I am an advocate for it—that could respond quickly to gun-related issues that arise, it would be different. But we do not. The issues that Las Vegas faces are different than those in Elko or Gardnerville. Forty-two million tourists visited Las Vegas last year, and as a large metropolitan area, we simply face different law enforcement challenges than other places in the state. It is time to restore local government's ability to address gun safety issues unique to their community. I ask that you pass A.B. 291 to make our communities safer.

**Michael Collins, Private Citizen, Las Vegas, Nevada:**

I am a registered nurse at University Medical Center (UMC), and on the morning of October 2, 2017, I came to work and was told that I would not be in charge that morning and that I would do direct patient care because we were overwhelmed by victims of the 1 October massacre. My patient was a 33-year-old woman who had been shot in the stomach and thigh. Over the next few days, I got to know her and was overwhelmed by how life-changing an event like the shooting of 1 October is for the victim, the family, and the community.

This young lady told me that she was at the event with friends, the shooting began, she went to the ground, and realized that she needed to get out of there. She made an attempt to get up and was shot. She fell to the ground again and noticed that the person to her left was dead and the person to her right was struggling to stay alive. She knew that in order for her to stay alive, she had to get up and she had to move. Somehow, she made it to the fence, she fell over the fence, and people grabbed her and threw her into a taxicab. The taxicab driver told her that she was in such bad shape that she needed to go to the trauma center at UMC where he took her. That saved her life.

She also told me that she was a health care professional and her story appeared on the October 5, 2017, edition of *Dr. Phil*. When I went into the room that morning, she was with a man and a woman. After I had been working with her for about 30 minutes, the couple asked me, How long will you be here, sir? I said I would be here for at least 12 hours and over the next couple of days. They said, Oh, thank you; we are glad she is safe. They got up and left. A couple of hours later, I asked my patient, When is your family coming back? She said, Coming back? My family is not here. They will probably be getting here tomorrow. I asked her, Who was that man and that woman who were with you when I got here? She said, I do not know those people. They threw me in the taxicab and they have been with me ever since.

There were hundreds of stories like that that I encountered over the next days. My concern is that, as a former combat medic in the United States Army, I never thought that I would see victims of automatic gun fire coming to our hospital in the numbers that they came on 1 October. I stand in support of this bill, and I am here as a private citizen.

**John M. Saludes, Vice Chair, Nevada Gun Safety Coalition:**

We are in support of A.B. 291 because it will ban within the state of Nevada devices that turn a semiautomatic weapon into a machine-gun killing field. The ban is long overdue.

As preemptions stand, our support also extends to the repeal of the preemption law passed during Nevada's 2015 Legislative Session. Nationwide, these laws tend to block cities, towns, municipalities, and counties from adopting commonsense gun laws tailored to their local communities. As the result of a lobbying campaign by the NRA, more than 40 states have passed preemption laws that block reasonable measures designed to keep communities safe.

We believe that the power to keep local communities safe rests with local mayors, police chiefs, and county commissions. They are best suited to guide their communities concerning public safety issues and measures. They are best suited to understand their communities' needs and have the ability to address those needs on a local level. We would like to thank Assemblywoman Jauregui for bringing this bill forward, and we urge the members of this joint Committee to support A.B. 291 ([Exhibit E](#)).

**Marlene Lockard, representing Nevada Women's Lobby:**

I think the testimony that you have already heard demonstrates far better than any other kind of testimony that we could offer as to how automatic weapons that are altered to provide the carnage and damage that it did on 1 October have no place in our society. You have heard about the families that have been shattered and forever changed, lives changed because of one individual being able to alter a gun. We strongly urge your support of this legislation.

**Christiane Brown, Co-President, Brady Campaign to Prevent Gun Violence, Northern Nevada Chapter:**

Just 32 days ago, when 50 people were horrifically gunned down in New Zealand, that nation's prime minister stated, "Our gun laws will change," and in just six days, politicians from both sides voted to ban all military-style semiautomatic weapons, assault rifles, and high-capacity magazines. This was common sense, this was sanity, and this was acting rationally to protect New Zealand citizens in a crisis.

But here in Nevada, after the deadliest shooting in U.S. history, we have not acted quickly. We have not acted rationally. It has been 547 days, over 18 months, since the Route 91 shooting, and not a single law has been passed in this state to ban the deadly bump stocks that were used in these horrific attacks that killed 58, horribly wounded over 500, and shattered the lives of thousands. Not one law has been passed in our state. It is shameful. Why have they not been passed? Because our local governments have been prevented from acting. Prevented by a recent and insidious law in Nevada almost no one has ever heard of called the preemption statute. If you ask people at rallies, if you ask people who object, What is the preemption statute, they have no idea.

The preemption statute was promoted heavily by the gun lobby. It has been promoted all over this state, and we passed it in our Legislature in 2015. It quietly removed all of the rights of Nevada's local governments to enact their own firearm laws. Mayors, police chiefs, and officials most familiar with local community activities can no longer enact laws for the benefit of their cities and counties on gun violence. No matter how horrific the next tragedy,

we can enact no laws. Please repeal the preemption statute and pass Assemblywoman Jauregui's bill.

**Heather Sallan, Private Citizen, Las Vegas, Nevada:**

[Heather Sallan speaks from ([Exhibit F](#)).] I am a wife, a mother, a creator and a designer, and I am a survivor of the 1 October Las Vegas Country Music Festival mass shooting. I am wearing the boots that I wore that night that I ran for my life in. I wear the boots to honor the 58 people who will never have the opportunity to put their pair of cowboy boots on from that night again. I wear them as I speak to you because these boots are a part of my story that I share of the most horrific night of my life.

No American should ever have to see what I have seen and heard and lived through, the terror-filled experience of rapid-fire machine guns, hearing and watching bullets hitting people around me, hitting them instead of me, and the distinctive pinging of bullets ricocheting off of the ground and off of the structures and everything around me. No one attending a concert or an event of any kind should be able to explain the whistle sound of a bullet so close to their left ear that their hair moves. But I can. [Makes the sound of rapid-fire bullets.] Screaming, hysteria, blood, terror, calling my family while I was running to say goodbye, but instead telling my son—who answered the phone—I think I am okay. What is that noise? he asked me. It is machine gun fire. And then I hung up. Other families never heard back from their loved ones. They never even got the call.

What a bump stock was made for is not relevant. What a bump stock was used for has changed my life forever. A bump stock gave a madman the ability to play God with strangers' lives from 32 floors above, raining bullets down on a crowd of Americans, a crowd of Nevadans in Nevada, enjoying a beautiful night listening to country music. An endless stream of bullet spray. A bump stock did exactly what it was intended for. It killed many, maimed more, and left mental scars for those who were not hit with one of the thousands of bullets delivered. Who is next if you do not do something about it? I, along with Brady United, am in support of A.B. 291.

**Elaine Sanchez, Private Citizen, Las Vegas, Nevada:**

I am a Nevadan. I am also a former board member of Nevadans for Background Checks, the campaign that passed Question 1 in 2016. I am also a board member at Sunrise Hospital. I remember that horrific evening and getting an analysis from Todd Sklamberg the next day. I come here as an individual, as a Nevadan, as a mother, and as a friend. I want to tell you that I am very passionate about gun safety. I believe that as Americans, if you want to own a gun, you should go ahead and buy one, provided that you go through a background check and you learn how to use the firearm. I think that the events of 1 October were tragic and horrific. I worked as a Clark County employee in the past. I know the brave individuals who are emergency medical technicians, responders, and firefighters. I wonder why we are asking them to do this again? Why not do something about it? That is why I am very thankful that Assemblywoman Sandra Jauregui has shown her leadership and decided that enough is enough. Assembly Bill 291 will change our state for the better.

Banning bump stocks is common sense. There is no reason someone needs an accessory that can turn any gun into a weapon of war. It is also common sense that people who are using guns should not be intoxicated while doing so. Lowering the blood alcohol content to 0.08, the same level we hold drivers to, is another way we can ensure responsible gun ownership and usage and keep our community safe. Nevada should be a leader on gun safety issues. We have seen the carnage that results from someone who should never own a gun and getting their hands on weapons that can inflict maximum harm in minimal time. No one thing will stop all gun violence, but it is our responsibility to do what we can to make our state safer. I urge all members to vote yes on A.B. 291.

**Andrew Woods, Executive Director, Save Lives Nevada:**

Save Lives Nevada is made up of former advisory board members of Nevadans for Background Checks, the campaign behind the 2016 ballot question on background checks on gun sales. Our group comprises of Republicans, Democrats, gun owners, former elected officials, community and business leaders, faith representatives, and public safety officials. Today we are testifying in support of A.B. 291 as we did on Senate Bill 143, because far too many lives in Nevada are lost due to gun violence. According to the Center for American Progress, Nevada ranks tenth in the highest rate of gun deaths of any state, with 14.7 gun deaths for every 100,000 people. The Violence Policy Center noted that in 2014, gun deaths in Nevada outranked motor vehicle-related deaths. It is not simply statistics. It is people's lives.

On October 1, 2017, 58 individuals were murdered and over 850 people were injured by one man. The people attending the Route 91 festival were mothers, fathers, brothers, sisters—young, and old. The massacre only took 10 minutes and was able to inflict such damage because the perpetrator—whom I will not give the dignity of naming—modified his AR-15s to shoot hundreds of rounds a minute. In the wake of that tragedy, our local elected officials, all of whom were sworn to protect and defend us, were hamstrung by a law passed in the 2015 Legislature that prevented them from undertaking even the most commonsense measures to protect the public. Since 1 October, we have waited 546 days for something to be done and we cannot wait any longer. Regardless of the policies out of Washington, D.C., which might be favorable today, the winds from our nation's capital are as fickle as the rains in Clark County. We cannot wait until the next tragedy and the next legislative session to do what is right to protect our families, friends, neighbors, and our visitors. That is why we are here to testify in support of A.B. 291, and we urge its passage as well ([Exhibit G](#)).

**Paulina Pelacios, Private Citizen, Henderson, Nevada:**

Thank you, Chairman, and members of the Committee, and a special thanks to Assemblywoman Sandra Jauregui. Your story and your bravery is commended and I thank you. I am proud of you and proud to call you my assemblywoman in District No. 41 in Henderson.

I stand here urging you to pass this bill to ban the manufacture, sale, and possession of bump stocks as witness to the devastation they have done and will do again if we do not, at the very

least, put obstacles in the way of deadly weapons being readily available. I support our Second Amendment. This is not about taking away the right to bear arms. It is purely a safety precaution for us citizens who are simply going to a concert, or our children who are simply attending school or going to church, without the fear of someone being able to turn a semiautomatic into a fully automatic killing machine, particularly since fully automatic guns are illegal. Does that not simply make sense?

What I cannot make sense of is the tragedy that occurred on 1 October. I attended this concert in previous years and thought this would be the perfect way to celebrate my daughter's twenty-first birthday. So I flew her in from Eugene, Oregon, where she attends the University of Oregon. We had three days of listening to music, dancing, and singing; we stayed at Mandalay Bay where we had brunch, a spa day, and even a cabana day. As Jason Aldean took the stage as the final performer of the three-day festival, I stood with my arm around my daughter and remembered thinking what an amazing weekend it had turned out to be, until it quickly turned into the worst experience of my life.

I will never forget the sounds of the bullets that I heard in the sky, mistaking them for fireworks, nor the sounds that the bullets made when they hit the pavement nearby. I will never forget my daughter's trembling voice telling me repeatedly, This is not okay. Both my friend and I laid on top of her, shielding her, and praying to God that the bullets never reached her body. The eleven minutes felt like a lifetime as we ran in between rounds and stopped and ducked as the bullets were fired. I felt like I was in a video game and at war at the same time. We ran and ran. We did not actually stop running until we got to the University of Nevada, Las Vegas. We will never be the same after that event. Physically, we got out with only a few scratches and bruises, but 58 people did not, and hundreds more were shot and injured with the help of this bump stock. Those numbers would have never been so many without it. One person with a semiautomatic could not have shot 1,049 rounds in 11 minutes and caused this much catastrophe. The bill should pass unanimously. There really is no reason why it should not. I urge you to pass this bill on behalf of the 58 people who died on 1 October.

**Diana Loring, State Legislative Lead, Moms Demand Action for Gun Sense in America, Nevada Chapter:**

I am the state legislative lead for Moms Demand Action for Gun Sense in America. As we all know, on 1 October a man opened fire on a concert in Las Vegas, killing 58 and wounding or injuring over 800. The shooter was able to unleash his carnage in such a swift and devastating fashion because he used commonly available firearm accessories known as bump stocks that enabled him to functionally convert his semiautomatic firearms into fully automatic machine guns.

These devices, which are easy and cheap to obtain, enable shooters to fire as many as 100 rounds in 7 seconds. They are not designed for any legitimate purpose. They are designed solely to exploit gaps in federal law and enable people to simulate machine gun fire without actually going through the legal process for obtaining a machine gun. In fact, many

of the manufacturers of bump stocks and other rapid-fire devices specifically advertise the ability to simulate fully automatic fire and they often boast about their legality.

This bill would make it illegal to transfer or possess a bump stock and any other rapid-fire device. In addition to bump stocks, it would cover devices that substantially increase the rate of fire of a semiautomatic firearm. We think this bill is a small but important step in preventing gun violence in Nevada. There is much more that must be done if we are to fight the epidemic of gun violence in our communities, but this bill would be a strong start. We urge this Committee to vote yes on A.B. 291 ([Exhibit H](#)).

**Chip Evans, representing Indivisible Northern Nevada:**

I represent nearly 1,800 members of the nonpartisan Indivisible Northern Nevada in voicing our support of A.B. 291 and thanking Assemblywoman Jauregui and cosponsors for this proposed legislation ([Exhibit I](#)).

This bill reflects but a few of the proven actions available to reduce deaths and injuries from gun violence. Alone or together they will not end the needless carnage from misuse of guns, but they will diminish it, and that is important. We know the challenge before us, to reduce the tens of thousands killed and wounded each year, has no one single solution.

As home to the largest mass shooting in our nation's history, Nevadans know firsthand the heightened devastation resulting from bump stocks. We also know our federal government is an unreliable partner in the quest for progress on gun safety, so Nevadans need our own law. History also tells us responsible human behaviors bear an inverse relationship with alcohol intake, so modestly reducing the acceptable level of alcohol for someone operating a deadly weapon only makes sense. We have proof of this from our restrictions on drinking and driving.

Lastly, in Nevada we are all keenly aware that there is a vast difference in the lives of our rural and urban communities. Beyond some basics that clearly apply to both environments, we are wise to allow urban communities to adopt stricter laws more attuned to their local needs.

Assembly Bill 291 makes sense in all three of these aspects it addresses, and the members of Indivisible Northern Nevada encourage your support of its passage.

**Geena Marano, Member, Moms Demand Action for Gun Sense in America, Nevada Chapter:**

Assembly Bill 291 is extremely triggering and important to me because of my experience on October 1, 2017. This event is not 1 October to me. It is Route 91. The night I was with my oldest sister and best friends, listening to country songs that I can no longer hear on the radio. We heard many popping sounds, due to which I turned to my scared best friend and stated, It is just fireworks. A few seconds later, we realized these were not fireworks. They were the sounds of bullets, of a semiautomatic weapon turned automatic with a bump fire stock,

raining down on thousands of the most confused, scared humans I have ever seen. Bump stocks created the haunting sounds that are the backbone of my trauma. They are the cause of the sound that makes me jump in my seat anytime I hear it, and I had to endure it replaying endlessly and still today on the television. They are my enemy.

A ban on bump stocks will not make what happened on that horrific night any better. It will not take it away, but it will bring justice to those who are so scared of that sound. Banning bump stocks will possibly prevent others from experiencing the fear of dying. They will possibly prevent dangerous gun owners from transforming bizarre ideas into horrific realities, and they will possibly prevent someone from hating the sound of fireworks and prevent them from the lifelong fear many of us have from that night. I would not be doing myself or others the fair justice of living if I did not take a stand on this bill. I urge everyone here today, especially those who do not jump at the sound of fireworks, to truly realize the impact of what this bill could save us from so no one has to come up and share this story ever again. I want to thank Assemblywoman Jauregui for sponsoring this bill and sharing her survivor story along with so many of the others today. I, too, will not stop sharing.

**Sara Diss, Member, Moms Demand Action for Gun Sense in America, Nevada Chapter:**

I am a volunteer with the Nevada Chapter of Moms Demand Action for Gun Sense in America. I am here to give you testimony to support A.B. 291. We are a grassroots movement of American mothers fighting for public safety measures that respect the Second Amendment while protecting us from gun violence. Moms Demand Action is a part of Everytown for Gun Safety, the largest gun violence prevention organization in the country with more than four million members. I live in Clark County, which includes Las Vegas, a city rich with tourism and a destination in so many ways. It is also a city plagued by gun violence, as evidenced by one of the deadliest shootings in modern history that occurred on 1 October.

The big counties in our state see unique threats of gun violence. In fact, residents of Clark and Washoe County experience over 90 percent of gun homicides in Nevada. Unfortunately, state law largely blocks officials in Clark County from adopting locally tailored solutions of gun violence. State law generally provides that our county cannot adopt any law that is more restrictive than state law where it relates to guns. Their hands are tied.

This bill, A.B. 291, will free Clark County officials to enact or enforce their own gun violence prevention initiative. It will specifically allow large counties to focus on fighting certain issues that they are uniquely plagued by, such as gun trafficking, keeping open carry guns out of large public events, and guns out of places where alcohol is served. It will also allow county officials in Reno and Las Vegas to focus on specific policies, such as keeping unsecured guns away from children. This bill will provide clear direction to county leaders and free them from the aggressive posturing and threats of litigation that have come with past attempts to fight gun violence in the city. We understand and respect the need for clarity when it comes to gun laws, and this bill is written with that in mind. Unfortunately, as the rate of gun violence in larger counties show, what works for some parts of the state does not

work for all. This bill is an important bill to empower law enforcement and city leaders in Clark and Washoe County to fight gun violence in their communities. We urge you to support it.

**Lisa Hendricks, Member, Moms Demand Action for Gun Sense in America, Nevada Chapter:**

I am a volunteer with the Nevada Chapter of Moms Demand Action for Gun Sense in America. Six months ago, a man opened fire on a concert in Las Vegas, killing 58 people and injuring over 700. The shooter was able to unleash his carnage in a swift and devastating fashion because he used commonly available firearm accessories, known as bump stocks, that enabled him to functionally convert his semiautomatic firearms into fully automatic machine guns. These devices, which are easy and cheap to obtain, enable shooters to fire as many as 100 shots in 7 seconds. They are not designed for any legitimate purpose. They are designed solely to exploit gaps in federal law and enable people to simulate machine gun fire without actually going through the legal process of obtaining a machine gun. In fact, many of the manufacturers of bump stocks and other rapid-fire devices advertise their ability to simulate fully automatic fire and boast about the legality. Machine guns have been tightly regulated since the 1930s. It is illegal to make new machine guns for civilian use, and those that are currently in circulation are tightly regulated. Bump stocks and other rapid-fire devices are designed to evade this legal process.

The U. S. Department of Justice recently enacted a rule to prohibit the production, sale, and possession of bump stocks. This is an important step. This bill would also build on this rule and make sure that people cannot exploit the loophole with devices other than bump stocks that are similarly designed to simulate machine gun fire. This bill would make it illegal to transfer or possess a bump stock and any other rapid-fire device. In addition to bump stocks, it would cover devices that substantially increase the rate of fire of semiautomatic firearms. This bill is small, but it is important in preventing gun violence in Nevada. There is much more that must be done if we are to fight the epidemic of gun violence in our communities. This would be a strong start. We urge you to adopt this bill.

**Briana Escamilla, Nevada State Director, Human Rights Campaign:**

I am the Nevada state director with the Human Rights Campaign, the nation's largest lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. We support A.B. 291 because we believe that our nation's gun violence epidemic has gone on for far too long and we now have the opportunity to pass commonsense gun legislation that will save lives. On June 12, 2016, 49 people, most of them LGBTQ and Latinx, were killed in a mass shooting at Pulse Nightclub in Orlando, Florida.

While this incident gained national attention, the LGBTQ community is consistently the target of bias-motivated violence, often involving a firearm. In 2017, the Federal Bureau of Investigation (FBI) released hate crime statistics which showed that of the 7,106 hate crimes reported to the FBI in that year, 16.5 percent were motivated by anti-LGBTQ bias. The

volatile combination of lack of strong laws to prevent gun violence and animosity to the LGBTQ community increases the dangers faced by the community.

On a personal note, statistics show that guns are used to kill women in 53 percent of intimate partner homicides, which is often fueled by alcohol abuse. This year, one of those women was a close friend of mine who was killed a month and a half before her twenty-eighth birthday. I just say this as a reminder that gun violence affects so many more people than just its victims. I urge the Committee to support this bill.

