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Office of the Governor

May 17, 2023

The Honorable Steve Yeager
Speaker of the Nevada State Assembly
Nevada Legislature
401 South Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 355 of the 82nd Legislative Session

Dear Speaker Yeager:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 355 (AB 355), which is titled as follows:

AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

AB 355 is presumably intended to decrease gun violence in communities across the state – an admirable goal. However, last year, in *Jones v. Bonta*, the Ninth Circuit Court of Appeals struck down as unconstitutional California's ban on the sale of semiautomatic rifles to adults younger than 21. In a 2-1 panel decision, the court found that the Second Amendment "protects the right of young adults to keep and bear arms, which includes the right to purchase them." This ruling was subsequently vacated by the Ninth Circuit so the trial court could readdress its legal findings after the United States Supreme Court issued its ruling in *New York State Rifle and Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). In *Bruen*, the Court held that gun restrictions are constitutional only insofar as there is a tradition of such regulation in United States history. The United States has little, if any, tradition of entirely prohibiting the possession of semi-automatic firearms to those under 21 years of age. Additionally, this month, a federal court in the Eastern District of Virginia, noting that the Second Amendment's protections "extend in full to law-abiding adults aged eighteen or older[.]" ruled that there was insufficient support for the

proposition "that restrictions on the purchasing [and possession] of firearms by 18-20 year olds is part of our Nation's history and tradition."

As such, were this bill to become law, it is unlikely it would pass constitutional muster.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,



JOE LOMBARDO
Governor

Enclosure

Cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Francisco Aguilar, Secretary of State (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)