**Stephan Page, Northern Nevada Organizing Lead, Human Rights Campaign:**

I am the Northern Nevada Organizing Lead for the Human Rights Campaign. All the testimonies before me show that it is no secret that we have a gun violence problem here in America. Americans disproportionately experience gun violence more than residents of any other developed country. Americans are 25 percent more likely to be killed with a gun than people in other developed countries and these incidents disproportionately target marginalized communities. About 16.5 percent of single device incidents were reported to the FBI in 2017 on the basis of LGBTQ bias. Even more alarming, about 60 percent of those same incidents were on the basis of racial or ethnic bias.

A poll from 2018 shows that 66 percent of American voters support stricter gun laws, showing that this is not only an important issue, but this bill is also generally supported by the public. If the data is not enough for you, I hope these personal stories today, of traumatizing gun violence, influence your votes. Their experiences, their lives, and the lives of their loved ones matter, and we should do everything in our power to ensure that other people do not have to go through their pain.

My favorite thing about living in a democracy is the fact that we, the people, get to decide the laws and standards that we live by as a society. I am here today along with other numerous Nevadans to say that I want to live in a society that values the safety and livelihoods of our people more than we value guns, more than we value the gun lobby, and more than we value the Second Amendment, in my opinion. I hope you agree to support and value the safety and livelihoods of your constituents and support A.B. 291.

**Leonard B. Jackson, Executive Director, Faith Organizing Alliance:**

As a faith and community leader, I am a strong advocate for gun safety and solutions to the epidemic of gun violence in Nevada, in our country, and especially in our community. As a faith leader, I have seen the effects that gun violence has had on our community firsthand, and I have also seen how our community has dealt with the aftermath of 1 October. This bill enacts a ban on dangerous weapons and modifications such as bump stocks, repairs the preemption laws that prevent city and county governments from enacting gun safety laws, and lowers the legal blood alcohol level for operating a firearm. This bill would lower the blood alcohol level allowed from 0.10 to 0.08. Past 0.08 a person is legally considered impaired. If you are too drunk to drive a car, you are definitely too drunk to be responsible to use a firearm.

Earlier in March, an intoxicated man in Las Vegas was arrested with three firearms and ammunition in his vehicle. It is a miracle that he was apprehended before he could cause any harm to himself or others, but this story demonstrates that we need laws to deter people from attempting to use firearms and not the influence of alcohol or a controlled substance. Assembly Bill 291 will help prevent gun violence by ensuring that firearms are used responsibly, and our communities need to have guidelines which are in the interest of safety and responsible use for firearms. Responsible use for firearms is a must in our community.

**Vince Spotleson, District Director, First Congressional District, Nevada:**

I am the district director for Congresswoman Dina Titus. She is on her way back to Washington, D.C., this morning, but she asked me to read this statement in support of A.B. 291 on her behalf ([Exhibit J](#)).

Dear Chairman and Members of the Committee:

Let me first compliment the bill's sponsor, Assemblywoman Jauregui, for having the courage to stand up to the gun lobby in defense of Nevada citizens. Your introduction of A.B. 291, which bans bump stocks, eliminates county caps, and toughens regulations for those who should not own firearms, is an important step towards ending useless gun violence.

You know firsthand the trauma that comes when our communities are attacked. Accordingly, your voice carries considerable weight and your arguments have undeniable credibility. I urge your legislative colleagues to stand with you.

At this year's State of the Union Address, I left my guest seat open to honor the victims of the senseless mass shooting that took place in Las Vegas on 1 October, but we are tired of all the symbols, the moments of silence, and the thoughts and prayers. What we need is real reform because we have seen the deadly consequences of inaction far too many times. At the federal level, I am working to ban large capacity magazines and bump stocks once and for all. I hope my colleagues in Congress have your courage and conviction.

Families in Las Vegas know all too well the need for these reforms, so I urge the legislature to heed the public's wishes and pass this important bill to prevent gun violence in our state.

Sincerely,  
Dina Titus  
Member of Congress

**Chairman Yeager:**

I think I know the answer to this question, but I just want to make sure. Is there anyone in Elko who would like to testify in support of A.B. 291? [There was no one.] Unfortunately,

we do not have additional time to take additional supportive testimony, but I want to give members of the audience who are here and in Las Vegas—if you would have liked to testify in support but were not able to today, I want to ask you to stand up so we can recognize you on the monitor. I know there are overflow rooms in the building as well. I apologize to all of you that we will not have the time to take additional testimony here this morning, but I would encourage you, that if you have written comments, to provide them to our Committee secretary. Send emails or comments to the website as well. Thank you all for being here.

[[\(Exhibit K\)](#) and [\(Exhibit L\)](#) were submitted but not discussed and will become part of the record.]

I will close testimony in support of A.B. 291. To make sure we give adequate time to the opposition, I will open opposition testimony.

**Daniel Reid, Western Regional Director, National Rifle Association of America:**

On behalf of the National Rifle Association and our tens of thousands of members across Nevada as well as our millions nationwide, we are in strong opposition to A.B. 291 ([Exhibit M](#)). This bill makes sweeping changes to Nevada law that could criminalize common firearm modifications and turn otherwise law-abiding Nevadans into felons overnight. Further, it repeals Nevada's firearm preemption laws that have served this state well for decades.

I want to start off referencing the firearm modification bill portion of this. It has often been referred to as a bump stock ban. This is well beyond federal regulations that have recently been enacted. It is broad and sweeping and could encompass many common modifications, including trigger adjustments, polishing of parts, springs, et cetera. These are done for a variety of reasons, including self-defense, hunting, competition, or even to overcome a disability. With this bill's enactment clause, upon passage, it would be a felony to possess this, and I think it is just going to open up Nevada to numerous lawsuits and problems. From an interpretation standpoint, it is incredibly vague and ambiguous. You even heard from the proponents that they are anticipating future things they have not even contemplated.

As far as Nevada's firearm preemption, it is important to know its history ([Exhibit N](#)). It was passed originally in 1989 as a result of a locality looking to ban ammunition. Firearm preemption has been adjusted over the years, and it ensures uniformity throughout the state so that gun owners who are residents of Nevada or those who are visiting know what the laws are as they travel through a jurisdiction. Forty-five states have some form of firearm preemption. This is important so people are not subjected to criminal penalties.

In Nevada, prior to adjustments with this law, there were numerous local ordinances including, most notably, a ban on firearms in cars in North Las Vegas, even though at the time this was in violation of firearm preemption. People would be pulled over not knowing what the law was, maybe they had a carry permit, and they would be subjected to car searches, et cetera, for something that was legal across the street in another jurisdiction. This

is incredibly problematic to expect someone to know every single jurisdiction, because the way I am reading the preemption statute, with it being completely repealed, it is open season on anyone to pass any sort of ordinance.

We have seen—in various states that have less in preemption statutes or no preemption statutes—everything from magazine bans, bans with certain types of ammunition, overly restrictive zoning ordinances that were designed to push federal firearms licenses (FFL) out of a certain jurisdiction, et cetera. This is incredibly problematic. Preemption is good law and good for the citizens of Nevada. We stand in strong opposition.

**Michael Findlay, Director of Government Relations and State Affairs, National Shooting Sports Foundation, Inc.:**

The National Shooting Sports Foundation (NSSF) is the trade association for firearm manufacturers and retailers as well as shooting ranges throughout the country ([Exhibit O](#)). Since 2010, NSSF has hosted the annual shooting, hunting, and outdoor trade show right here in Nevada, more specifically in Las Vegas. Just a few short months ago, in January, 63,000 attendees from 111 countries and all 50 states descended upon Las Vegas. Unfortunately, it should have been more, but with the government shutdown, our partners at the ATF, the Department of Defense (DOD), as well as the FBI, were not able to send all of the representatives that they usually send to the show. Over 2,100 exhibitors taking up 11 football fields of exhibit space descended upon the Sands Expo and Convention Center and held our annual SHOT (Shooting, Hunting, Outdoor Trade) Show. The SHOT Show is a business-to-business show—it is not your typical gun show. We have representatives from all over the world—the North Atlantic Treaty Organization (NATO) countries as well as law enforcement—who come together and make purchases for their organizations for the year as well as throughout the future. Specifically, SHOT Show brings in nearly \$100 million of direct economic revenue per year. That does not count the indirect revenue. It is the fifth-largest trade show in Nevada.

Unfortunately, A.B. 291 is very problematic for our show, our retailers, as well as our members. Specifically, section 1 of the bill goes well beyond simply banning bump stocks. The definition, as the proponents said in their testimony, is broad and would affect routine gun customizations and after-market parts, which many of our vendors, who display their products at the SHOT Show, make. These standard trigger modifications and replacement triggers would become illegal overnight, meaning our vendors would not be able to attend the show, display their products, or even be able to bring the products into the state. The DOD and NATO countries, as well as law enforcement all over the country, many of which use these parts, would not be able to view demonstrations or even see how they work at the SHOT Show.

We have retailers and vendors who occupy a multitude of jurisdictions when they come to the SHOT Show within the state. That is not to mention our ranges as well as our FFL dealers and retailers. Not only do they stay on the Strip for SHOT Show, they have arranged day demonstrations in northern Las Vegas, Boulder City, as well as pretty much every range

in southern Nevada that can host us. We stay at hotels all over southern Nevada. We have events at restaurants as well as other venues all over southern Nevada, oftentimes displaying our products to the attendees that I mentioned. The repeal of state preemption would make it very difficult and cumbersome and potentially be very problematic for SHOT Show in our future within Las Vegas. I urge every Committee member to vote no on this.

**Randi Thompson, representing Nevada Firearms Coalition:**

I know that criminal justice reform is your top priority this session, especially addressing low-level nonviolent offenders ([Exhibit P](#)). Once the Governor signs this bill as presented today, thousands of Nevadans will instantly become felons. This does not seem like the kind of reform they are advocating for this session. This bill says that a person who merely possesses any semiautomatic firearm that has been modified in any way that materially increases the rate of fire is guilty of a felony. Again, merely possessing a gun becomes a felony. Thousands of women who own handguns have modified them to make it easier for them to pull the trigger; whether they have small hands, arthritis, or injured fingers, they modify the guns so when they need to protect themselves, they can fire the gun. The most vulnerable victims of this bill, frankly, are to be women of domestic violence. Many of these women have purchased and modified their guns so they can protect themselves and their children, but merely possessing such a gun will make them a felon.

The other main issue is revoking preemption, which I am happy to hear about the amendment. That has been on the books since 1989. It was modified in 2015. There are 170 different state laws and codes that regulate firearms and ammunition in Nevada. These will all be subject to various codes and ordinances at this point. It is estimated that 47 percent of residents of Clark County alone own firearms. Eliminating one set of laws for all residents to follow potentially criminalizes a very large group of Nevadans and law-abiding citizens who merely break the law by driving across a city street. This seems to be the opposite of what you are trying to do this session, but go ahead and ban bump stocks. We do not think bans work, but go ahead and ban bump stocks. Please amend this bill so that law-abiding gun owners who merely modify their guns do not become felons overnight.

**Chairman Yeager:**

We are at the beginning of this process here in the legislative building. I do not want to give the impression that somehow this bill is going to be signed into law today. It would have to go through the Assembly Judiciary Committee, through the Assembly, over to the Senate, through the Senate Judiciary Committee, through the Senate and to the Governor's desk. I just want to make it clear that this bill is not going to be enacted today. We have a process, and that is why we do these public hearings and take input from members of the public as well as from other Committee members so we can try to get the best piece of legislation we can.

**Hal Greene, Private Citizen, Las Vegas, Nevada:**

I want to point one thing out—all mass shootings have only one thing in common, and it is not lax gun laws. It is that all were done in gun-free zones, as Mandalay Bay was. So if the

intent is to affect mass shootings, then maybe you should get rid of gun-free zones and allow people to defend themselves. This is not gun safety; it is anti-gun and anti-Second Amendment. This bill allows gun registration. That is the first step toward gun confiscation and finally government tyranny. The Second Amendment was put into our *Constitution* to prevent government tyranny, which is what the colonies were experiencing back then—not just self-defense from bad guys, but protection from our own government. You all pledged an oath to support and protect the *Constitution of the United States* and the *Nevada Constitution*. This bill breaks that oath and, if passed, will cost us taxpayers millions in losses. There are many things in this bill that have already been adjudicated and found unconstitutional, as is Senate Bill 143, which you have already shoved down our throat. Again, this is not about gun safety; it is about power and control. A disarmed citizen is not a citizen at all; he is a serf. This is an attempt to take our God-given rights away and it cannot be allowed. What part of "shall not be infringed" is so hard to understand?

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

[John Hermeler speaks from ([Exhibit Q](#)).] Remember [Khizr] Khan's pocketbook *Constitution* speech to Trump at the Democratic National Convention in 2016? Here is my *Constitution* book, all 828 pages [He holds up a thick book.]. What are "certain acts" related to modification? What are they? This bill will prevent any person with a physical impairment that limits a person's physical capacity to move, coordinate actions, or perform physical activities. This includes Olympic games and shooting events, recreational use, and lawful purposes. This bill is unconstitutional. For example, arthritis. According to the Equality Act [of the United Kingdom], you are disabled if your arthritis has had or is expected to have an effect on your daily activities. These are covered in Schedule 1, Part 1 of the Equality Act of 2010 and in Regulation 7 of the Equality Act 2010 (Disability) Regulations 2010. In other words, making modifications to a gun: for example, making ergonomic changes regarding triggers so he or she cannot defend themselves from dangerous people as stated in Senate Bill 143 for "background checks for certain sales."

In the United States, the general rule [of self-defense] is that a person is privileged to use such force as reasonably appears necessary to defend him or herself against an apparent threat of unlawful and immediate violence from another. This bill would put lives in danger. The Second Amendment is to defend oneself and the United States of America against all enemies, foreign and domestic. This is also in Nevada's right to keep and bear arms, Article 1, Section 11 of the *Nevada Constitution*. By enforcing this bill you have to make changes to the *Nevada Constitution*.

**Nick Alfonsetti, Private Citizen, Mesquite, Nevada:**

I am in opposition to A.B. 291. This bill is intended for public safety. By no means is public safety demonstrated by this bill. Felons buy, sell, transfer, modify, and harbor guns with no reference to anything that is stated in this bill. Laws mean nothing to felons but to point out law-abiding citizens who become soft targets. If I may remind you, a couple staying in Las Vegas from Nova Scotia were targeted by two felons knowing the vehicle that they were driving had plates on it that reflected Nova Scotia and it meant no guns. They were robbed

and murdered. Please refer to Tahiti Village, Las Vegas. It also creates gun-free zones, and those do the same to schools, theaters, and night clubs. This bill opens up public buildings to post city ordinance signs that refer to codes without any liability protection to its patrons in the building and creates soft targets for criminals, and 1 October proves the ordinance code posted by the casino protected no one. All these bills do is infringe on law-abiding citizens' rights to protect themselves since the government cannot.

Neither the Governor nor you could do anything to stop 1 October. Today is a sad day and a sad attempt to protect Americans with this sad bill you have proposed. Public safety, labeled A.B. 291, is not for the citizens of Nevada, as it makes Nevada citizens soft targets for criminals ([Exhibit R](#)).

**Danielle Kohler, Private Citizen, Elko, Nevada:**

I oppose A.B. 291 and I believe that this bill was ill-conceived without consideration for how it affects law-abiding citizens of Nevada. I believe this bill should actually be three separate bills. The most egregious part of this bill is elimination of our state preemption law. This allows law-abiding gun owners that, we should not be trapped into breaking the law just because we travel from one area of the state to the other. Preemption protects the citizens from patchwork laws that are not fair and equal for all residents. For the same reasons supporters think this would be good, in reality it is the actual opposite and it results to protect citizens from erroneous and patchwork laws. Preemption is a good thing for our state.

As for adding another section in the law banning an accessory that in no way will prevent gun violence as some would like, it does not. The device in question provides significant advantage over manual manipulation of a trigger for anyone who is proficient in the operation of a firearm. Regardless of the hype, bump stocks still require an individual pull of the trigger. The way it is written could be interpreted that swapping out for a competition trigger and allowing for better accuracy for hunting or defense could be illegal. Who knows? The language is ambiguous and will affect devices that enable easier operation for the weak, disabled, recreation, and hunting.

In addition, the subsection to allow an ordinance prohibiting carry in public buildings added under NRS 202.3673 is not necessary if said public building posts at each public entrance, as is already set forth in the current subsection 3, paragraph (b) of NRS 202.3673 and is currently prohibited under preemption sections. I empathize with the victims of violence, but we need to focus on group causes and we would be better served by supporting mental health programs rather than passing laws that only affect law-abiding citizens. Criminals do not obey laws. I ask the Committee to not pass this bill nor any version with any amendments.

**Jeff Polish, Private Citizen, Elko, Nevada:**

I heard from a former combat medic about this bill. I am a former combat medic, too. I know what an AK-47 sounds like. I know what death looks like. I am here against this bill because it is just another agenda for more control. That is all it is. The word "safety," the words "common sense": these are loosely thrown around to try to get at our emotions.

Emotional things only work temporarily. The thing that happened in Las Vegas and all gun violence is wrong and tragic, but how many laws are on the books now that we do not even bother to enforce rigidly? Like Ms. Kohler stated—and she stated everything I wanted to say—this is a reactive law. It is not a preventive law. It is found more and more in this republic. I heard a gentleman for this bill mention that we were a democracy. We are still a republic. Nevada was a republic up until 1965 and then Governor Grant Sawyer, with a special session of the Legislature, changed it to a democracy. The counties used to have one senator per county. I grew up in those times, and now we are a democracy. That is part of the problem, especially from places like Las Vegas and Reno. I would urge you to pray about your decision.

**Lee Hoffman, Private Citizen, Elko, Nevada:**

I am a Nevada native and long-time resident of Elko County. For clarity, I am also the chairman of the Elko County Republican Party. I am here today testifying on my own, as the Elko County party has not taken a specific position on this legislation. I have reasons why, in principle, I am opposed to this legislation. You have heard some of those already; I will not repeat them, and I am sure you will hear some more. I want to take a slightly different tack in this testimony. It is related to the overlapping laws and regulations from the federal government on down to the county and how that applies to rule of law.

I think everyone should be very thoughtful since the ATF has already promulgated regulations against bump stocks and now the state proposes to put a different regulation in place and to allow different regulations in every county. At some point, you get to the point of so many overlapping laws, misunderstood laws, and unenforceable laws that the rule of law will disappear. When people no longer know what law they are living under and these things become unenforceable because they are in conflict, pretty soon the rule of law is going to disappear. I oppose A.B. 291. The one point in there that makes sense to me is the alcohol part. That makes a lot of sense. Eliminating preemption does not. Again, the fact that the ATF has already promulgated regulations against bump stocks, this seems to me to be an unnecessary duplication and complication. I urge you to oppose this.

**Anthony B. Wojcicki, Private Citizen, Carson City, Nevada:**

For many years, I was a professional bodyguard and an investigator. I protected politicians on both sides of the aisle, along with two kings and a queen. I can tell you factually that there are things that could have been done in Las Vegas to prevent 1 October. When the President of the United States comes to town, you have countersnipers all over the place. There is no reason that Las Vegas Metropolitan Police Department or the private security firm could not have had them in place and nailed this individual who was firing on that crowd early on. But it was not done. Where is the anger that that was not done in advance? It should be there. Also, on preemption, I believe, if I am correct, that there used to be a law in North Las Vegas that banned handguns altogether. If you enact this preemption legislation, you are liable to have very bad and restrictive gun laws of the type that they have in New York City. It is going to prevent people from being able to defend themselves effectively, and it is a bad law. I urge you not to vote for it.

**Steve Johnston, Private Citizen, Reno, Nevada:**

I am a federal firearms licensed dealer in Reno, National Shooting Sports Foundation (NSSF) member, and SHOT Show attendee. I specifically want to speak in opposition to A.B. 291 related to the changes and removal of preemption. I will try to talk in a way that I think presents a picture that we can all understand, especially those of us who have traveled around Nevada and know how to find Esmeralda County on a map. If any of us have driven across the state, you know as you are driving, when you hit Goldfield or Hawthorne, you better slow down because the law changes. There are signs posted. What this preemption would do as it relates to firearms law is that the law changes and the speed limit is different, but there is no sign. So this law will allow those cities that choose to, not only will they reduce the speed limit to 25 miles per hour (mph) or lower, but then they ban cars that are able to drive over 25 mph. Then we drive through town in our regular speed car and we drive into that town not knowing—because there is no signage—that not only has the speed limit changed, but my car is illegal to drive on the road in that town. No sign, no knowledge, nothing. That is the effect of preemption when you relate it to that metaphor. That is the effect of what will happen. It is driving down the road, you come into a town, you do not know the laws, and you do not even know the speed limit changed because there is not a sign there to tell you. With preemption gone, as laws get passed—as a licensed dealer, how am I supposed to know when I sell a gun to a Nevadan, if he is legal to own it at his house or not? What kind of liability does that put to dealers? Is there any protection for that? I do not see any, depending on how the laws come down after preemption is removed.

The only other thing I would say, as a dealer, in this Committee hearing is just to take a specific exception to Mr. McLively's comments earlier about putting any kind of blame on Nevada licensed dealers towards problems that they have with gun violence in California. I do not see any relation to that at all. In fact, it was a Nevada dealer who recently turned in the criminal union employees who were cleaning up from SHOT Show and stole 65 firearms, including licensed machine guns. It was not the police who caught them. It was a tip from a licensed dealer that caught those individuals, and then they recovered those firearms. By the way, our system working the way it does, those two individuals were released by the judge on their own recognizance. If there is something we can do about public safety and getting rid of violence and crime, we can look in the direction of that in criminal justice and maybe dealing with the criminals and not so much legally owned firearms.

**Jay Jacobson, Private Citizen, Minden, Nevada:**

I am the President of Franklin Armory. We started as a manufacturer of firearms in California in 2009, and moved to Minden, Nevada in 2013. We grew from 3 employees in 2013 to 30 employees today, many of which are in attendance today of their own volition. We anticipate 300 percent growth and 90 jobs over the next two years because we have six patents currently with many more in process. We also manufacture machine guns for law enforcement. I mention this to give you my credibility on the statement I am going to give you next.

This bill is flawed. This bill will outlaw all semiautomatic firearms and is consequently a job-killing bill. No manufacturer is going to want to stay in Nevada and potentially be in violation of it. Unfortunately, the bill appears to be written by someone who does not understand how firearms work. Just how fast is a machine gun? Nowhere in the legislation is there any metric notifying a licensee in the state of what the cyclic rate is supposed to be. Is it 450? Is it 1,000? Incidentally, a standard semiautomatic firearm without any accessories, straight from the factory, that can be bought at Big 5, will outrun a machine gun, which is mechanically controlled to a certain rate. I think that is what some of the legislators up here were pointing out. This bill creates uncertainty in the marketplace. Does the possession of a 79-cent spring violate the bill? Does lubricating your firearm violate the bill, because then it will run faster with less friction. Does changing the gas port size violate the bill? Does changing the ammunition violate the bill? My business cannot operate under this threat, though I do believe that this bill, if it were to proceed as written, will be overturned by the courts for ambiguity.

National Shooting Sports Foundation spoke to the financial impact of SHOT Show. I can tell you that my own company—just one company—spent \$120,000 exhibiting at SHOT Show just this year. I have to wonder, if I were to drive down Highway 95 again next year, if this law were to pass, would I unwittingly be violating any new laws that were created because of that? I will not wait for the state to put a noose around my neck. If A.B. 291 is voted out of Committee and moves forward, I will initiate plans to move my company and over 90 high-paying jobs to another state.

**Julie Dianda, Private Citizen, Carson City, Nevada:**

I am proud to be a fifth-generation Nevadan. I am here today to voice my opposition of A.B. 291. As a lawful permit holder of my concealed carry weapon (CCW), a hunter, wife, and mother to avid competition sporting clay shooters, I find this bill appalling. The very nature of it would turn us into criminals for the simple fact that we modify our firearms. As conservationists, we want to be as ethical as we can when hunting animals. The game we pursue deserves nothing less. In order to do this, I put a recoil pad on the stock of my gun, and a muzzle break on the end of the barrel. They both help to control the impact on my body as well as redirect the gas to lessen the sound so I do not flinch. I also adjust the poundage of my trigger pull and attach a scope for accuracy. All of these things not only make my rifle more comfortable, but also make it safer to use and are considered modifications.

Our family also produces a nationally televised hunting show. This law would negatively affect the show, the channel on which it airs, the independent contractors who make it run, and the vendors and installers we buy from for all of these said modifications. I am only speaking of my rifle today. I could go on about the simple and safe ways to add or change shotguns used for waterfowl hunting or sporting clay tournaments, or how they make handguns safer such as laser sights.

I am a mother, grandmother, community leader, business owner, and charitable donator. I love this state. My heart belongs to Nevada and the people who live here. If this bill passes, I would be a felon. That is unjust. I hope you will take my concerns and consideration and recognize how harmful this bill is and how it would be harmful to the shooting sports industry. It is not just a hobby. It is a profession, it is a trade, it is a business, it is a heritage, and it is my way of life. Please oppose A.B. 291.

**Samuel Peters, Private Citizen, Las Vegas, Nevada:**

I am speaking to you as a concerned citizen, a father, a husband, and a gun owner. I am also a retired military officer, and I am speaking today as a declared candidate for Congress in 2020. I found this bill to be overreaching and ambiguous. At its core, it eliminates protections given to all citizens by the Second Amendment. Most importantly, this law does exactly nothing about getting firearms out of the hands of criminals, but also criminalizes average citizens. My fellow opposition have voiced concerns on the modification and the preemption, and I oppose on those grounds as well.

I am going to jump forward to a couple of sections in the bill that have not received much discussion. Section 4, subsection 1, eliminates personal, nonlethal, self-defensive weaponry, such as billy clubs and metal knuckles, common weapons used by those who prefer nonlethal force. The disarming of our citizenry is also one hundred percent counter to the Second Amendment. Moreover, I reflect that today marks the beginning of National Sexual Assault Awareness Month. Assembly Bill 291 seeks to prevent the use of these aforementioned defensive tools. According to the National Sexual Violence Resource Center, one in five women are raped at some point in their lives. I find it troubling that this Assembly might vote to disarm them.

Section 5, subsection 5, paragraph (c) indicates that a person who is employed in a public building and has a concealed carry permit can carry a firearm on that public property. With this, the possibility exists that a 22-year-old clerk with weeks of firearm training could carry on that public property but a veteran with 20 years of training in firearms use and a police-issued concealed carry permit would be guilty of a misdemeanor. This does not amount to equitable treatment under the law. In my opinion, this legislation should be struck. All further efforts should avoid eroding the Second Amendment and actually increase public safety.

**Mack Miller, Private Citizen, Las Vegas, Nevada:**

I am a former Assembly District No. 5 candidate and current candidate for mayor of Las Vegas. I am here in opposition to A.B. 291. We have heard a lot of specific statistics in opposition to A.B. 291 and why we all oppose it. I am not going to speak on any statistics because I believe a few stories could actually help address some concerns.

Years ago, I took a vacation but I left my gun in a drawer unlocked—unfortunately I had not shackled it and restricted its ability to shoot—and I realized that when I got to my destination. When I returned home, I discovered, amazingly, that my gun was still right

where I left it and it had not jumped out of that drawer and shot anyone. Let us stop ignoring the Second Amendment and stop laughing at the Tenth Amendment. If I am in a public place, alone or with my family, and someone with a mental disability or someone who is flat out a criminal, presents to that public body a gun, I pray that we have the legal law-abiding citizens who are opposing this bill—many in the north and many behind me down here in the south—I pray that they are present and I pray for their judicious accuracy in taking out that person who is proceeding with a gun unlawfully. Bills like this prevent our lawful citizens from defending themselves and their families. Los Angeles, Chicago, New York, Cleveland, Detroit—I have family in all of those locations and they have some of the strictest gun laws of our nation. It did not do any good for them. I have had several family members be killed by gun violence, in gangs, or just walking down the street. A family member here in Las Vegas, while just driving down the street, was shot in the head years ago. All of those criminals who shot those firearms were not members of the NRA and they were not law-abiding citizens. I oppose A.B. 291 as it is written and urge this body not to move it forward through Committee.

**Cody Cunningham, Private Citizen, Las Vegas, Nevada:**

It sadly disappoints me that we are so committed to being victims and not the victors of our reality. I am going to paraphrase a man named Mark Robinson [of Greensboro, North Carolina], because he said it best. When are you going to start standing up for the majority? Who is the majority? I am the majority. I am a law-abiding citizen who has never committed a felony, but it seems like every time we have a shooting, no one wants to put the blame where it goes—at the shooter's feet. You want to put it at my feet. You want to turn around and restrict my constitutional right to owning and carrying guns to protect myself from the very people you are talking about to push these new proposals. We are the law-abiding citizens of this city and state, and when something goes wrong, we are the first ones punished and the last ones considered.

My point of focus is to protect reciprocity and preemption. Repealing reciprocity is dangerous. No matter what is written down on paper, criminals and those with no moral character will not follow that law. The only people you hurt are people like myself. Creating loopholes and problematic legislation only makes good people into accidental felons should they not know every single local ordinance—such as North Las Vegas' ridiculous bullet in the chamber ordinance—and opens the door for more asinine ideas, such as legally upheld gun-free zones where 90 percent of all mass public shootings occur. Gun-free zones are a metaphysical manifestation of the saying, fish in a barrel. It is a criminal's delight to know he will not encounter any force when they decide to harm, steal, or destroy. Do our representatives even represent us, or do they represent Mike Bloomberg [former New York City mayor], who is funding this nonsense? I invite everyone here to read the comments on the Nevada Legislature website. Oppose, oppose, oppose. It is unanimous. We do not support this. Thirteen out of sixteen counties in Nevada do not support this. It is blatant disregard. If you want California-style gun control, that is where you need to live.

**Clinton McGarr, Private Citizen, Elko, Nevada:**

I strongly oppose A.B. 291 in every shape and form, excluding the 0.08 alcohol level. Talking about modifications, I have my children here with me today. I modify firearms so they are able to shoot them. Any modification making me a felon instantly is unconstitutional and goes against the Second Amendment in every shape and form. I strongly urge you to vote against this and do not continue on with it.

**Maurice White, Private Citizen, Carson City, Nevada:**

I stand in opposition to A.B. 291. Specifically, section 1 of this bill says, "A person shall not import, sell, manufacture, transfer, receive or possess" a host of scary things. Subsection 3 exempts employees of law enforcement, however, this language prohibits a law enforcement agency to acquire these scary things because they need them if they do not employ an in-house gunsmith. It has been said today that local jurisdictions should have the ability to make this patchwork mess that you are talking about. If the local jurisdictions are so unique and so much better at regulating these guns, why do we need a statewide ban on bump stocks and other modifications? This whole idea is based on emotion. We need our government to act slowly based on facts, not to act quickly based on emotion. We have emergency powers—federal, state, and local—that allow our jurisdictions to act quickly when there is a real emergency. The shooting of 1 October was absolutely devastating. It should not have happened. But that does not constitute a need for quick action. That constitutes a need for study and deliberate action in a controlled environment.

**Chairman Yeager:**

I want to clarify something for the record. Section 1, subsection 3, indicates that that section does not apply to any employee of a federal, state, or local law enforcement carrying out official duties. I want to make sure that is clear for the record. I think the statement that was just given suggested that local law enforcement would not be able to modify their handguns in any way, and the way I read the bill, I think that is just not the case.

**Janine Hansen, State President, Nevada Families for Freedom:**

Repealing preemptive laws jeopardizes the safety of women and grandmothers like me. I, myself, drive thousands of miles every year within the state of Nevada. In January, I drove from Elko through Las Vegas to Pahrump. Every week I drive from Elko to Carson City. I have a CCW, as I always have my gun with me when I travel. This bill could turn me into a criminal as I drive from county to county or city to city. Women, when facing violence, are at a distinct disadvantage.

The repeal section repeals the Nevada statement that ensures protection of the right to keep and bear arms, which is recognized by the *United States Constitution* and the *Nevada Constitution*. I could be deemed a criminal because of possession, carrying, ownership, transportation, and registration laws if they are changed in different jurisdictions. By repealing the preemption law, you will create more gun-free zones. Researcher John Lott in his book, *More Guns, Less Crime*, identifies that gun restrictions do not lower crime. He says that murder rates decline when either more women or more men carry handguns, but

guns represent a much larger change in the woman's ability to defend herself than it does for a man. It is almost three to four times more for a woman to protect herself than for a man. In case of rapes in states which have good concealed carry laws like Nevada currently does, there is a 25 percent lower rate in rapes for women. We want you to protect women and grandmas like me, and reject state preemption.

**Phil Nicholas, Private Citizen, Gardnerville, Nevada:**

Anyone who knows me knows that I grew up in the abject depths of alcoholism and drug abuse in my household. Very rarely do I find myself agreeing with much of what my opponents in shirts behind me have to say, but I am here in strongest support with what I would agree is commonsense legislation to lower the blood alcohol content—I think that is how it is regulated for possession of a firearm that makes perfect sense. That being said, I take extreme offense as a Nevadan to see the blood and tears of Route 91 victims and their family turned into a fuel mixture for the random violation of civil rights. By random I mean, for example, Assemblyman Watts enjoys the same freedom to drive around without being racially profiled, harassed, or searched because of his civil rights regardless of what ZIP Code he is in. Senator Cannizzaro enjoys the right to reproductive freedom throughout the state of Nevada, whether she is in Washoe or White Pine; it does not matter because her rights are consistent wherever she goes. You are going to turn that cherished freedom of movement without fear of having your rights violated. You are going to turn that upside down by creating a patchwork of gun control that will be very difficult, if not impossible. If I told you to look up the civil codes of every "county, city, and town" between here and Las Vegas, every single one of them, you would be here all night. And it can change at any time. That is the legal chaos that you are going to put upon Nevadans if you remove state preemption.

State preemption was originated in 1989, and in 2015 this legislative body required local municipalities to repeal any gun laws they had that violated state preemption. So it is actually much older than 2015. Losing \$100 million, we are cash-strapped enough as it is and we cannot have the economic cost that this will bring. I oppose that section of A.B. 291 in the strongest terms.

**Gregory Ross, Private Citizen, Reno, Nevada:**

I am a firearms instructor in the state of Nevada, and I would like to testify against this bill. The language of materially increasing the rate of fire at approximately the rate of fire of a machine gun is a financially nonsensical provision. A fully automatic firearm does not actually fire faster than a firearm with bump stock, and a firearm with bump stock does not really fire faster than an unmodified firearm; it is semiautomatic. If you go to YouTube and look up Glock bump fire, there is a guy who bump fires his Glock unmodified pistol and it fires just as fast as any fully automatic firearm. What a bump stock does is let you control the fire more accurately. What fully automatic does is let you control more accurately than a bump stock. I firmly believe that fully automatic firearms do have a place for self-defense and especially home defense. I believe a submachine gun would actually be the best firearm for that purpose. When special weapons and tactics teams carry fully automatic firearms,

it is not to kill large numbers of people in a crowd as the previous anti-gun commentator says is the only legitimate reason. They carry submachine guns because they need to hit targets repeatedly and quickly in order to prevent the target from firing back at you before he is taken out.

A lot of people have misconstrued ideas about this because of Hollywood. If you look at shootings between police and suspects, like Timothy Gramin, he ended up shooting the suspect 14 times with his handgun and the suspect continued fighting, shooting rounds back at the cop until he fired another 3 rounds at the suspect which finally took him out of action. It is really imperative to be able to fire a lot of rounds very rapidly and accurately in order to act in self-defense, and I believe submachine guns are the best way to defend your home. Unfortunately, people have to get around the laws and that is why bump stocks exist.

In about 8 percent of mass shootings, according to the FBI, someone who is armed has fired back. In Winnemucca, Nevada, there was a bar shooting where an armed CCW holder shot back. We heard about the Pulse Nightclub shooting earlier. In Florida, they have laws against having guns in alcohol-serving establishments and what happened? There was a massacre. If the same law existed in Nevada, it probably would have been a massacre here in Nevada in 2011. I urge you to oppose A.B. 291 on those grounds.

Also, in Connecticut, when they required registration of assault weapons, 90 percent of people did not comply. When you ban guns, or ban bump stocks, or whatever you ban here, the same is going to be true. Ninety percent of people are not going to comply. You are going to be creating criminals out of ordinary people. The people are going to go to jail when they are just honest people who want to defend themselves. It is not going to reduce crime.

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

There is one small part of this bill I do not oppose, and I will start with that. The change from 0.10 to 0.08. Why? Because I do not think it will affect any law-abiding gun owners. It will not make a difference one way or the other. It will not change criminal behavior in the slightest. If it gives you that warm fuzzy feeling and it actually does not do anything, then fine, whatever.

Preemption was not passed in 2015. It was enforced in 2015. It was originally passed in the late 1980s, but local municipalities had been in flagrant violation of it, so in 2015 it was fixed to give the existing preemption statute an enforcement mechanism. I would also like to point out that the current preemption statute allows for municipalities to restrict unsafe discharge of firearms. When we talk about the need for local communities to be able to have local control, does not the regulation of unsafe discharge cover everything that a local community could possibly need?

I have concerns with each section of this bill, but none more than the repeal of preemption. This change will make criminals out of otherwise law-abiding people, and I will go a step

further and say this: Those of you who claim to be a gun owner and also support this, you will get caught in this trap. Not me, because I follow the laws. You will get caught in this trap. Who among you can tell me where the precise borders of each city, county, and town are in Nevada? Do you plan to keep up with every action taken by local city councils? What about when the city I have lived in for 25 years decides that everything I own is illegal because of some arbitrary ignorance enacted by a local bureaucrat? It is evident that the intention today is to ram this abomination through regardless of how much opposition there is. Do what you are going to do. It has already been bought and paid for.

**Joel Friedman, Private Citizen, Las Vegas, Nevada:**

I oppose the bill. You have heard a lot of testimony already. You know that section 1 needs tremendous amendments to allow law-abiding people to be able to use their firearms and to adjust their firearms for their legal use. It is therefore suggested that you get with people who have real knowledge about firearms to create your amendments. Better yet, separate it and make it its own bill. We already have the bump stock issue federally, so at this point in time, all of the testimony that you have heard about how terrible 1 October was, which it was, is irrelevant because the federal government has already stepped in.

On the issue of the preemption, you have heard everything about the preemption, about making honest people criminals simply by driving their car. I also find it very interesting that there is a state concealed carry permit issue and that is to allow those that have done what is necessary to get the permit or license to be able to move around the state legally with a concealed firearm. So now you are going to have a state license which can be nullified by a city? Something there is not correct.

Let me remind you about all the litigation that is going to come because there is a state constitutional right to keep and bear. So as the previous gentleman had mentioned, if they outlaw the ownership of his firearms in his home, that would be against the *State Constitution*. Preemption is a good thing and it is needed because we do not want to go through a bunch of different laws and begin to create the black codes again.

**Jeffrey Watson, Private Citizen, Henderson, Nevada:**

I want to clarify a couple of issues. From the other side earlier, I heard the words "gun lobby." First and foremost, I am an American citizen. Secondly, I live here in Nevada and have been here for 18 years. I am a law-abiding citizen. I spent nine years working in the security industry before I got out in 2011. What happened was a tragedy but, as other people have pointed out on our side, it could have been prevented. I could tell you a lot about what I saw go down that could have been prevented that day, but I will not go into any more of that.

This is an infringement on my Second Amendment rights. Period. I modify my firearms whether it is for competition, self-defense, or anything within that parameter because I am allowed to at this moment. What you are proposing through legislation is going to make me, as well as anyone else in this room who owns a firearm, whether they use it for self-defense

or competitive shooting, recreation in any capacity, is going to handcuff us to being a criminal. Meanwhile, other people have stated earlier in testimony that criminals do not abide by laws that are being presented and the rest of the people like us have to follow. I am urging you to really consider what you are going to do. I am sorry the tragedy happened and I am sorry for the people who spoke out today; I feel your pain. But I as a law-abiding citizen never want to have to pull my firearm, never want to intend to hurt anyone, but by the *Constitution* that is framed by our founding fathers, I have that right just as you have that right.

**Kim Cantacessi, Private Citizen, Fernley, Nevada:**

For those of you who have had the pleasure of serving the great state of Nevada in previous legislative sessions, my father was the late John Wagner [unsuccessful Independent American candidate for District 40 of the Nevada State Assembly, and also District 16 of the Nevada State Senate], and I speak on his behalf as well. Many of the proponents of this bill have mentioned a couple of things that I would like to address: sensible and common sense. Common sense says that a man who was out after nothing but carnage is not going to worry about a class D felony because he took a gun across county or city lines to commit his horrendous act. Bump stocks are already illegal in the state of Nevada. They were made illegal last Tuesday by federal law. If this law was strictly about bump stocks being illegal in the state of Nevada, I would not have bothered coming here this morning, because it has already been covered.

My husband and I are planning a trip this summer through Nevada. We are planning on going to White Pine County, Ely, and to hit up some watering holes that he liked in his single days and he wants to show me around the state that he has been around for so much. In order for me to do that, if this bill passes, I am going to have to go through a map of every single town, city, and county to look at their laws and see whether or not, if I was to carry a gun with me to protect myself in this beautiful Nevada wilderness, I would be a felon too?

This law is a knee-jerk reaction to something that never should have happened. I wish the Assemblywoman was still here so that I could tell you—you brought me to tears with your letter, but this bill will not prevent this from happening again. Please do not disarm the citizens of Nevada like myself, who are law-abiding and who want to be able to protect themselves from someone who would try to harm us.

**Jim DeGraffenreid, Private Citizen, Carson City, Nevada:**

I am the vice chair of the Nevada Republican Party and chairman of the Douglas County Republican Party. Parts of this bill are indeed simply common sense; changing the level of blood alcohol is essentially an insignificant change but it is a logical conforming change. Section 1, which bans bump stocks, whether we think this will prevent future tragedies or not, is repetitive, because it is already in federal law. The biggest issue is the repeal of the preemption statute. I thank Senator Hammond and others for bringing this up earlier, as I believe that when there are too many conflicting laws, citizens who simply want to defend themselves become felons, and that really gets to the heart of the matter.

The bottom line is that evil exists in this world. Sometimes evil chooses to carry out its deeds using a gun. Many believe that we can legislate that tool out of existence, but that belief is incorrect. Any law that you pass does no more than prevent law-abiding citizens from being able to defend themselves. Even if we had the ability to legislate guns out of existence, evil will use another tool. Often evil uses a knife or a bomb. Sometimes it flies an airplane into a building or drives a car onto a crowded sidewalk. Sometimes evil chooses to kill with its bare hands. No one could fail to be moved by the testimony of the sponsor and the others here today about their personal experiences with evil. Again, this body cannot legislate that away. What you will do by making it more difficult for law-abiding citizens to defend themselves, however, is enable evil to continue and to flourish. Please do not further enable evil-doers by making it even harder for law-abiding citizens to defend themselves and reject this legislation.

[[\(Exhibit S\)](#), [\(Exhibit T\)](#), [\(Exhibit U\)](#), [\(Exhibit V\)](#), [\(Exhibit W\)](#), [\(Exhibit X\)](#), [\(Exhibit Y\)](#), and [\(Exhibit Z\)](#) were submitted but not discussed and will become part of the record.]

**Chairman Yeager:**

Before I close opposition testimony, I would like to ask the people who wanted to testify in opposition to stand and be recognized if you were not able to testify in opposition, both here and in Las Vegas. [Camera panned the room]. Thank you for being here this morning. I will close opposition testimony. I will open it up for neutral testimony. Please keep in mind that neutral is when you have no position on the bill whatsoever.

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

We are neutral on the bill as written. We support the federal ban on bump stocks. As you have heard from some people today, there are questions about the language in this bill and how it might impact things beyond bump stocks. We support the federal ban. We also support the alcohol component in the bill. We think it makes sense that it should equal what is currently in law for impairment for driving. We are not taking a position on the preemption, as it is kind of a double-edged sword.

**Chairman Yeager:**

Ma'am, did you not stand up for opposition to the bill?

**Juanita Cox, Chairman, Citizens In Action:**

There is a neutral position as well.

**Chairman Yeager:**

Let me make sure the record is clear. Are you neutral on the bill or are you opposed to the bill?

**Juanita Cox:**

I am neutral on one portion.

**Chairman Yeager:**

Okay, well then you are opposed. Neutral is when you are taking no position on anything in this bill. Do you have something to add beyond what is in the bill?

**Juanita Cox:**

I have something to add. I can wait for public comments.

**Chairman Yeager:**

If you are opposed to the bill, I am not going to take your testimony as neutral.

**Juanita Cox:**

I will wait for public comments.

**Chairman Yeager:**

I will close out neutral testimony. Before I invite our sponsor back to make concluding remarks, I want to make clear for the record—I have been keeping time, so we spent an hour hearing the presentation and questions, we spent 50 minutes hearing additional supportive testimony, an hour and 10 minutes taking opposition testimony, and then we had a couple of minutes on neutral. I want to invite Assemblywoman Jauregui back to the table to make concluding remarks on A.B. 291.

**Assemblywoman Jauregui:**

I want to thank all of the members here for their questions and for hearing the bill. I want to thank some of my colleagues for suggestions to the amendments and I am thankful that my colleagues are willing to work with me on the bill to clarify intent and earn their support. I also want to correct a few things that were said today. One of the members said that homicide by gun violence had actually seen a decrease in Nevada, and that is incorrect. *Las Vegas Now* ["2018 Year in Review: Homicides up in North Las Vegas, Henderson, but down in Las Vegas," Orko Manna, January 1, 2019] and the *Las Vegas-Review Journal* reported:

From deadly shootings to brazen acts of gang violence—the Las Vegas valley saw its fair share of murders and violent crimes in 2018, but a look at the statistics show a jump in violent crimes across the Las Vegas valley. According to Metro police, their homicide numbers are down but many areas of town show a significant increase. . . .

In North Las Vegas, there were 35 murders, which is up from the 10 murders in 2017. People who live on the north side of the city say they're fed up with the violence . . . .

Homicide numbers in Henderson also went up. In 2018 there were 14 murders compared to the 5 in 2017.

Also from the Centers for Disease Control and Prevention [National Center for Health Statistics, Stats of the State of Nevada], in 2014, in the state of Nevada, there were 429 gun deaths. In 2015, there were 446 gun deaths. In 2016, there were 498 deaths and in 2017 there were 508 deaths. That is an increase every single year. This is why this legislation is important. Every day people die from gun violence.

Thank you again, members. I am proud to be here. I am proud to sponsor A.B. 291. I am no longer embarrassed that I cry every single time I tell that story because I am grateful that I am here and I am able to do it. I am grateful that I am here to do something about the gun violence that plagues our generation.

**Chairman Yeager:**

I will close the hearing on A.B. 291. As stated in our agenda, we are going to take up the second bill later this evening.

Recess to the call of the Chair [at 11:11 a.m.].

[Reconvened at 6:09 p.m.]

**Chairman Yeager:**

[Protocol was explained.] Welcome to this late night session of the Legislature. I will open the hearing on Assembly Bill 153.

**Assembly Bill 153: Revises provisions governing the storage of firearms. (BDR 15-119)**

**Assemblyman Ozzie Fumo, Assembly District No. 21:**

As most of you know, each session I try to bring a bill that is a direct result of contact that I have had with my constituents when I go door to door, and this is that bill for this session. The way I would like to proceed today is to have Jacob and Darchel with me—when I met them and they told me their story, I said I have to do something about this to close a loophole in the law. I would like them to tell you their story first.

**Darchel Mohler, Private Citizen, Las Vegas, Nevada:**

[Darchel Mohler speaks from ([Exhibit AA](#)).] The instant I knew, life and time were so distinct. That defining moment, in a split second, the life I pleasantly lived and the world I was once living in cracked and burst into obliteration. My perfect little fuzzy bubble, my perfect little world, vanished with her the moment I touched her cold skin and wiped away the crusted blood streaming from her eyes. Her eyes were still open, leaving only a burning image of fear and pain in them. The stained pigment of her irises were disturbingly unfamiliar.

I remember gazing at the blood that had pooled inside her ears. I tried to wipe away the blood from her braces. I kissed her cold lips several times as I whispered, "Mommy is here now, I am here now baby." I scanned every inch of her little body and traced the exit of the

quarter-sized bullet wound that came out of her tiny little chest with my fingers. My mind raced in confusion as I tried to trace the steps of how I might try to fix her, bring her back somehow. I glanced at her face again in sheer horror and disbelief.

I ran my fingers gingerly through her beautiful, thick, golden, honey blonde hair. I then covered the incision that was under her heart with my hand and wished how I could magically get her heart to beat again, yearning to feel my child warm again.

An unfamiliar woman's voice in the background asked me not to touch her, referring to my child as "the evidence." Evidence! My daughter! She has a name, an identity. Her name is Brooklynn. Brooklynn Mae Mohler. She is my baby! I gave life to this precious being laying in front of me, and as swiftly as her life had been taken from me, so were my rights to her as a parent, and for a second I was keenly aware of the utter destruction that lies ahead. Brooklynn is never coming home. Ever.

My beautiful, healthy, warm, vibrant daughter that I had embraced tenderly just a few hours prior is now foreign to my touch.

I cannot fix this. I cannot help my daughter. I cannot fix my daughter! It is that defining moment. It is so distinct that it transforms and alters the universe around you. It is that moment of realization when you cannot go back ever, only forward, like a pendulum that has thrustured you forward and never back.

Brooklynn's blazing bright light was extinguished in our Nevada hometown on Tuesday, June 4, 2013. After a half day of school, she walked across the street from the school to her best friend's home to wait for my husband to pick her up. When he arrived, he found her struggling for air, choking on her body fluids. He attempted to breathe life back into her. The paramedics whisked her away to University Medical Center, but the hollow-point bullet had entered her back and ripped through her body before exiting her chest. The trauma team exhausted all lifesaving efforts, and they could not bring her back. No elixir could save my daughter's life.

I was the first to arrive at the hospital and the first to be informed that Brooklynn did not survive. Still, I held onto hope. Hope that I would soon wake up from this nightmare. Chocolate ice cream was the last thing Brooklynn enjoyed on that hot sunny day. Even now, I recall the faint, alarming smell, the odd mixture of blood and chocolate stains on my husband's shirt.

Brooklynn achieved many things. She was an honor roll student and shared her love of learning, tutoring her younger sister, cousins, and neighborhood children. She was elected president of her elementary school. She loved sports and was an exceptional athlete. She was a competitive gymnast, placing first in several competitions, and a great dancer and performer, never afraid of the stage. She could run a seven-minute mile and liked running with boys and beating them. She thought that was pretty amazing. No boys could catch her.

She entered local charity runs, something we would do as a family when she was not competing in gymnastics.

She embraced challenges; giving up on difficult tasks was not an option. Brooklynn's older brother plays the violin beautifully. Brooklynn wanted to play as well, but she struggled with it. This only made her practice more diligently. It was not long before the high-pitched noises were replaced with soothing strumming. Brooklynn loved all living things. She once nursed a dove's broken wing back to health. I remember the expression of pure joy on her beautiful face watching it take flight. She wanted to own an animal rescue sanctuary. I could not wait to see what she would accomplish in her life.

I was delusional in thinking that every gun owner is responsible enough to properly store their firearms. That is because I am one of those responsible gun owners. Brooklynn is dead because I failed to ask her friend's parents two very important questions: Do you have a gun in the house, and is it safely secured? The Glock had been left in a kitchen cabinet, loaded and chambered. Brooklynn's friend accessed the gun while they were in the kitchen. There were no charges in Brooklynn's death. Nothing. They ruled it an accident.

This kind of tragedy is preventable, and it starts with the responsibility of adults. Our home state of Nevada is among 14 with child access prevention laws that impose a weaker standard for criminal liability. Brooklynn's death by an unsecured gun, and the complete failure of the justice system, was the catalyst for my husband and me to create the Brooklynn Mae Mohler Foundation.

Our goal is to educate others, with the hope of preventing these senseless tragedies from affecting more families. Brooklynn was killed in somebody else's home. There were no charges, no consequences, and no accountability on behalf of the gun owner. I believe this is unacceptable. I believe there should be harsher consequences on gun owners who negligently store their firearms. We need to stop allowing people to say they are responsible gun owners without holding them accountable.

This daily nightmare I endure, even if it takes me 100 years—there is no hope out of this nightmare I live every day. It is a desolate space. My heart is shattered, it has ripped through my heart and soul in torn pieces. This is my life. This is my every day. But we can prevent this tragedy from affecting other families. We can put consequences in place if it does happen again. No parent should ever have to endure this daily nightmare.

**Jacob Mohler, Private Citizen, Las Vegas, Nevada:**

As my wife said, that day I was in constant contact with my daughter. It was a half day of school. Her best friend lived across the street. We lived several blocks away and it was not uncommon for her to go there for an hour or so until I could pick her up. When I showed up, I was actually pretty upset because she had not returned a couple of my text messages. When I knocked on the door, her friend's little brother answered the door and he said, I think Brooklynn's hurt. I walked in and actually thought they were playing a prank on me. Her

friend was holding her and she was clearly in bad shape. Once I realized the severity of the situation, I tried to perform cardiopulmonary resuscitation on her, but even if there had been a trauma room in the garage, I would not have been able to save her. She was shot through her lower spine with a hollow-point bullet, and as it traveled through her, it hit many vital organs. There was nothing anyone could have done to save her.

On the way home from the hospital, I knew something had to be done, that this could not just be okay, that this is just what it is; I knew that day even before six months down the road when we found out there were not going to be any charges filed. We devised a message to try to keep kids safer. We went out into the communities; we would go and talk to anyone who would listen. We did 5Ks where we tried to get money together. We had pledge pages and booklets and would literally go and talk to anyone, in front of anyone, and at any event that would let us do it. We never wanted to focus on laws because that was not going to change anything in the immediate time. Six years later, when Assemblyman Ozzie Fumo approached us with this bill, we were obviously for it. We had to show up and testify today for this.

All we ever wanted was for gun owners to reevaluate their situation and make it safer for kids. We also wanted people who do not own guns to realize that this is something that not only affects people with guns in their homes. This was not our gun and it was not our home. I am a certified range safety officer. I am a gun owner. I used to be an avid shooter. Now all my guns collect dust in the safe because I do not have the same feelings about it anymore. I do not want to take anything away from anyone else. I just want them to be responsible with what they own.

I hear people say that you should teach your kids, that education is the answer. Obviously, I would never say you should not teach your kids about guns or educate them, but kids are still kids. I am assuming many of you have kids, grandchildren maybe. If you have been around kids, you know they do not always do what they are told to do and often will do the exact opposite of what they are told to do. We need to protect kids from themselves.

Anyone who tells me that their kid does everything that they are told and never does anything wrong, I just assume is a liar. I have also noticed that people who comply to that particular belief that teaching is enough, they tend to eat their own in the sense that once something happens to someone in that line of thinking, they tend to just bury that person, cast them off and say, Well, you did not teach your kid enough, and just sweep it under the rug. We are still doing what we are supposed to do; they just did not. I do not find that acceptable.

A lot of times, people will blame the child solely, as if they had no responsibility for what happened. My wife and I have met many people through this process. A man who was in his sixties told us that [as a child] he found a gun behind his grandparent's television and shot his three-year-old sister with it and his parents blamed him until their dying day for that, which is just absurd to me. As I said before, our mission was always to make kids safer and, quite honestly, in this day and age, there is no excuse not to. If you need your gun to be at

the ready at all times, then I think the best place for that gun to be is in your direct possession at all times in a holster. If not, then what good is it doing you in the other room in a nightstand or in a closet or somewhere else? If you need access to that gun at a moment's notice, then you should have it with you at all times.

I would also think that if you are so paranoid that you think you need to have it like that, you might also implement other systems, and that that would not be your only line of defense—maybe an alarm system or something else that would give you some more time. To me, it is also a ridiculous notion that just a minimal possibility of a home invasion justifies endangering children every day. It is also unacceptable to pretend that just because one law will not fix everything that we should do nothing, or that people do not follow the law so why bother? I guess we should not have any laws if that is the case.

Studies show that kids are not safe with unsecured guns in the home, and there is always an occasional exception to any rule, but kids are killed daily by their siblings, friends, cousins, and neighbors. They know where the guns are, and if you do not think that kids know where they are, you are highly underestimating their curiosities and abilities.

It is too much responsibility for a child. They do not understand the split-second decisions and the long-term ramifications of what can happen by just playing around with a gun. Guns are not engineered to kill. It has been perfected by humanity with thousands of years to get to this point. We need to make sure that kids do not have access. There is no excuse with the technology today. There are so many ways to secure a firearm that allows access in seconds that security and access are mutually inclusive—things like simple gun locks that thread through the barrels of the magazine receivers that will not allow the gun to be loaded or discharged when applied properly. Trigger locks are also an option that will prevent the trigger from being pulled. These options are very inexpensive but are effective in keeping kids safe, especially if an actual gun safe is not in someone's budget. Also, most guns are sold with a free lock. I have several hundred of these locks that have been given by different law enforcement agencies and I have a standing offer that I will hand deliver a gun lock to anyone who needs one. I will even mail it, if need be, if someone does not have access.

There are many other gun safes, high-tech stuff: ones that have radio frequency identification chips that will pop a handgun safe open by simply waving it over the top of a safe and the gun owner can wear it so no one else can access it; biometric opening safes that use fingerprints or a simple pushbutton PIN (personal identification number). These safes may be a little more expensive than my initial examples, but they are far less expensive than most of the guns that are being placed in them.

Obviously, I am here because of how we have been directly affected by this. There are other reasons to secure your firearms. Teen suicide is a major problem and there are some who may say they can take pills or there are other ways they can do it, but nothing is as effective as a firearm. A kid can just be having a bad day and make a split-second decision. Unsecured guns that have been used in mass shootings or school shootings, not all of them

have been obtained that way, but many have been obtained by kids who knew where the guns were in the home and they were not secured.

I do not know how many law enforcement officers have faced a barrel of a stolen firearm from a burglary, but I am sure it is more than they would like. There are a lot of shootings that maybe we do not all have control over. This is not one of them. This is something that absolutely can be controlled by gun owners by keeping these out of the hands of children. I refuse to call these accidental shootings. These are preventable. Responsible gun owners I talk to have no problem with this bill. I am a responsible gun owner and I have no problem also being held accountable for my firearms. I do not know how you can call anyone responsible if they are not also accountable.

**Chair Yeager:**

Thank you for your testimony, Mr. and Mrs. Mohler. I want to thank the two of you for being here this evening and for sharing with the joint Judiciary Committee. Let me say, on behalf of the Committee, we are so terribly sorry for what you have had to go through. Thank you for being here and sharing with the Committee.

**Chelsea Parsons, Vice President, Gun Violence Prevention Policy, Center for American Progress:**

We often discuss the scope of gun violence in the United States in terms of the total number of people who are killed with guns every year. In 2017, it was 39,773, or 108 every day. All of these deaths are tragic and most of them are preventable, but the most tragic and preventable are those of children. A recent study came out a few weeks ago that I find to be particularly stunning, by researchers at the Florida Atlantic University, [*The American Journal of Medicine*, "Alarming Trends in Mortality from Firearms Among United States Schoolchildren," Alexandra Rubenstein, et alia, February 20, 2019] looking at gun deaths of children between 1999 and 2017. They found that during that period more than 6,000 children between the ages of 5 and 14 were killed with guns. One of the authors of the study made this stunning observation: In 2017, 144 police officers died in the line of duty and about 1,000 active military members throughout the world were killed. At the same time, 2,462 school-age children were killed with guns.

Nevada's children are not immune to this problem. Analysis from data from the Centers for Disease Control and Prevention shows that Nevada has the fifteenth-highest rate of gun deaths of children under age 17 in the country from the ten-year period of 2008 to 2017, and 217 children and teenagers in Nevada were killed with a gun.

Assembly Bill 153 would help prevent one of the primary ways that children and teenagers get access to guns, finding them unsecured in the home of a friend or family member. It is therefore critically important for gun owners to store all guns securely to ensure the children do not have access to them. Current state law prohibits children under the age of 18 from possessing guns except under the supervision of an adult, and it imposes a criminal penalty for an adult who "aides or knowingly permits" a child to violate that law. But the law does

not apply in cases of negligence by an adult gun owner. This bill would clarify that a gun owner's basic responsibility is not limited to intentionally providing a child with a gun, but extends to just using common sense and good judgment to ensure that any gun in their possession and under their control is not left unsecured in a location where it is reasonably likely that a child would be able to gain access to it.

This bill is narrowly tailored to address the specific problem of children gaining access to loaded firearms due to the negligence of otherwise law-abiding gun owners. The bill would not mean that a gun owner is liable if a teenager breaks into their home and takes a gun that was unsecured, but it would mean that a person is expected to do better than keeping a loaded gun on a countertop when their eight-year-old nephew is visiting. It would not mean that a concealed weapons permit holder is liable if their gun is stolen off of them while they are carrying, but it would mean that a person would be held responsible if a neighbor's child found their gun in an unlocked desk drawer during a play day. This should not be controversial. This is the very least that we can do to protect our kids. This does not happen in other countries, which means that we are the ones who are doing something wrong.

I would like to apologize to the Mohlers on behalf of all of us, that they have to be here. None of us should even know who you are, because what happened to your daughter was completely preventable and should never have happened.

**Mike McLively, Senior Staff Attorney, Giffords Law Center to Prevent Gun Violence, San Francisco, California:**

[Mike McLively speaks from ([Exhibit BB](#)).] I am a senior staff attorney at Giffords Law Center, which is a national gun violence prevention organization named for Gabby Giffords, who, as I am sure you know, is the former Congresswoman from Arizona who was shot in 2011. As a national organization, we give advice and services to legislators around the country when it comes to putting in place commonsense gun laws. I am also here as the father of a 15-month-old daughter and I am still processing the very powerful testimony that we just heard.

Nothing is more tragic and nothing is more preventable than the death or injury of a child because of an unsecured firearm. This bill is designed to address exactly that problem. Dozens of young people are injured or killed with firearms every single year in Nevada, and many of these incidents are extremely preventable. The presence of a loaded and unsecured firearm in the home increases the risk of accidental shootings and suicides. One study found that 75 percent of guns used in youth suicides and accidental shootings were stored in the residence of the victim, their parents, their relatives, or a friend. In this country, there are 4.6 million children who live in a home where there is a loaded, unsecured firearm. If those numbers hold true in Nevada, that means there are at least 50,000 children here in this state that are living in a similar situation.

Studies show that even when parents think that their kids do not know where they keep their guns, they are often wrong. A recent study showed that a large percentage of children not

only know where their parents keep their firearms, but have admitted to handling them, even in situations where parents think that their kids do not know where the guns are.

Child access prevention laws—as they are known—have been shown in multiple studies to reduce these accidents and suicides by a significant amount. A study from last year showed that strong child access prevention laws are associated with a 30 percent decrease in combined injuries and suicides of young people. That study defines "strong child access prevention law" as one that creates liability for negligent storage of a firearm. That is exactly what this bill would achieve if enacted.

At the end of the day, this is something that we owe to our children. These are injuries and deaths that forever change lives and, as we have heard earlier, they simply do not need to happen.

**Assemblyman Fumo:**

*Nevada Revised Statutes* (NRS) 202.300 is a law that already exists, which prohibits a child under the age of 18 from handling, possessing, or controlling a firearm. It also prohibits a person from aiding or knowingly permitting a child to handle or possess a firearm. What Brooklynn's Law will do is add section 1, subsection 5 to amend NRS 202.300 and close a loophole that currently exists. Brooklynn's Law simply states that unless a greater penalty is provided, it will be a misdemeanor—let me repeat that—only a misdemeanor if a person "a) Negligently stores or leaves a firearm at a location under his or her control; and b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm." Basically, the person has to know or have reason to know that a child may obtain the negligently stored firearm. That is it.

We received a letter from the Nevada Firearms Coalition and we heard the background check bill earlier in the session. They came up to the table and said that rather than supporting legislation like that, we should also support legislation like A.B. 153. Then they came to my office and told me they were in support. Unfortunately, last week before the hearing, I received a letter in opposition which asked five questions, which I would like to address for them. I hope that in answering these questions for them, I can change their opposition to either neutral testimony or perhaps support.

They claim that the term "negligently" is not defined. That is not true. Negligently is defined in NRS 193.018.

Next, they asked whether the act of storing or leaving pertains to the control of the firearm or to the control of the location or both. It is very clear that "under his or her control" is referring to the location, not the firearm.

Next, they say that "substantial risk" is vague. Let me define it for you. A substantial risk is a risk of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.

Next, they ask if this would prohibit people with concealed carry permits from carrying if children are present. The clear answer to that is no. In that case, the firearm would not be stored or left if it is still in the person's possession and control.

Lastly, they bring up hypotheticals, and that is exactly what the courts are there to decide. I have gone through hypotheticals with everyone in favor and opposition with this, but that is exactly why the courts exist. I hope that clarifies some of the questions they had and turns their opposition into support.

**Senator Scheible:**

Assemblyman Fumo, you and I both practice criminal law. I want to make sure that my understanding is correct and that we are talking about a misdemeanor for negligent storage of a firearm. It is basically the same as if someone gets arrested and they have brass knuckles in their pocket or nunchucks in their backpack?

**Assemblyman Fumo:**

That is exactly right.

**Senator Pickard:**

As the parent of seven kids and one in-law, the testimony is moving, and I did not expect to have a difficult time asking this question, because it is a technical question. Ultimately, Assemblyman Fumo, you answered most of my questions. Where did you find the definition of "substantial risk"? Where does that exist in the law? If it is not in the NRS, can we insert that in this?

**Assemblyman Fumo:**

It was case law that I pulled from the U.S. Court of Appeals for the Seventh Circuit. I can provide you the case name.

**Senator Pickard:**

I am wondering if it is not in Nevada law, if we can insert it and tighten it up. I am happy to take that offline if we do not have the exact answer at the moment.

**Chairman Yeager:**

If you do not mind, I do not think we have the answer right in front of us. It may well be in the statute, but maybe we will use a little bit of time and see if we can find it.

**Senator Pickard:**

That was the basis of my hesitation in supporting the bill. We want to avoid the unintended consequences, and definitions—as we all know—are critically important and I could support this bill with it.

**Senator Hansen:**

It is very hard to fault anyone feeling as you do. I have eight children, nineteen grandchildren, and they are my world, and to have to go through what you have gone through, I probably would be very much in your shoes. There are some other issues here. I think the bill itself is redundant because we already have in the law [NRS 202.300, section 1, subsection 3], "A person does not aid or knowingly permit a child to violate subsection 1 if: (a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure." That is Nevada state law as we speak. The bigger question for me is that it is easy for me, who lives in a very nice, safe area, to keep all my firearms in some safe locked away, but perhaps a substantial minority of people, even in the state of Nevada, live in areas where the cops themselves are afraid to go and therefore they keep firearms in a reasonably accessible location for their own personal self-defense. For example, if there is a single woman living in a very bad area of town with children in the home and she keeps a firearm in her nightstand because she has a very reasonable fear of someone breaking in and harming her and her family, under this law she would be found guilty, potentially, because it is not in a locked, secured facility.

Then for the rural people and ranchers, whom I also represent, it is very common for ranchers and others to have firearms—in their vehicles, in their gun racks, to shoot coyotes—that are fully accessible all the time. People can see it all from any perspective. Under this law, as I interpret it, they could definitely be considered to be negligent for not having them in a locked storage container, yet I can assure you that in most of rural Nevada, that is the standard. It is totally normal for people to have firearms in their vehicles and pickup trucks. For me, I am weighing the right of people, especially in desperate neighborhoods and situations, who cannot rely on the cops to get there into areas like those of us who live in gated communities, but need to have access to firearms in a very, very brief window of time to perhaps preserve their own life and their children's well-being. I am trying to balance out the needs of very poor people who live in very bad situations and those of us who live in—in many cases—gated communities where we can very comfortably keep our firearms locked in a safe without fear that we will not be able to access them in a reasonable amount of time to provide for our own self-defense. I think this is redundant. What in that part of the law is missing when it says you have to have it in a locked stored container or else you are guilty? Right now in Nevada law, it is a misdemeanor, and if you knowingly do it, you are guilty of a felony.

**Assemblyman Fumo:**

Unfortunately, the district attorney's office in Clark County reads the statute a different way than you do. Because the father in this situation kept a loaded gun where he also kept the Disney glasses to drink out of, they thought that that was reasonable. I worked very hard

with the district attorney's office on this over the off-session to close this loophole. This is specifically tailored to child access prevention of storage of a weapon. As to your other questions about the rurals and keeping a gun accessible at all times, as Mr. Mohler said, if it is that important, then keep it on your person.

**Assemblyman Edwards:**

Keeping these kinds of incidents from happening is absolutely laudatory, but it always comes down to how to do it. If we are focused on trying to prevent people from having the guns accessible, then we need to incentivize it somehow, and I just do not see how this bill does it. Therefore, not being able to prevent it, we seem to be stuck with how to enforce it. How exactly does law enforcement enforce this in a rational manner?

**Chelsea Parsons:**

I think that one of the purposes of criminal law is to establish norms and standards for conduct. A law like this has a preventative function as well. It is not just about punishing people and imposing criminal liability after something tragic happens. It is about raising awareness and raising standards of conduct and behavior on the front end so that these kinds of tragedies do not happen. That, to me, is the most important function of a bill like this. It is to make it clear that the standard and the expected conduct and behavior of reasonable law-abiding gun owners in the state of Nevada is to keep guns stored securely so that there is not a reasonable risk that children will have access to them.

**Assemblyman Watts:**

I would like to ask a clarifying question about the intent of the bill. I know there is a lot of discussion about keeping guns secured in a safe. I have a rifle and it is in a safe. When I purchased the rifle, it came with a free lock that I am able to put through the magazine and through the chamber which keeps the rifle from operating until I unlock it. It is basically a padlock; you can put a key through it, take it off, and it is ready to go. Would a simple lock like that, which now often comes for free with firearms when they are purchased, would that be sufficient to keep a firearm secured under the intent of this legislation?

**Assemblyman Fumo:**

Yes, it would.

**Senator Harris:**

Would this bill, as currently drafted, allow you to keep a safe underneath your bed or in your nightstand by your side or, even in the example of a gun lock, keep that locked gun underneath your pillow if you so choose?

**Assemblyman Fumo:**

It absolutely would. You could keep it with you at any time. It would not prevent anything like that from happening.

**Assemblywoman Tolles:**

Have you also considered ways to incentivize safe storage, such as sales tax exemptions for safes and locks and doing more in that area to really help incentivize that safe storage?

**Assemblyman Fumo:**

Yes, I have. I spoke with the Nevada Firearms Coalition and other stakeholders on this. I told them that if this legislation passes and we get it through, I am happy to sponsor a bill—if I am lucky enough to come back next session—to do tax incentives and incentivize this. I did not want to tie it into this legislation because I thought it would have a fiscal note and get tied up in the Assembly Committee on Ways and Means and I wanted it to stay as clean as possible. I absolutely would consider that.

**Assemblywoman Tolles:**

I hope we do not have to wait two years. Maybe we can get some of our friends over in the Assembly Committee on Taxation and I could cosponsor it with you.

**Senator Schieble:**

It is smart that we are talking really specifically about what these kinds of protections would look like and what implementation of the bill would look like. I know that some people are concerned about guns being under lock and key or being in a safe and not being accessible. I am really struggling. You might not be the right audience to ask, but can you envision a situation where someone does not have the physical agility to open a safe or undo a gun lock and cannot do it quickly enough to protect themselves, but could still effectively use a gun to thwart off an intruder?

**Jacob Mohler:**

There are simple safes that hold maybe just a single handgun that you can bolt to a nightstand or to the wall that you can literally put a finger on—it is a biometric safe—and it will pop open in less than a second. It is adding one second to the time to access the firearm.

**Assemblyman Edwards:**

I was not too satisfied with your last answer. I am trying to find out what kind of a burden are we putting on our law enforcement to actually enforce this? How are they going to staff it? What are they going to do? Inspect people's homes? I do not understand what you are trying to do with law enforcement to actually make this law come to life. How do they do it? What are the practical steps?

**Chelsea Parsons:**

The intent is not for law enforcement to go door to door looking to inspect how individual gun owners are storing their firearms. The Mohler's case tells us that there is a gap in the law when this happens and is the result of negligent storage. The criminal penalty would be applied and this law would be enforced in the wake of something like that happening. Absent that, I do not think there is any intent for this to empower law enforcement or even if

there is any expectation that law enforcement officers would be burdened with proactively seeking out to determine whether or not people are storing their guns securely.

**Jacob Mohler:**

When a child accesses a gun, it does not mean that someone immediately dies. There are a lot of kids who have been taking guns to school recently. That is what I was talking about before. The burden then gets placed on the child. The child gets expelled from school and it is all their fault for accessing the firearm. There is never anything done to the actual gun owner. In this case, something like that would at least create a misdemeanor offense for that gun owner for allowing that child to gain access to the unsecured firearm.

**Assemblywoman Hansen:**

We want to solve problems, but we need to make sure that we are solving a problem, and that is what I am wrestling with. Did the district attorney in Clark County not prosecute the other suffering parents that went through this tragedy because he did not have the law to do it? Or he did not want to? It was already such a horrific tragedy. I live in Sparks, and when we had the tragedy of a school shooter and he had access to a gun, his parents were not prosecuted under the existing child endangerment statute. Would a parent be able to be liable under child endangerment statutes that already exist?

**Assemblyman Fumo:**

My discussions with the district attorney clarified that he could not, under the law, charge the person. He came up with this language with me to close this loophole so that in the future, if a tragedy like that occurred or if a child brought a gun to school and had access to an illegally stored firearm, they could charge the person, and then it would just be a misdemeanor, unless something tragic happened, and then a greater penalty could apply.

To your second question, child endangerment is often charged in situations like this, but in my conversations with the district attorney, they can come up and speak for themselves as to why they did not have the facts in that case to do so and this legislation would close that loophole.

**Senator Hansen:**

Is there anyone here from the Clark County District Attorney's Office? You are speaking for him. Sometimes I am just amazed by this. The law [NRS 202.300, section 1; A.B. 153 page 2, lines 5-7] clearly says, "A child who violates this subsection commits a delinquent act and the court may order the detention of the child." Then it goes on to say, A person, in other words someone in the house who was negligent and allowed their son to take a gun out of their house and take it to school—a person who aids or knowingly permits a child to violate this subsection has a misdemeanor and if something more serious happens, it is a felony. Built into the law is when can you say that you were not knowingly. It says quite clearly, A person does not aid or knowingly permit a child to violate this if the firearm was stored in a securely locked container or at a location which a reasonable person would have to believe was secure. The law is there. If the district attorney does not choose to enforce it, why do

we need to have another law which, by the way, is equally as vague because it says, "Negligently stores or leaves a firearm . . . under his or her control." Again, it is "negligently stores." So again, you have the same exact issue that you started with. There is enough vagary in this law that you are going to say, Okay, was this negligent if they kept it on top of the refrigerator and the kids climbed up and got it?

I know it is unfair to ask you to answer for the district attorney, but you are suggesting that you had conversations with the district attorney, but no one is here from the district attorney's office to answer the question. To any ordinary person reading the law, what we are trying to accomplish here and the things we are hoping to prevent have already been addressed in statute.

**Assemblyman Fumo:**

I will have to go offline and I will have the district attorney's office answer that question specifically to you as to why they chose not to charge in this case.

**Senator Hansen:**

You believe that the law is vague enough that there was no way that they could have, under existing statute, charged anyone?

**Assemblyman Fumo:**

Is your question do I believe?

**Assemblywoman Hansen:**

Yes.

**Assemblyman Fumo:**

I do not know the facts as the Las Vegas Metropolitan Police Department and the district attorney had then, so I cannot answer as to how I would have charged. Looking at the facts the way I know them, I would have charged.

**Jacob Mohler:**

If I can add to that, I can tell you what the district attorney personally told me. He could not charge child neglect because my child was not the child of the gun owner in their home. It would have had to have been her sibling or someone else who was related to the gun owner. Also, under the Child Access Prevention (CAP) law, I believe it says, knowingly and willingly give access to the child, and that is what he said he could not prosecute under the current CAP law. He explicitly told my wife, when we said we were going to do something about this, that it was not good enough; he told her to make his job easier.

**Senator Hansen:**

Mr. Chair, it would be helpful if someone from the district attorney's office could address this. While I respect both of your opinions, after reading this, I know that law is not very

vague to me and there is no situation where it would only apply if he shot a sibling. I need some clarification.

**Chairman Yeager:**

I am not going to call anyone up, but we will have additional testimony after this, and representatives from that office can choose whether to come forward or not.

**Assemblywoman Miller:**

When I read this bill, I understand that if the weapon or firearm is not locked up, the owner can be charged with a misdemeanor. Does that mean that even if that act with the firearm resulted in the death of another person, the owner would still not be charged higher than a misdemeanor?

**Assemblyman Fumo:**

Unless a greater penalty is provided, the district attorney could use their discretion and charge the higher penalty if they wanted to.

**Assemblywoman Miller:**

If we take the subject of firearms out and stop discussing firearms, are there other situations where liability is the onus of the owner, such as situations of swimming pools, cars, tools, weapons, unshoveled sidewalks? Are there other situations where people are liable for the actions or incidents that may occur to others?

**Chelsea Parsons:**

With the caveat that I am not an expert in Nevada state law—firearms are my wheelhouse—it is a common legal principle, and a principle of criminal law, to have criminal liability attached to negligence. Particularly, there are statutes in states across the country related to negligent entrustment of certain dangerous items or items that could be dangerous to a child. You referenced swimming pools. That is one of the classic first-year-in-law-school hypotheticals you get about the responsibility of a swimming pool owner to secure the pool to make sure children cannot accidentally fall into it. That is the long way of saying yes. This is an extension of a legal principle that is applied in other areas.

**Chairman Yeager:**

Members, if you have additional questions, I am going to ask you to take them offline. We will start with support testimony in Carson City.

**Zach Conine, State Treasurer:**

I was watching the testimony over at the Capitol, and I was struck by the fact that most of the time when I come over here, I am doing it to ask for something for the office, for resources to help us expand the work that we do, which is providing opportunity, increasing education, creating a way for kids to go to college, or having better lives. This is a situation that was preventable and a kid that we did not get a chance to help. We can do better.

My daughter was born five months after their daughter was taken, and when she goes to friends' houses, we ask the question, Is there a gun in the house? Is it secured? And then we have to trust the answer on the other side, because there is no way to know. This is a way to prevent some of that and to make sure that the rest of the work we do to make Nevada better and safer, to make our kid's lives better than our lives were before us, to create that general opportunity—this is a way to do that. I could not be more strongly in support.

**Annette Magnus, Executive Director, Battle Born Progress:**

Tonight I am here again in this Committee as a native Nevadan, a gun owner, and to represent the 20,000-plus subscribers to our Battle Born Progress network statewide.

We rise in support of A.B. 153 and stand with the Mohler family in their efforts to pass this legislation. Once again, we believe that stronger gun laws are needed in the state of Nevada and we fight for bills like these because Nevadans overwhelmingly support better gun laws. This law is critical. I believe that if you own a gun, you have a responsibility to secure it. With great rights come great responsibility. My husband and I do not have children, but we do have our guns secured and stored properly. Our gun is still accessible for us, but it is always secured with two locks. There is no excuse and if, God forbid, my niece or nephew hurt themselves because I was irresponsible, I would want to be held accountable for it. It is unacceptable. The "right" and the gun lobby love to talk about people having personal responsibility on every other issue, but when it comes to guns, somehow the rules do not apply to them. This is hypocritical and unacceptable and we will not stand for it.

Once again, commonsense gun legislation like this does not take away our Second Amendment rights. It strengthens our responsibility as gun owners. The gun lobby does not support this law because they do not support any additional laws to better regulate guns because they do not care about preventing these tragedies. They care about their bottom line and their base only. This tragedy you have heard about tonight is not unique. It is far too common in this state and you can do something about it right now for our children and for all Nevadans. We can and we must do better. Please support A.B. 153.

**John M. Saludes, Vice Chair, Nevada Gun Safety Coalition:**

Our mission is to advance effective gun safety legislation and policies that save lives and reduce injuries ([Exhibit CC](#)). We support A.B. 153 because it requires responsible, safe storage of firearms and penalizes gun owners for negligently allowing guns to fall into the hands of children. Unintended gun deaths and injuries can be reduced by securing guns in homes and vehicles, modeling responsible behavior around guns, asking about unsecured guns in a home before children visit or play with others, and recognizing the risks of teen suicide.

Gun violence is now the second-leading cause of death for American children. An estimated three million American children witness gun violence every year. Witnessing shootings can have a devastating impact on children. In America, children and teenagers are victimized by gun violence every single day. No child should experience gun violence whether at school,

in their homes, or in their communities. We urge the members of this Committee to join and support A.B. 153.

**David O. Antonuccio, Private Citizen, Reno, Nevada:**

I am a clinical psychologist and professor emeritus in the Department of Psychiatry and Behavioral Sciences at the University of Nevada, Las Vegas School of Medicine, where I was a professor for 32 years. I also worked concurrently for 24 years at the Ioannis A. Lougaris Veterans' Administration Medical Center and had a private practice in Reno for 38 years.

In my work, I often had the occasion to work with people traumatized by gun violence. We know that safe storage of weapons can save lives and prevent trauma. This is a no-brainer. We do not leave open bottles of poison where children can get to them. Let us make it illegal to leave loaded weapons accessible to children ([Exhibit DD](#)). Please support A.B. 153.

**Nicholas Marquart, Private Citizen, Las Vegas, Nevada:**

I am here tonight to testify in support of A.B. 153. I have been a gun owner and had many and varied guns in my household for over 30 years. Never once have I ever worried about an accidental discharge because my guns are safely locked—as they have both trigger and chamber locks installed—and they are kept unloaded and stored in a location where no immediate access is available to others that should not have access to them. This is in a home with no kids and two adults who know the location—and that does not include the top of a refrigerator ([Exhibit EE](#)).

I know what it means to be a responsible gun owner. As gun owners, we know that we have to do what is right. Doing what is right means that we help make sure no family loses a loved one like Brooklynn due to unsafe gun storage.

I want to end with a quote [from the National Rifle Association]:

Many factors must be considered when deciding where and how to store guns. A person's particular situation will be a major part of the consideration. Dozens of gun storage devices, as well as locking devices that attach directly to the gun, are available. However, mechanical locking devices, like the mechanical safeties built into guns, can fail and should not be used as a substitute for safe gun handling and the observance of all gun-safety rules.

My question is, why, if the National Rifle Association (NRA) supports proper storage and handling, why would not we all?

**Andrew Woods, Executive Director, Save Lives Nevada:**

I am the Executive Director of Save Lives Nevada, which is made up of former advisory board members of Nevadans for Background Checks, the campaign behind the 2016 ballot

question on background checks on gun sales. Today we are testifying in support of A.B. 153, as we did earlier today on Assembly Bill 291, because the fact still stands that far too many lives in Nevada have been lost due to gun violence. In 2016, I got to know Darchel and Jake Mohler and the details of what happened to their daughter, Brooklynn. Our organization supported their efforts to find a solution so that the horrific events that happened to Brooklynn will never happen to anyone else's loved one ([Exhibit FF](#)).

This bill will incentivize gun owners to do the responsible thing and safely store their weapon. That is because owning a gun is like many things in life, such as owning an automobile. It is not just a right, it is also a responsibility.

A study conducted by the *New England Journal of Medicine* and released in late 2018 concluded that deaths by gunshot was the second-highest cause of death among children and adolescents ages 1 to 19. At the end of 2018, Save Lives Nevada conducted its own polling on a variety of measures around reducing gun violence. Nearly 59 percent of respondents agreed with the statement that we can do better in finding the right balance of protecting gun rights and keeping people safe.

Assembly Bill 153 is the right balance. It respects responsible gun owners who do the right thing, while at the same time incentivizing the rest to properly store their weapons. Just as we incentivize people to not drink and drive, to keep poisonous substances behind child safety locks, and to keep pets on leashes, A.B. 153 incentivizes those who would not normally do the responsible thing to think twice. Therefore, I urge the Committee to support and pass A.B. 153.

**Elaine Sanchez, Private Citizen, Las Vegas, Nevada:**

I am a Nevadan from Clark County, former board member of Nevadans for Background Checks, and I currently serve as a board member of Sunrise Hospital, which provides health care for all patients, including those who seek medical attention due to gun violence.

I come before you as an individual and fully support A.B. 153. It is a good bill and will not affect responsible gun owners, but it will penalize those who are not responsible. Gun ownership is a right, and with rights come responsibility and accountability. Any firearm training instructor will teach you how to use a gun and the importance of gun storage. Instructors do not tell gun owners to leave a firearm on a couch, under a bed, or in an unlocked cabinet where children have access to it. This is common sense. Negligent gun storage equals no lock on a gun. No one should be doing that. This is the responsibility of the gun owner, and the gun owner should be storing these firearms properly and they should be penalized if a child inflicts harm on himself or herself or harms another child, or if that child takes that gun to a public location and unfortunately shoots a bystander. It is important to have responsibility and accountability. How many times do we need to read about senseless death because a gun was not properly stored?

I am here tonight because this bill matters. I have four children. If my child goes to a friend's house, I ask the parent if there is a firearm or if it is stored securely. I do not ask if it is in a reasonable hiding place. My 18- and 17-year-olds are mortified that I ask this question, but I do because I love them and I know that I will never get them back if something terrible should happen.

This law needs to happen. If we want a safer and more commonsense approach, then this bill should be fully supported. I would like to thank Assemblyman Ozzie Fumo, who has worked tirelessly on this matter, and to the Mohler family. They relive this pain over and over and over again in order to save Nevadan children, like mine, from these tragic circumstances. We can do better and we can prevent these circumstances.

**Evan Louie, Private Citizen, Las Vegas, Nevada:**

I am the chairman of the board of One APIA [Asian Pacific Islander American] Nevada. I heard the story of Darchel and Jake Mohler, and it was truly touching. I was in tears listening to it. I am the single father of an 11-year-old daughter; I lost my wife to cancer when my daughter was only a year and a half old. Being a single father, you think, This is all I have in my life. It is the responsibility of being a parent, the responsibility of a parent to put bumpers on the glass tables, or corners, or edges, or hide sharp objects, or put plastic plugs in outlets to prevent your child from hurting themselves. That is a responsible parent.

Locking up your firearm is a responsibility. I am a gun owner. I own the exact same 9-millimeter Glock that was used in the case with the Mohlers. The first thing I did when I purchased it was put it in a case under a lock and it is secured. You cannot prevent—not just my child, but her cousins and friends—are you there, am I there supervising? When I go swimming in a swimming pool, would I allow my daughter to go unsupervised if she did not know how to swim or, let alone, have her friends there? I would not put her at that risk. I have been in situations where I have been at gun ranges, indoor and outdoor, and saw 20-, 30-, and 40-year-olds who have pointed guns at each other, discharged their weapon towards each other, and that is irresponsible. What child at the age of 11 is able to know how to responsibly use a gun unsupervised?

Our state has one of the highest domestic mortality rates in the country. There was a story of a single mother who was raising two sons. One of the sons came home—he was only 10 years old—and saw the stepfather abusing the mother. He had no choice and felt he had to defend his mother, so he ran into the house, grabbed a .22 rifle and pointed it at his stepfather in fear of trying to protect his mom because she was being abused. That 10-year-old kid was me. If he did not let go of my mother, I do not know what decision I would have made at that time. I was in a tough emotional situation. I wanted to testify and tell that personal story.

**Chip Evans, representing Indivisible Northern Nevada:**

I represent the nearly 1,800 members of the nonpartisan Indivisible Northern Nevada in voicing our support of A.B. 153 and thanking Assemblyman Fumo for this effort to reduce death and injuries from unsecured firearms ([Exhibit GG](#)).

I was issued rifle 87 my first week of military academy and was trained for four years in the proper use and maintenance of that weapon. When my weapon was not in my possession, it was unloaded and secured in a locked armory with three levels of security. But Nevada's homes with both firearms and children too often lack even basic security. Episodes of children shooting themselves, their friends, and their family members or, conversely, being shot by them are numerous and avoidable. Responsible gun owners are too often unworthy of that designation.

Consider these national statistics:

- 1.7 million children live with unlocked, loaded guns; 1 out of 3 homes with kids have guns.
- In 2015, over 2,824 children died by gunshot and an additional 13,723 were injured.
- Among children, 89 percent of unintentional shooting deaths occur in the home. Most of these deaths occur when children are playing with a loaded gun in their parent's absence.

Equally significant—as Nevada's rate of youth suicides climbs—is that easy access to unsecured guns in the home dramatically increases the death rate from suicide attempts. Gun ownership must come with every possible incentive to be responsible gun owners and protect our children and young adults. Assembly Bill 153 is a major step in the right direction and the members of Indivisible Northern Nevada encourage your support of its passage.

**Kimberly Carden, Secretary, Nevada Gun Safety Coalition:**

I am a retired active duty Army colonel, a member of the Nevada Gun Safety Coalition, and also a constituent of Assemblyman Daly. As John Saludes mentioned earlier, we are here to provide support for A.B. 153 because a child should not be a victim in their own home. The opposition will allege that this law will infringe on their right to protect their home by diminishing the reaction time to shoot a perpetrator. But what you should be asking yourself is what about a child's right to be free of an unintentional death or die by a suicide when a gun is left unsecured by an adult. Self-defense with guns is rare. I will say it again. Self-defense with guns is rare.

In most cases, gun injuries within the home are the result of a dispute or a family member using a gun against another family member ([Exhibit HH](#)). Federal Bureau of Investigation (FBI) crime data shows there are only 100 homicides during burglaries of homes or businesses each year, which equates to less than 1 percent of all homicides. A study by the U.S. Bureau of Justice Statistics, U.S. Department of Justice, reported that on average there were 3.7 million household burglaries each year. In about 28 percent of those burglaries, a

household member was present, and of that number, 7 percent experienced some form of victimization. When American children die by firearm suicide, over 80 percent use a gun belonging to a family member and, lest we forget, in half of the shootings in K-12 schools, the shooter obtained the gun from a home. We hope that you support A.B. 153.

**John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office:**

I am here on behalf of the Clark County District Attorney's Office in support of A.B. 153. I appreciate Assemblyman Fumo working with me in my office. He is correct that we are attempting to fill a gap in the statute. With respect to Senator Hansen's question, I do not want to get into specifics with respect to our office's internal deliberative process on specific cases on the record, but what I can say is that in the past, we have charged people under a child abuse neglect endangerment theory. In other words, when someone who is responsible for the welfare of a child—it is in statute, so it would be the parent, guardian, or someone who is supervising the child—engages in conduct that could put the child in danger, we could potentially file under that felony theory.

In addition, the NRS 202.300 theory that I believe you referenced in section 1, subsection 5 in the testimony requires one to knowingly permit a child to possess a gun. There is not a statute right now that totally fits with respect to the Mohler situation and I think that is what A.B. 153 is attempting to do ([Exhibit II](#)).

**Linda Ruby, Private Citizen, Las Vegas, Nevada:**

My testimony is for Brooklynn's Law, A.B. 153 ([Exhibit JJ](#)). I am Brooklynn Mae Mohler's grandmother. My granddaughter, Brooklynn, was shot and killed by her best friend due to an unsecured weapon. Thank you for the opportunity to tell you how preventable this tragedy was for our family. Brooklynn was very active with gymnastics, class president, loved to teach and interact with other children. In her bedroom she displayed sayings of positive things to focus on in life. She was an honor roll student and she was kind to everyone. I miss her so much, inconsolably at times. But I know Brooklynn would want to save other children and to prevent other families from experiencing such a preventable tragedy. Brooklynn is and always will be my sweet little butterfly.

**Daelyn Buch, Private Citizen, Las Vegas, Nevada:**

Thank you for allowing me to testify on behalf of my niece, Brooklynn Mae Mohler ([Exhibit KK](#)). I would like to begin my testimony quoting our District Attorney Steve Wolfson, "The bottom line is this, if you have children in your home, whether they live there or visit there, you must secure your guns by using a gun safe, trigger lock or any other means of keeping a gun out of a child's hands."

Brooklynn Mohler is my niece. I watched her come into this world on March 29, 2000, and I witnessed the life drained from her tiny fragile little body due to a fatal gunshot wound on June 4, 2013. As Brooklynn's aunt, I stand here today before you to plead for stronger gun safety laws.

My niece, Brooklynn, was shot and killed on June 4, 2013, due to an unsecured firearm regularly stored in a kitchen cabinet inside a friend's home. It took one second, one bullet, to end my niece's life. My niece was shot in the back, unaware of the presence of a firearm. My niece is now dead. There were no charges, no accountability, absolutely nothing imposed on the gun owner who left a 9mm Glock, chambered with hollow points in a kitchen cabinet. The negligent behavior of a gun owner and the sudden death of my niece is proof that not all gun owners are as responsible as they claim to be.

I believe harsher consequences must be imposed on negligent gun owners. Children are dying daily because adults are choosing not to store their guns responsibly. Let this day, April 1, 2019, be the day to be the voice for the children whose lives have been extinguished prematurely. Let this day be the day that we give these children who have lost their lives so senselessly; let us give them a voice beyond the grave. Let us start holding adults accountable for negligent storage of their firearms. I am here today pleading to you. Let my niece's death not be in vain. Let her death continue to save lives. Let us hold gun owners accountable and make them secure their firearms responsibly.

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

I am in support of A.B. 153. Thank you, Assemblyman Fumo and all the other Assemblymen and Assemblywomen who are here to try to make a difference today. I have a testimony that I put online. It summarizes a lot of what other testimonies have been, but I go back to other times, right after the unfortunate day where Brooklynn's life was taken. We found gun emojis from the girl who shot her. I believe they called it teenage drama.

Whether you are for guns or you are against guns, Jake and Darchel have spent years trying to promote gun safety. Door after door slammed in their faces. Why? Because no one wants to talk guns. It is a bad word. Gun safety, gun anything. It is like walking into a wall. They have had death threats against them, when all they are trying to do is make gun owners responsible. I know a lot of people sat in here and they sit there in Carson City and while everyone is talking and giving their speeches, they are looking at Facebook. I saw it. I have been in these hearings. I see it constantly. I want you to put yourself in a situation, everyone in this room, and I want you to imagine, you are sitting here, you are looking at Facebook, and all of a sudden, you see the person who killed your brother, sister, child. You see them on their way to California with a big heart around them standing in front of water saying, I am having a vacation with my new best friend. What does that say about the person who pulled the trigger, who, weeks later, was going out and having a great time? There was no remorse.

I am not an attorney; I am going to leave that to the courts. But what I can say is, a lot of people look at this and say, Let us fight this. I have heard enough in this room and from everyone saying, If this is going to help close this loophole that even the district attorney says is there, I think it is time we all support this and get this so we can save lives. It has been the mission of Jake and Darchel to not let Brooklynn's name go in vain ([Exhibit LL](#)).

**Ronda Malailua, Private Citizen, Henderson, Nevada:**

I address you this evening as a grieving grandparent, whose wondrous 6-year-old granddaughter was killed by her 2½-year-old brother with the loaded gun he found under his parent's bed on May 29, 2011. I would like to thank Assemblyman Fumo for bringing [A.B. 153](#) forward, and I am here today to request your support of this important legislation. It is completely unnatural for a parent or a grandparent to bury a child. The grief at times seems unbearable. As you work through your grief, then the anger sets in. The anger is so much more unbearable and difficult if the responsible adult is not held accountable. The adult in my case was not held accountable either ([Exhibit MM](#)).

No punishment will ever bring a child back, but holding adults responsible sends the message that assuming children are safe in a home with weapons is simply unacceptable and makes homes safer for every child. Most importantly, it never places another child in the situation of growing up knowing they took another life of a friend or a sibling. There is no amount of help that ever gets a child over that realization, and they will grow up to be a different person than they were meant to be. You have the ability to help drive down the number of children killed unintentionally and who live with the reality of taking a life for the rest of their lives. Please support [A.B. 153](#).

**Cheryl Loudermilk, Private Citizen, Boulder City, Nevada:**

I am Brooklynn's grandmother. I want to tell you a little bit about Brooklynn ([Exhibit NN](#)). When she was two years old, I remember taking her to the park, and I put her in the baby swing. She loved it so much, laughing and squealing. When I had to take her home, I had to peel her fingers off the chains to put her into the wagon to take her home, and all the way home she was going, Swing, swing! Brooklynn was very passionate, and at four years old, we would take her down to the park in the evening with the same wagon. She had on toy plastic pink high heels and instead of riding in the wagon, she wanted to pull the wagon to the park and all the way home. At the end of the evening, my husband would say, Brooklynn, let me take that wagon from you. "I got this, Grandpa, I got it," she said. She was very determined.

At Christmastime, they would come up for the parade and spend the night. The next morning, we would decorate the tree and she would not stop until she put every ornament on the tree. She was kind, she was beautiful, she was a born teacher, and a true leader. As a teenager, she had a bulletin board in her room and she crafted them with little handprinted notes on things that inspired her. My favorite was, When people tell you you can't, you turn and say, Watch me.

Our dreams for Brooklynn died when she was 13 years old. She was shot in the back by her friend after school in the girl's home. The father of the best friend left a loaded gun in the kitchen cabinet. He left it there for his 13-year-old daughter to access. Not only did we lose our precious granddaughter and grieve ourselves, but we had to watch our son, our daughter-in-law, our grandson, and our granddaughter grieve this horrific loss. We all died a little that day, and I mean everyone who had any contact with Brooklynn.

After all this agony, my son and daughter-in-law were told by the district attorney there would be no charges because it was an accident. We thought, How is this possible? This was not an accident. This was negligent storage of a deadly weapon. A child is not mature enough to make competent decisions about a firearm. That is why we do not sell firearms to children. The adult who purchased the weapon and stores it needs to be responsible for the weapon, especially if a child accesses it and kills another person.

Jake and Darchel decided after Brooklynn's death that they needed to educate people about this situation. If we can prevent this from happening to another child or prevent another family from going through this, then Brooklynn did not die in vain. We can fight and lead in her name. We are asking that this law be passed to save our children. Brooklynn's death was not some random accident. Children die every day due to the negligent storage of our firearms. Please lock up your guns.

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

[Testimony stricken by Chairman Yeager.]

**Chairman Yeager:**

I was going to say, Mr. Brooks, I was surprised to see you there. I am not sure if that was an April Fools' joke or not. We will get clarification about how to characterize that testimony, but I think the record should reflect that Mr. Brooks was in support of A.B. 153.

**Kevin Jackson, Private Citizen, Las Vegas, Nevada:**

I am a veteran, gun owner, and Brooklynn's great-uncle ([Exhibit OO](#)). Brooklynn Mae Mohler, our great niece, was a caring, fun, and passionate 13-year-old. On June 4, 2013, Brooklynn was senselessly taken from our family because an unsecured gun was negligently stored in the kitchen cabinet of her best friend's home.

Brooklynn was not your typical 13-year-old. She aspired to change what looked to be disheartening to others. She was a lover and savior of animals and led her peers as president of student council. Brooklynn did not walk, but danced, with positive force in class speeches, the willingness to be kind to everyone, and belief that many things in disarray could be changed if you cared to do the work. Brooklynn's senseless death was a loss to her fellow peers, unwanted animals, and the community change that could have been from a young girl with aspiring beliefs and goals.

As any family could attest, death of a loved one is heartbreaking. Brooklynn's death was that and devastating to our cores. One cannot stand here and describe to each of you every family member's obliterated heart since Brooklynn's passing. A death like Brooklynn's breaks members of a family, starting with her parents and siblings. Looking at her grandparents, who not only are forced to endure the death of a grandchild, the greatest gift of life, but who also must helplessly endure the pain their child endures in the loss of his or her own. Aunts, uncles, cousins, and others who chose to be part of the village that helped to mold the unique Brooklynn we all loved watch helplessly. Life as we knew it in our family will never be the

same as we gather for family functions, attend graduations and weddings, or just gaze with wonder at others who are the same age as Brooklynn could have been. Brooklynn was robbed of all of this because a careless adult put a loaded gun in an unsecure area.

As adults, we fully understand that each choice we make comes with a consequence. It was and still is unimaginable how no charges, nothing, was done to a parent who knowingly left a weapon where his children could access it. Jake and Darchel Mohler, Brooklynn's parents, have relentlessly worked and educated our community about the necessity to secure a gun at all times so that no parent or family ever has to endure this tragedy. We ask that you, too, would help them in their endeavor by passing A.B. 153.

**Cassandra Rice, Private Citizen, Henderson, Nevada:**

I am the owner of Gym Cats. About six years ago on a Monday night, Brooklynn and her friends walked by me in the gym with some idle chitchat. Little did I know that that was going to be the last time we saw her. Six years later, to me, it feels like nothing has been done. That is what it feels like. I do not understand how anyone can be against this. I feel like there are so many regulations needed. Our Brooklynn died. My best friend and coworkers were on Route 91 last Sunday and my son's best friend was shot in the head by her boyfriend. I just want to know when is it enough in our country and our state? When are we going to do something? We have to start somewhere. To me, this is the tiniest step. We really just need to start somewhere and I believe it is immoral not to. Please support A.B. 153.

**Jon Perry, Private Citizen, Las Vegas, Nevada:**

I am a 43-year-old local resident who was born and raised here in Las Vegas. The number one reason I am here today is because I am the father of two little boys, 4 and 6, both born here in Las Vegas. I do not want my kids or any of my friends' kids or any of my kids' friends to have the same fate that Brooklynn had six years ago. It just is not right. It is not fair. Gun owners need to be held responsible and accountable for the guns that they own. This was not an accident. This was a hundred percent preventable. March 29 was Brooklynn's birthday. It would have been her nineteenth. She should be in college. Please support A.B. 153.

[([Exhibit PP](#)) and ([Exhibit QQ](#)) were submitted in support of A.B. 153 but were not discussed and will become part of the record.]

**Chairman Yeager:**

I will close support testimony and we will start with opposition testimony in Carson City.

**Robert S. Uithoven, representing the National Rifle Association of America:**

I represent tens of thousands of law-abiding and peaceful members of the National Rifle Association. While the National Rifle Association supports the safe and responsible use and storage of firearms and has been the leader in educating the public to do so, we know that one-size-fits-all mandates regarding storage do not always fit all gun owners in all

communities and in all counties of our state. For that reason, we oppose A.B. 153 in its current form.

I would like to thank the bill sponsor with whom, immediately upon introduction of A.B. 153, we have been meeting with and having an ongoing dialogue. I believe that dialogue will continue. I want to thank Assemblyman Fumo for his generosity in the time he has provided to us to talk through some of these technical issues that we have with this legislation as is. On behalf of our association, I am certainly interested in the ongoing conversation that I believe Senator Hansen will be having with the district attorney because that too is a concern of ours. Hopefully we will learn more about that conversation in the coming days.

Safe storage incentives have also been brought up tonight and that is more in the direction that we are comfortable with in situations that we have heard about this evening. We all want to avoid unintended consequences in the legislation that gets passed here, so we look forward to meeting with members of this Committee and hopefully we can get something resolved with not only the bill sponsor but the information you receive from the district attorney.

**Randi Thompson, representing Nevada Firearms Coalition:**

No family should have to endure what the Mohlers have endured. When I saw this bill back in December, I reached out to Assemblyman Fumo and he told me about the situation. I asked him how we could work together to find a solution. I am encouraged by what Ms. Parsons said, that this might be sort of an after-the-fact-close-the-loop-hole bill, and I hope that is the case. I hope we can help prevent anything like this again. I have talked with Assemblyman Fumo and we will be continuing the discussion and continuing to work to try to help so this never has to happen to another child in Nevada again.

**Andrew Quinn, Private Citizen, Carson City, Nevada:**

We have all probably experienced the premature death of a child. I had a neighbor in Seattle about 19 years ago. Her name was Tessa and she was eight years old. She fell off the second floor of a staircase at her school and died. Every time I would pull up in front of my house knowing that my next door neighbor's child was not going to be there really made me sad. It was heartbreaking. I heard Ms. Parsons talk about how people support this bill. If people support this bill, we do not need to criminalize this behavior. What we need is education. They talked about raising awareness. I agree with that. No one would disagree with that. What I would suggest is that the Legislature partner with the citizens of this state to fund firearms training and safety education in all the schools, just like we fund sex education in all the schools. We teach kids to put condoms on cucumbers. Why not teach kids about gun safety and teach their parents about gun safety so that we do not infringe on our Second Amendment rights? We do not need any more of these *malum prohibitum* laws in our state. We need education, not criminalization.

**Gregory Ross, Private Citizen, Reno, Nevada:**

I am a concealed carry instructor in the state of Nevada, so I teach firearm safety as well as self-defense. When I was looking over this bill in its current form, I did not support it, but I think there are a number of amendments that could be made to this bill that would make it a little better. If you look at the existing law, it specifically says how you do not aid a child to violate the section, which is if you store it in a locked container. But it says it only applies to subsection 1. It does not say anything about subsection 5. The negligent acts of storing the firearms under subsection 5, the protections under section 3 do not necessarily protect you. It would be much better if it were clarified that by storing in a locked container or if it is the result of unlawful access, then that would not be considered negligence.

Also, when I was listening to the testimony by the proponents of this bill, they made some statements regarding the language here, which I do not believe is correct, just by reading it. They were saying that using something like a cable lock to secure the firearm would satisfy this act, but if you look under section 1, subsection 5(b), it says that "a child prohibited from handling or having in his or her possession" a firearm. So even if your firearm has a cable lock through it, if the firearm is in the child's possession, you are in violation of this law. If the intention is to allow a person to take reasonable methods of securing the firearm that do not necessarily include a security lock or container, it should mention some of those things.

When I was about 14 years old, I had access to a rifle, and when my younger cousin would come over, I would take the bolt out of the gun—it was a bolt action rifle—and I put the bolt in a handgun safe. We did not have a rifle safe. In my opinion, that was a pretty safe thing to do, because with the bolt removed from the firearm, the firearm was completely inoperable. Measures like that, something that can make the firearm inoperable, should be just as valid as putting it in a securely locked location for making it safe.

**Jeffrey Watson, Private Citizen, Henderson, Nevada:**

I am an NRA volunteer for southern Nevada, NRA-ILA [National Rifle Association Institute for Legislative Action] grassroots organization. First and foremost, everybody is right. This tragedy could have been prevented and should have never happened. With that being said, some of the language that I have heard on the opposition who are in support of this bill calling gun owners irresponsible, not able to think for themselves, using this tragedy to pass a bill. As responsible gun owners, we are responsible for storing and using our firearms as we see fit. I strongly oppose this bill. I alone am responsible for how I choose to use and store my firearms. I have boys who are grown now and do not live with me. When they were younger, I was an armed casino security officer. I taught my sons that the firearm that their father owned was not a toy to be played with ever. It was locked inside a case with the barrel lock applied. Regardless of what was stated by those in support of this bill, I taught my children to respect what that firearm could do and they never ever sought it out, to my knowledge. Now I do not know if that makes me an anomaly, or fortunate, or just that my lessons of teaching them what that firearm could do got through to them.

With that being said, we have a program in place. The NRA backs this. It is called the Eddie Eagle GunSafe program. We have been trying for the last three years, leaders of the group, trying to implement this program into the high schools, middle schools, and elementary schools. It has all fallen on deaf ears. This program is meant to educate people as well as children, whether it is grade school or high school. The weapons are to be treated safely and with respect.

Maybe this tragedy could have been prevented by that; I do not know. That is not why I am here. I just want others to know that I feel like this narrative is being pushed because of this tragedy. I feel for those who are involved in this and have lost this beautiful young lady who should be living her life. But the rest of us do have a responsibility. I am a responsible gun owner, and I do not particularly like the rhetoric that is being thrown around, labeling the rest of us, that we do not seem to understand that we can think for ourselves. We can meet in the middle, and there are ways to go about that. I encourage you to vote no on A.B. 153.

**Nick Alfonsetti, Private Citizen, Mesquite, Nevada:**

I am opposed to A.B. 153. I want to say that I have sympathy for the family and what they are going through for the loss of their family member, those who are in attendance, and those who are not in attendance. Our society has changed so much. The children look at these things as being games brought on by X-box. Things that are shown to them from Hollywood movies, the violence that comes out that does not look real. People just get up and they are bleeding and it is nothing. If they knew it was a permanent situation that they dinged out of someone, I mean dinged on them, it would not have happened.

I see the fact that here in this bill, it is talking about responsibility of gun owners to have safes, vaults, in their vehicle to be locked up in their vehicles. I bring up the fact that if the vehicle is towed, what happens? The point that I want to bring out is locks. In my previous life I worked on locks, and we say that there are safeties. Well, let us say this—the lock that we are talking about, the wire that goes through the barrel and prevents the gun from working—go on YouTube and watch a video that your children are watching that shows three magnets will open that lock without a key. Any lock that you want to open can be viewed on YouTube and children know that. The education is the most important thing ([Exhibit RR](#)).

Taking the child out, having respect for the weapon, that is the way I was taught. I was taught at the age of 12. I enjoyed hunting, target practicing with my parents, I had a great time, and I learned to respect the guns. My father had a .357 Magnum due to his job. I never touched that gun. I would never think of going near that gun because I respected it and I respected my parents. Assembly Bill 153 by no means sets forth any standard that should become any law at this point. Thank you for listening, and again my condolences go out to the family.

**Patti Jesinoski, Private Citizen, Henderson, Nevada:**

As I listened today, I am wondering how it is possible that I am even able to be in front of you to give testimony ([Exhibit SS](#)). I grew up in a family with eight children. We played cops and robbers with cap guns, Annie Oakley outfits complete. There were real firearms leaning in the corner by the coats hanging for us kids. My mother welcomed the whole neighborhood to play in our basement or yard. She said it was easier to keep track of where her children were. At times, there were 20 to 30 children. I do not know how we were taught right from wrong back then, but not one of us picked up that gun, nor did any of the children visiting that played with us. How is that possible?

How in Switzerland, where every home is required to have a firearm in their home, are there thousands of deaths by firearms in Switzerland homes? Didn't the ex-Vice President Biden say that to stop home invasions, to open your back door and shoot two shots from a shotgun into the air? Well, had my neighbor across the street done that, two invaders would have come up in the back door while they ran to the front door to open for the rest of them.

Is there not a bill, presently, for \$6 million for Nevada to give to Planned Parenthood for abortions for 9-month-old babies? What firearm law do we create for the children? Responsibility of firearm owners push the request with bills. Where is the adult's responsibility and the selective child deaths where legislation votes yes for some and no for others? Parents leave children in a hot car and die. That is an accident, not neglect like a firearm owner. I oppose [A.B. 153](#).

**Richard Brengman, Private Citizen, Yerington, Nevada:**

I got my first firearm when I was eight after taking NRA hunter safety. The problem we have here is—other people have already said this; I will repeat—education. Education is the key, not legislating after the fact. I would have died 30 years ago if this bill had been in place and I had complied with it. I was 18, I had firearms, I did not have a safe, and I did not have any money. Since my parents were divorced, I was more or less the man of the house. I had five younger brothers and sisters; obviously several of them were under 18. When six gangbangers came to my workshop and announced in very loud tones and very profane language exactly how they intended to kill me, the only thing that saved me was the fact that I had a firearm readily available. It was not in a safe and it was not at the house. It was just inside the door of my workshop. If that had not been available, I would be dead today and I would not be here to testify.

The idea that young people must never be allowed access to a firearm is ridiculous. I encourage you to look up the Merced [California, 2003] Pitchfork Murders and see the number of children who would have been saved that day had the daughter been able to get to the ammunition to put in the firearm to save her younger brothers and sisters. This is bad legislation, it is redundant, it is bad, it is ill-thought out, and it is unnecessary.

**Bob Russo, Private Citizen, Gardnerville, Nevada:**

First off, I want to express my condolences to those who lost family members. When I was 18, I lost two close friends to cancer, and even with the sorrow that I felt then, I cannot imagine what you feel today with your losses.

I am all in favor of safe gun storage. To me, it is just plain common sense if you have a firearm. However, my concern with this bill is the inability for someone to foresee a circumstance that may require them to have a loaded firearm immediately available to them for self-defense. If someone wakes up in the night and discovers that someone has forcibly entered their home, will he or she have enough time to walk to a safe, unlock it, load a firearm, and be ready to defend themselves and their family and under an enormous amount of stress at that time? Regarding safes, not everyone can afford, on a limited income, to go out and buy a high-tech safe that can open up in a matter of seconds. It just is not going to happen.

Another concern is the generally vague language of this bill. Would it make a criminal out of a burglary victim if someone broke into an unoccupied home and stole a firearm and used it in a crime? Would it depend on how it was stored? How does this bill define "negligently stored?" It seems that this bill could be subjected to various interpretations, making it difficult to comply with and enforce. In my opinion, there needs to be more clarity in the language of this bill so that its intentions are sufficiently established.

As has already been mentioned, I think a reasonable preventative measure against the dangerous handling of firearms is the education of our children in the safe handling of firearms in the first place, beginning at a very early age. I am all for it. Put it in schools as an elective. I think that is a good place to start. I ask you to please oppose this bill.

**Peter O'Connor, Private Citizen, Carson City, Nevada:**

I oppose this bill because I think that it is predicated on a couple of myths and it will never serve the purpose that everyone wants it to serve, and that is to prevent this kind of tragedy. I do not think there is any doubt that this is a tragedy and I think we all very genuinely feel our condolences for the Mohlers. The myth that this is predicated on is that, by criminalizing something, the criminals will become law-abiding, or that by criminalizing some form of negligence that people who are negligent will become [non-]negligent. It does not work that way. We know that, and the fact that there is already a law on the books and it did not prevent this tragedy is evidence of that.

I think it also puts a very undue burden on the people in that the prosecutor has to figure out whether or not he can prove beyond a reasonable doubt that negligence took place, and also what was going on in their minds. There are intent factors here as well. If there were no laws on the books about this at all, what would their natural remedy be under our system of laws? It would be in tort. Sue for wrongful death and negligence. I am sure that they probably considered that and I am not going to speculate as to how those considerations actually shook out for them and whether or not there was a suit.

I suggest that if the Legislature is serious about addressing this issue, then strengthen our tort remedies and make the burdens upon the district attorneys much more clear as to what is criminal and what is not. For example, let us say that a youth who is 13 years old—has not quite reached the 14-year-old limit—obtains a weapon in the home and defends against a gangbanger, like my friend to the right was just speaking about. Is he now guilty of a felony or a misdemeanor? I think the law is poorly crafted and it is looking to use criminal law to change people's behavior. I think the way we do that best, using the lever of the law, is in tort, and if the people who were negligent are actually held to be negligent, it should strengthen the ability of people such as the Mohlers to bring that action rather than burden the taxpayers and the district attorney's office with having to enforce these kinds of moral decisions.

**Joseph R. Banister, Private Citizen, Silver Springs, Nevada:**

I am the founder of FactsAreWelcomeHere.com and am in opposition to A.B. 153 for reasons similar to those expressed by Senator Hansen ([Exhibit TT](#)). My condolences, nevertheless, are offered to Brooklynn's family. I have five years' experience as a federal law enforcement officer, serving as a firearms and defensive tactics instructor and coordinator. I urge you to learn from California's failed gun control experiences rather than just following in lock step with them.

In November 2017, California passed an omnibus gun control measure, Proposition 63. It was championed by now-Governor Gavin Newsom and the California Democratic Party with the California Democratic Party helping the effort by contributing \$1.15 million to the Proposition 63 campaign. The entire California Democratic leadership and the majority of California Democratic voters passed Proposition 63's unprecedented gun control measures into law.

Last Thursday, March 28, 2019, U.S. District Court Judge Roger Benitez declared that California's Proposition 63 ban on firearm magazines greater than 10 rounds was unconstitutional in its entirety.

**Chairman Yeager:**

I would ask you to stick to this bill. This bill does not say anything about high capacity magazines. Do you have something relevant to this bill?

**Joseph Banister:**

With all due respect, Mr. Chairman, what is relevant to the bill is the fact that gun controls are reached for—as kind of the immediate—and it is similar to what the gentleman to my right was saying. That is the reason I believe my testimony is relevant.

What is the cash value of California's experience with Proposition 63 and its predecessor gun magazine control laws? Years of violating the God-given self-defense rights and millions of Californians that only partially came to an end when, last Thursday, a federal judge set them straight. California Democrats were warned the measure instituted unconstitutional law but

they did it anyway. Now that the Legislature here is controlled by Democrats, you appear to want to follow the same destructive legislative course as that of your California colleagues.

If you go to [FactsAreWelcomeHere.com](http://FactsAreWelcomeHere.com), the entire opinion of the judge is there and I would appreciate it if you would read it.

**Patrick Foster, Private Citizen, Boulder City, Nevada:**

I tragically lost my mother this last Christmas, December 25, 2018, to a very senseless and god-awful murder. I understand the pain and suffering and the anguish of anyone who has lost someone in that manner.

I speak to you today as a father, a certified range safety officer, a responsible gun owner, and a vocal advocate for safe firearm storage. I would first like to extend my condolences for the loss of your daughter, but I feel the need to make a point that I am not in any sense an advocate for appeals to emotion, and I feel that this is the largest driver behind this bill. Those photographs of your daughter handed out to us are arguably distasteful but, more importantly, they, like any emotionally stirring factors, have no place in serious discussion about the reality of creating legal policy. Government's job is to protect our rights and to do so as efficiently, pragmatically, and as principled in manner as possible. I applaud your efforts to promote greater education about the benefits of safe firearm storage and the consequences of negligence, but I take issue with attempting legal means of meeting these goals.

The largest matters driving my opposition stance are the precedent laws like this set and the inherent infringement they impose on our national right to self-defense. While well-intentioned by creating required guidelines for the storage or means of access to a firearm, firearm by the state by default does infringe upon what is in the end a solely personal decision in regard to exercising one of our many rights. I am told that a slippery slope is an argumentative fallacy, but I bring up the issue nonetheless.

Here in the United States, not only is our national right to self-defense recognized by the government, but there is indeed understanding that said right to defend ourselves extends to defending ourselves against the government if, God forbid, the need ever arrives. For this reason, on principle alone, I feel possible precedent set here is not only infringement as stands, but it opens the door to greater abuse and further regulation. I feel repercussions should be consequences of tragedies of negligence, I am no friend of firearms negligence—believe me—as a range safety officer especially, however, creating legal precedent to enforce good habits as per government guidelines is quite simply not the way to go about combating negligence.

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

I would like to point out that in a bill earlier today I was in neutral, but Chairman Yeager did not let me speak. I feel sympathetic to the people who lost their loved ones due to gun violence, and I believe safety is important. But looking at this bill, I do not believe that some

of the provisions actually make sense. We are here to talk about gun violence. When you see these lax gun laws that exist in places like Idaho, Wyoming, and Switzerland, why do we not have a lot of violence? Let us take a look at the track record. What could it be? Take a look at places like Washington, D.C., and Chicago. They have a lot of gun violence and a lot of guns despite all the restrictions and regulations. There is an epidemic of violence, deaths, and murders. Look around the world. Look at the city of London. The murder rate is now higher than it is in New York City. They have banned all the guns, and now they are coming after knives. You want to keep restricting our guns. Are you going to go after cars and knives? Knives? Seriously? Why has that not controlled the violence level in London? You see that violent crime has escalated over the last few decades in London. What could it be?

I believe it is because of this global immigration plan that we have. This is certainly a factor. I believe it is people who need to be educated. People have to be informed about what is going on. Gambling is legal. I have never done it out here. How do you explain that? It is education that is very, very important. I believe that informing people, including very young people, is the most efficient way to do it. Yes, I believe safety is important. I think there should be some revisions.

**Jane Adams, Private Citizen, Las Vegas, Nevada:**

There are some bad parents, there are some good parents. Good parents should not be punished because of bad parents. Just punish the bad parents. This bill wants to define bad parenting by saying children are stupid. The current Nevada law already covers all these bases. The person who murdered Brooklynn apparently posted smiley gun emojis. She is a maniac and should be locked up. If it was my daughter, I would probably want the death sentence. Not all children are as dumb as the girl who killed her.

I know an 11-year-old sharpshooter who can hunt down a deer, gut it, skin it, and make sausages out of it. I would personally trust that kid with a gun to save my life more than I trust myself, to be honest. I think this is an overreach. I think maybe they are trying to memorialize Brooklynn. In that case, maybe start a fund to help teach kids how to use guns. I think this is just going a little too far. It is unnecessary and redundant.

**Jared Raman, Private Citizen, Spanish Springs, Nevada:**

I am the vice county chairman of the Independent American Party in Washoe County. The first thing I would like to say is that minors protect themselves, their families, and their homes with firearms. It happens all the time in America. I encourage you to look it up. For those of you who might be thinking that children are not experts at self-defense, well, neither are most of the Democrats sitting up here.

I would like to talk to you about alternative methods, such as Eddie the Eagle, which is an education-based program for children. I have a 2-year-old son whose name is Gunner. He loves Eddie Eagle. He asks me all the time to play the video. When he is not watching it, I ask him, Gunner, what do you do if you see a gun? He says, Stop, do not touch, run away, tell a grownup. There are alternatives to teach kids about gun safety and keep them safe.

Next, I would like to talk about irresponsible gun owners, or perhaps irresponsible parents. I heard someone say earlier in support of this bill that when they ask a child's friend's parents if they have a gun, and they say, Oh, yeah, but it is secured and locked up. I have to trust that. Well, I am sorry, but by all definitions, that still makes you an irresponsible parent. If you cannot do everything you can to try and ensure your child's safety and if you have any reasonable doubt, it is your moral responsibility to get them out of that situation and do not bring your kids there.

The people trying to pass this bill are the irresponsible people who are trying to call us gun owners irresponsible. I ask that all of you find the moral conviction yourself to not put the death of these children at my feet. Maybe not put it at their feet either, but certainly they are more responsible for what goes on with their kids than what goes on with mine. I ask that you oppose this bill.

**Mary Porter, Private Citizen, Gardnerville, Nevada:**

I am bringing to the table 34 years of legal experience where I dealt with negligence. It is my opinion, listening to all of you, that actually the situation is that the best drafting of what you want to achieve is already stated in section 1, subsection 3(a). Unfortunately, I believe that, had the amendment been in effect at the time of this sad shooting, the same result would have come to play by the public defender's office. The reason is this: you use the term "negligent" in that statute. By definition, when a person—as it states in [section 1], subsection 5(a)—uses a location which a reasonable person would have believed to have been secure, that is by definition not negligent. Unfortunately, the same result would have been obtained by the prosecutor's investigation of the case. They apparently made the decision that reasonable care was exercised, so there would be no negligence.

The reason that negligence is a dangerous term to be working with in the revision of this statute is that you are dealing with the description of something where no injury has occurred. You have an act but no injury, and in order to be found negligent, you have to have an injury occurring. If you want to achieve the result these parents would have liked, perhaps the investigation could have been different. Maybe not. We do not really know all the facts of the case. But we do know that if they were looking at the parents under subsection 3(a), they would be looking at the parents as not being negligent; it would have been the same result and, unfortunately for these parents, they would not have had a criminal litigation. They still had civil litigation open to them and that has already been discussed.

**Tim Stoffel, Private Citizen, Reno, Nevada:**

I, too, offer my condolences to the family for this terrible thing that has happened. There have been a lot of cases where people's children have been killed by accidental and unintentional things. They are always tragic when it happens, but at the end of the day, accidents are accidents. You cannot always completely prevent accidents. We can be more careful with our guns. There are a lot of other things that can cause accidents as well, and they are going to happen no matter how careful we are because no one is perfect. People's reactions to accidents—I have seen this in other cases when something really tragic has happened to someone's child and their first reaction is that there ought to be a law. Laws do not always solve problems. Education solves problems. People being taught to use common sense can solve problems. At the end of the day, nothing is perfect, but you can improve the odds.

The thing that seems to be happening here, though, is that I sense that because it is a gun, it is being vilified. It just seems that there is a faction of our society that wants to just vilify anything that has to do with a gun. A swimming pool accident or an accident with another piece of equipment or tool could have just as easily caused it. We would not have vilified that situation nearly as badly as this because this involves a gun. Like other people have said, maybe the best thing to do is take these kids out, teach them gun safety, teach them how to shoot well, and maybe someday that is going to come and save their lives. Is this law appropriate? We need another kind of law that covers all those situations and not just guns.

**Janine Hansen, State President, Nevada Families for Freedom:**

When I first read over this bill a couple of times, I could not see what this new language added to the law. I think that is a real problem. I think that Assemblyman Fumo addressed it when he said that had he been the one, he would have charged them under the original law that is already there. I think it is better defined and I appreciate that.

I was a little hesitant to get up here because people in Elko live a different way and think a different way sometimes than those from Clark County. In 2016 and 2017, I had nine of my grandchildren and their parents living with me. They were newborn all the way to 15 years old. We have a shotgun sitting close to the front door all the time. Their father and mother took them out frequently and showed them what guns do and taught them how to shoot. They saw the dead jackrabbits and occasional coyote that had attacked our turkeys or chickens and stray dogs that had been abandoned that were even a threat to the children. We needed to have that shotgun for our own protection, as well as there had been several invasions in the valley next to us. So all of those children understood very clearly the dangers and the reality of what a gun does—that it kills something. They saw that. I think it is really important for children to be taught the realities of what guns do.

As other people said earlier, people in the rural counties may tend to do that more often. I certainly was sure, with all those grandchildren there that we were supervising, that those were available for our own protection. I think it is important to realize that this does not improve our situation.

I submitted this list ([Exhibit UU](#)) of children who defend themselves and others with firearms. I think it is remarkable that many young people as young as 11 years old have defended themselves and their families from intruders, and that is important information.

**Timothy Brown, Private Citizen, Las Vegas, Nevada:**

I am an Endowment-Life Member at the NRA, retired, NRA-certified instructor, range safety officer, and proud parent of five children that I have raised hunting. My two daughters, who still live at home although they are adults, were competing when they were 12- and 13-years-old. I cannot support this law as heartbreaking as it is and as much as I want to. It is hard for me to even clarify why I am not supporting it, but I will do the best I can. My son is a police officer. My other daughter is waiting for her academy to start. A really good friend of mine is a motor officer—he rides a motorcycle. A girl is on her cell phone while sitting next to him while at a traffic light. He beeps the horn. She ignores him. He pulls her over. She says, Why are you always bothering me? I always get tickets. He says, Ma'am, it is illegal. He tells me, Tim, people just do not care. They are driving while they are on the phone. My son, who is a police officer, says, People just do not care.

You cannot legislate or litigate common sense or force people. I would like to tie this in a little bit to this morning's hearing when I was not able to talk. You can ban this and ban anything you want and tell people what they need and have to do. You cannot teach common sense. You cannot teach this stuff. The NRA has been teaching gun safety. Rule 3 is to protect your firearms from unauthorized use. I am in full agreement with that. I raised a family with it.

The main reason I oppose this is with all the other guns, it is always to blame the gun. I think people need to be punished. People, not the guns.

**Cody Cunningham, Private Citizen, Las Vegas, Nevada:**

If consequences dictate my course of action, it does not matter what is right. It is only wrong if you get caught. We can sit here all day and write things down on paper to grow the scope of government and power, but what are we actually doing to educate children and adults on proper gun safety? How many of you in the last month have helped a child or adult on proper storage and gun safety? I feel like we are just slapping things together to say, Good enough, rather than getting off our behinds and making a difference. This is where I agree with the original speakers and encourage them on their community outreach. With all due respect and empathy to tragedy, emotions have no place in rule and order. My feelings do not pay the bills, and they do not prevent issues.

I am going to commend the effort here as I agree with it on a personal decision and my own responsibility, but not in law. Correct me if I am wrong, but there is also language that appears to criminalize children, and it is very much lip service to a greater issue with no incentive to do right.

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

I am a certified range safety officer. Before I begin, I would like to offer my condolences to the Mohler family. No parent should have to endure such sadness. Although I do not have children of my own, I do have two beautiful nieces and two handsome nephews. With that said, I would like to ask the following questions to my legislators and elected officials. It has already been stated by the opposition that this bill will prevent and save lives. I would like to ask this first question: How does this law help to prevent these incidents if this law is only enacted after the incident has already occurred? So where do we save the lives?

Second question: How do we enforce this law? Obviously, there is going to be further legislation to do so, and with that, further intrusion.

The third question I would like to ask goes to the district attorney of Clark County, where this incident occurred. Why did the Clark County district attorney not utilize the child endangerment law when the law does not specifically state that the children must be a family member? That is pretty negligent in my opinion. Then again, please do not accept it as legal opinion, because I am not an attorney.

The fourth question I would like to ask is: How do you stop human nature? I understand that we want to prevent all this violence and killing people. I am on board with that. Unfortunately, we cannot control the actions of others. Law does not control the actions of others.

**Chairman Yeager:**

The reason we proceed in hearings like this with support, opposition, and neutral is so that we can have a clear legislative record in terms of what was said in support, opposition, and neutral.

The stunt that Mr. Brooks pulled down in Las Vegas was just that. It was a stunt where he came up in support and then said, April Fools' Day, and walked away. That is inappropriate. I am asking and I am going to have his testimony stricken from the record. That conduct is unbecoming of this Legislative body. I am sorry for those who had to hear that because it was very inappropriate for someone to come up and testify in alleged support and then say, April Fools' Day, and just walk away. So that testimony is going to be stricken from the official record.

I will now close opposition testimony, and open it up for neutral testimony. As a reminder, neutral testimony is, you do not have any position whatsoever on the bill but feel the need to say something relevant to the bill itself.

**Shawn Meehan, Private Citizen, Minden, Nevada:**

I typically do a lot of homework ahead of time before I come to the Legislature. Since 2013, I have never been undecided on a bill. After listening closely, I still have some research and thinking to do instead of forming my position. I want to thank the family for sharing their compelling story. Instead of taking a position, I will offer a few brief thoughts and observations that I am still going to think about.

I think we need to concentrate on education that would actually reduce gun violence. These legislative struggles are very important, but I think they block out the sun and obscure the real problem of potentially diverting resources that can reduce crime. I was shocked by the gentleman in the blue suit earlier that said he defended his mother from assault. At 10 years old, I do not know if he would have been able to get the gun to defend his mother with this law.

Do we really want to prevent tragedies or just punish those responsible after the tragedy? Those are two different things. Without actual education and awareness, creating a deterrent effect, a genuine fear of punishment, all these new gun laws are only a palliative cure giving a false sense of security, which obscures real constitutional solutions. That is a crime. I thank the family for mentioning that they are working on education. I was very happy to hear that.

**Chairman Yeager:**

I will now close neutral testimony on the bill. Before I bring the bill sponsors back up and just so the legislative record is clear, I want to indicate that we were keeping track of how this hearing proceeded. The presentation and questions of the bill took 46 minutes, we took 42 minutes of testimony in support, 50 minutes of testimony in opposition, and about 2 minutes in neutral. I did my best to give everyone a fair amount of time. I realize that there are some of you who may have wanted to testify and were not able to testify here this evening. I would encourage you that if you fit into that category, to provide any written remarks to our Committee secretaries or to email comments. You can also weigh in on the bill on the legislative website, which I know a lot of you have done already.

**Assemblyman Fumo:**

I know it has been a long day; thank you for hearing me out on this. What you heard from the opposition is that my door is always open, especially from the first two lobbyists that came up. I am happy to work with anyone who is in opposition to this to explain the bill. I heard a lot about education; I am happy to talk about education and how to educate them to understand this bill.

My wife and I have five kids and three grandkids between us. As I heard the testimony go on, we often say in our house, We are only as happy as our least favorite child. I cannot imagine losing one or a grandchild. I respect the Mohlers. I brought this bill for them. I just want to tell you that there is no war between the *Constitution* and common sense. There is no war between the *Constitution* and good public policy. There is no war between the *Constitution* and doing what is right in saving children's lives. Brooklyn's Law is good public policy. Brooklyn's Law is common sense, and Brooklyn's Law will save people's lives. I urge this joint Committee's support.

**Chairman Yeager:**

I will now close the hearing on A.B. 153. Now would be the time for public comment. As a reminder, public comment is not a relitigation or rehearing of a bill that we have already heard today. Public comment is about general nature.

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

I was talking about gun and violence control compared to many cities across the United States. Let us talk about London, because they are having knife control. This is absurdity; it is getting out of hand. This is the result of our global immigration plan. First of all, you have to follow the money. Who is pushing all this gun control policy? I would like to ask you all: raise your hand if you did not take money from the Bloomberg gun control interest. Michael Bloomberg pumped a lot of money into gun safety public action committees. This is one of the things you have to point out. I believe a lot of this gun control comes from the 1 October shooting. Let us talk about that shooting. The chief executive officer of MGM Resorts International had a massive sell-off of company stock. I feel this was a setup, and he donated heavily to many of the campaigns in the last election cycle.

I feel that events like this are used to scare people to pass laws, just like 911 resulted in the war on terror. In fact, many of the problems are still going on today. The issue is people control, societal control, and condition control. This is one of the things you have to understand. We live in a society with massive intakes of prescription drugs. That is leading to violence. We are living in a rigged economy where the elites are getting more and more and everyone else is getting the crumbs and people have to work longer hours. We have a poor family structure. Nuclear families are disappearing. The stress, the commutes, the car-dependent lifestyle. We need to improve health and well-being. The real problem is society. It is engineering. It is conditioning. Poor architecture. I just had a protest of the new homes. That has an effect. We need to talk more about details.

**Jim Verrees, Private Citizen, Las Vegas, Nevada:**

Kristallnacht has already happened in America as evidenced by the removal and defacement of many of America's monuments. Next in line is a totalitarian regime that gains power against its citizens, which is to disarm them. Although A.B. 153 may appear innocuous, disarming a society begins with small actions.

**Marla Turner, Private Citizen, Carson City, Nevada:**

I know this has been a really long day and the topics that we have talked about have been challenging, difficult, contentious, and they bring out a lot of passions. I want to express my thanks to you, Chairman Yeager, and to all the members of this body for listening intently, and for asking smart and thoughtful questions. Regardless of how this issue turns out, I want you to know that I am very proud to be a Nevadan right now. I just wanted to express my appreciation and thanks to all of you.

**Bob Russo, Private Citizen, Gardnerville, Nevada:**

In my opinion, gun control laws in general do not address the underlying issues in our society that lead to violence, such as the breakdown of the family that negatively affects the emotional and mental well-being of our youth. Until we address the core issues, we are going to continue to see suicides and violence in our society, and gun control laws will be the equivalent of using sandbags to stop a tidal wave.

**Richard Brengman, Private Citizen, Yerington, Nevada:**

I have to take issue with a couple of statements I heard tonight that I think were misleading. One was that self-defense is rare. Really? I see over 20 people on this Committee, and I will bet anything you want to name that more than one of them has had to defend themselves at some time in their life.

Also, those wonderful free gun locks? Having been a gun dealer for over 25 years, I have personally opened one of those with a fork. They are a joke. If that is all it takes to meet the standard, then this law as proposed is not even serious.

**Chairman Yeager:**

We are not redoing the bill hearing.

**Richard Brengman:**

I am saying that I found some of the testimony today to be disingenuous.

**Chairman Yeager:**

I understand, sir, but we are not relitigating the bill.

**Richard Brengman:**

You are worrying about very rare instances but you are ignoring meth and opioids. This whole focus is wrong.

**Chairman Yeager:**

I will close public comment at this time. Members of the joint Committee, I want to thank you for your attention and thoughtfulness. I know it has been a very long day. We started out together more than 12 hours ago. Thank you for your work today.

The meeting is adjourned [at 8:50 p.m.].

RESPECTFULLY SUBMITTED:

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Linda Whimple  
Committee Secretary

APPROVED BY:

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Assemblyman Steve Yeager, Chairman

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

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Senator Nicole J. Cannizzaro, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is testimony in support of [Assembly Bill 291](#), submitted on March 29, 2019, and presented by Mike McLively, Senior Staff Attorney, Giffords Law Center to Prevent Gun Violence, San Francisco, California.

[Exhibit D](#) is a proposed amendment to [Assembly Bill 291](#), submitted on April 1, 2019, and presented by Assemblywoman Sandra Jauregui, Assembly District No. 41.

[Exhibit E](#) is written testimony in support of [Assembly Bill 291](#), submitted by John M. Saludes, Vice Chair, Nevada Gun Safety Coalition.

[Exhibit F](#) is written testimony in support of [Assembly Bill 291](#), submitted by Heather Sallan, Private Citizen, Las Vegas, Nevada.

[Exhibit G](#) is written testimony in support of [Assembly Bill 291](#), submitted by Andrew Woods, Executive Director, Save Lives Nevada.

[Exhibit H](#) is written testimony in support of [Assembly Bill 291](#), submitted by Diana Loring, State Legislative Lead, Moms Demand Action for Gun Sense in America, Nevada Chapter.

[Exhibit I](#) is written testimony, dated April 1, 2019, in support of [Assembly Bill 291](#), submitted by Chip Evans, representing Indivisible Northern Nevada.

[Exhibit J](#) is a letter dated April 1, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, authored by U.S. Congresswoman Dina Titus, and presented by Vince Spotleson, District Director, First Congressional District, Nevada, in support of [Assembly Bill 291](#).

[Exhibit K](#) is written testimony in support of [Assembly Bill 291](#), submitted by Kimberly Carden, Private Citizen, Sparks, Nevada.

[Exhibit L](#) is a letter dated April 1, 2019, to Chairman Yeager and the Assembly Committee on Judiciary, and Chair Cannizzaro and the Senate Committee on Judiciary, in support of [Assembly Bill 291](#), authored and submitted by Laura Hale, Private Citizen, Carson City, Nevada.

[Exhibit M](#) is a letter dated March 31, 2019, to Chairman Yeager and the Assembly Committee on Judiciary, in opposition to [Assembly Bill 291](#), authored and presented by Daniel Reid, Western Regional Director, National Rifle Association of America.

[Exhibit N](#) is a document titled "Detail Listing, From First to Last Step", a legislative bill history of AB 147 from 1989, submitted by Daniel Reid, Western Regional Director, National Rifle Association of America, in relation to [Assembly Bill 291](#).

[Exhibit O](#) is a letter dated February 28, 2019, to Chairman Yeager and Chair Cannizzaro, authored and presented by Michael Findlay, Director, Government Relations, National Shooting Sports Foundation, Inc., in opposition to [Assembly Bill 291](#).

[Exhibit P](#) is written testimony dated April 1, 2019, in opposition to [Assembly Bill 291](#), submitted and presented by Randi Thompson, representing Nevada Firearms Coalition.

[Exhibit Q](#) is written testimony in opposition to [Assembly Bill 291](#), submitted and presented by John Hermeler, Private Citizen, Las Vegas, Nevada.

[Exhibit R](#) is written testimony in opposition to [Assembly Bill 291](#), submitted and presented by Nick Alfonsetti, Private Citizen, Mesquite, Nevada.

[Exhibit S](#) is written testimony in opposition to [Assembly Bill 291](#), submitted by Benjamin Auer, Private Citizen, Fernley, Nevada.

[Exhibit T](#) is written testimony in opposition to [Assembly Bill 291](#), submitted by Bob Russo, Private Citizen, Gardnerville, Nevada.

[Exhibit U](#) is a letter to Chairman Yeager and the Assembly Committee on Judiciary, and Chair Cannizzaro and the Senate Committee on Judiciary, in opposition to [Assembly Bill 291](#), submitted by G.C. Gates, Private Citizen, Henderson, Nevada.

[Exhibit V](#) is a letter to Chairman Yeager and the Assembly Committee on Judiciary, and Chair Cannizzaro and the Senate Committee on Judiciary, in opposition to [Assembly Bill 291](#), submitted by G.C. Gates, Private Citizen, Henderson, Nevada.

[Exhibit W](#) is written testimony in opposition to [Assembly Bill 291](#), submitted by Joseph R. Banister, Private Citizen, Silver Springs, Nevada.

[Exhibit X](#) is written testimony dated March 31, 2019, in opposition to [Assembly Bill 291](#), submitted by Laura Tousseau, Private Citizen, Las Vegas, Nevada.

[Exhibit Y](#) is written testimony in opposition to [Assembly Bill 291](#), submitted by Luis Alejandro Carrillo, Private Citizen, Gardnerville, Nevada.

[Exhibit Z](#) is a compilation of emails and written testimony in opposition to [Assembly Bill 291](#).

[Exhibit AA](#) is written testimony dated March 30, 2019, in support of [Assembly Bill 153](#), presented by Darchel Mohler, Private Citizen, Las Vegas, Nevada.

[Exhibit BB](#) is written testimony dated March 31, 2019, in support of [Assembly Bill 153](#), presented by Mike McLively, Senior Staff Attorney, Giffords Law Center to Prevent Gun Violence, San Francisco, California.

[Exhibit CC](#) is written testimony dated April 1, 2019, in support of [Assembly Bill 153](#), submitted and presented by John M. Saludes, Vice Chair, Nevada Gun Safety Coalition.

[Exhibit DD](#) is written testimony in support of [Assembly Bill 153](#), submitted and presented by David O. Antonuccio, Private Citizen, Reno, Nevada.

[Exhibit EE](#) is written testimony in support of [Assembly Bill 153](#), submitted and presented by Nicholas Marquart, Private Citizen, Las Vegas, Nevada.

[Exhibit FF](#) is written testimony in support of [Assembly Bill 153](#), submitted and presented by Andrew Woods, Executive Director, Save Lives Nevada.

[Exhibit GG](#) is written testimony dated April 1, 2019, in support of [Assembly Bill 153](#), submitted and presented by Chip Evans, representing Indivisible Northern Nevada.

[Exhibit HH](#) is written testimony in support of [Assembly Bill 153](#), submitted by Kimberly Carden, Secretary, Nevada Gun Safety Coalition.

[Exhibit II](#) is a proposed amendment to [Assembly Bill 153](#), presented by John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office.

[Exhibit JJ](#) is written testimony dated March 30, 2019, in support of [Assembly Bill 153](#), submitted by Linda Ruby, Private Citizen, Las Vegas, Nevada.

[Exhibit KK](#) is written testimony dated March 29, 2019, in support of [Assembly Bill 153](#), submitted by Daelyn Buch, Private Citizen, Las Vegas, Nevada.

[Exhibit LL](#) is a letter dated March 28, 2019, to Chairman Yeager and the Assembly Committee on Judiciary, in support of [Assembly Bill 153](#), authored and submitted by John Buch, Private Citizen, Las Vegas, Nevada.

[Exhibit MM](#) is written testimony in support of [Assembly Bill 153](#), submitted by Ronda Malailua, Private Citizen, Henderson, Nevada.

[Exhibit NN](#) is written testimony dated April 1, 2019, in support of [Assembly Bill 153](#), submitted by Cheryl Loudermilk, Private Citizen, Boulder City, Nevada.

[Exhibit OO](#) is written testimony in support of [Assembly Bill 153](#), submitted by Kevin Jackson, Private Citizen, Las Vegas, Nevada.

[Exhibit PP](#) is a letter dated April 1, 2019, to Chairman Yeager and the Assembly Committee on Judiciary, and Chair Cannizzaro and the Senate Committee on Judiciary, in support of [Assembly Bill 153](#), authored and submitted by Laura Hale, Private Citizen, Carson City, Nevada.

[Exhibit QQ](#) is written testimony, dated March 29, 2019, in support of [Assembly Bill 153](#), submitted by Susan Thompson, Private Citizen, Reno, Nevada.

[Exhibit RR](#) is written testimony in opposition to [Assembly Bill 153](#), submitted by Nick Alfonsetti, Private Citizen, Mesquite, Nevada.

[Exhibit SS](#) is written testimony, dated April 1, 2019, in opposition to [Assembly Bill 153](#), submitted by Patti Jesinoski, Private Citizen, Henderson, Nevada.

[Exhibit TT](#) is testimony in opposition to [Assembly Bill 153](#), submitted by Joseph R. Banister, Private Citizen, Silver Springs, Nevada.

[Exhibit UU](#) is a document titled "Children Defend Themselves and Others With Firearms," submitted in opposition to [Assembly Bill 153](#), by Janine Hansen, State President, Nevada Families for Freedom.