

MOCK-UP

PROPOSED AMENDMENT 3395 TO SENATE BILL NO. 387

PREPARED FOR SENATOR RATTI
MARCH 31, 2017

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

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

1 **Section 1.** Chapter 33 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 16, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 16, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3, 4*
5 *and 5 of this act have the meanings ascribed to them in those sections.*

6 **Sec. 3.** *“High-risk ~~[offender-]~~ individual” means a person who*
7 *poses a risk of causing personal injury to himself, herself or another*
8 *person by possessing or having under his or her custody or control, or*
9 *purchasing or otherwise acquiring, any firearm or ammunition.*

10 **Sec. 4.** ~~“Immediate family”~~ “Family or household member” means
11 ~~[a person who is]~~ , with respect to a high-risk individual, any:

12 1. Person related by blood, adoption or marriage, ~~[within the second~~
13 ~~degree of consanguinity or affinity] to a high-risk ~~[offender-]~~ individual;~~

14 2. Person who has a child in common with a high-risk individual,
15 regardless of whether the person has been married to a high-risk
16 individual or has lived together with a high-risk individual at any time;

1 3. Person who resides with a high-risk individual or has resided
2 with a high-risk individual within the past year;

3 4. Domestic partner of a high-risk individual;

4 5. Person who has a biological or legal parent and child
5 relationship with a high-risk individual, including, without limitation, a
6 stepparent, stepchild, grandparent or grandchild; or

7 6. Person who is acting or has acted as a high-risk individual's
8 guardian.

9 Sec. 5. "Order for protection against a high-risk ~~[offender]~~
10 individual means an order issued pursuant to section 8 of this act.

11 Sec. 6. A person is a high-risk ~~[offender]~~ individual if ~~[her]~~ he or
12 she commits any of the following acts:

13 1. A threat of violence or act of violence against a person within the
14 immediately preceding 6 months;

15 2. A threat of violence or act of violence directed toward himself or
16 herself within the immediately preceding 6 months;

17 3. A violation of a temporary or extended order for protection
18 against domestic violence issued pursuant to NRS 33.020; or

19 4. A pattern of violent acts or violent threats within the immediately
20 preceding 12 months, including, without limitation, threats of violence or
21 acts of violence by the person directed toward himself, herself or another
22 person.

23 Sec. 7. 1. A law enforcement officer who has reasonable cause to
24 believe that a person is a high-risk ~~[offender]~~ individual may file a
25 verified application for an emergency order for protection against a
26 high-risk ~~[offender]~~ individual against that person.

27 2. ~~[An immediate]~~ A family or household member, or a law
28 enforcement officer who believes there is a substantial likelihood that a
29 person will, in the near future, be a high-risk ~~[offender]~~ individual may
30 file a verified application for an ex parte order for protection against a
31 high-risk ~~[offender]~~ individual against that person.

32 3. ~~[An immediate]~~ A family or household member, or a law
33 enforcement officer who reasonably believes that a person is a high-risk
34 ~~[offender]~~ individual may file a verified application for an extended
35 order for protection against a high-risk ~~[offender]~~ individual against that
36 person.

37 4. The verified application must include, without limitation:

38 (a) The name of the person seeking the order;

39 (b) The name and address, if known, of the person who is allegedly a
40 high-risk ~~[offender]~~ individual; and

41 (c) A detailed description of the events that allegedly constituted the
42 person being or becoming a high-risk ~~[offender]~~ individual and the dates
43 on which these events occurred.

44 Sec. 8. 1. The court may issue an emergency order for protection
45 against a high-risk ~~[offender]~~ individual if the court finds there is

1 reasonable cause to believe from specific facts shown by a verified
2 application that:

3 (a) The high-risk ~~[offender]~~ individual presents an immediate danger
4 of causing personal injury to himself, herself or another person by
5 possessing or having under his or her custody or control, or purchasing
6 or otherwise acquiring, any firearm or ammunition; and

7 (b) Less restrictive options have been exhausted or are not effective.

8 2. The court may issue an ex parte order for protection against a
9 high-risk ~~[offender]~~ individual if the court finds there is good cause to
10 believe from specific facts shown by a verified application that:

11 (a) There is a substantial likelihood that the high-risk ~~[offender]~~
12 individual will, in the near future, cause personal injury to himself,
13 herself or another person by possessing or having under his or her
14 custody or control, or purchasing or otherwise acquiring, any firearm or
15 ammunition; and

16 (b) Less restrictive options have been exhausted or are not effective.

17 3. The court may issue an extended order for protection against a
18 high-risk ~~[offender]~~ individual if the court finds by clear and convincing
19 evidence from specific facts shown by a verified application that:

20 (a) There is a substantial likelihood that the high-risk ~~[offender]~~
21 individual will cause personal injury to himself, herself or another
22 person by possessing or having under his or her custody or control, or
23 purchasing or otherwise acquiring, any firearm or ammunition; and

24 (b) Less restrictive options have been exhausted or are not effective.

25 4. In determining whether to issue any order for protection against
26 a high-risk ~~[offender]~~ individual, the court must consider, without
27 limitation, whether the high-risk ~~[offender]~~ individual:

28 (a) Committed any of the acts described in section 6 of this act;

29 (b) Has a prior felony conviction;

30 (c) Engaged in reckless use, display or brandishing of a firearm;

31 (d) Has a history of use, attempted use or threatened use of physical
32 force against another person;

33 (e) Has problems with the abuse of alcohol or drugs; or

34 (f) Has recently acquired a firearm or other deadly weapon.

35 5. The court may require the applicant or the high-risk ~~[offender]~~
36 individual, or both, to appear before the court before determining
37 whether to grant an emergency or ex parte order for protection against a
38 high-risk ~~[offender]~~ individual.

39 6. An emergency or ex parte order for protection against
40 a high-risk ~~[offender]~~ individual may be granted with or without notice
41 to the high-risk ~~[offender]~~ individual. An extended order for protection
42 against a high-risk ~~[offender]~~ individual may only be granted after notice
43 to

44 the high-risk ~~[offender]~~ individual and a hearing on the application. A
45 hearing on an application for an extended order for protection against a

1 high-risk ~~[offender]~~ individual must be held within 21 days after the day
2 on which the application for the extended order for protection against a
3 high-risk ~~[offender]~~ individual is filed.

4 7. If it appears to the satisfaction of the court from specific facts
5 communicated by telephone to the court by ~~[an immediate family~~
6 ~~member or]~~ a law enforcement officer that the person is a high-risk
7 ~~[offender]~~ individual, the court may grant an emergency order for
8 protection against the person.

9 8. In a county whose population is 52,000 or more, the court shall
10 be available 24 hours a day, 7 days a week, including nonjudicial days
11 and holidays, to receive communications by telephone and for the
12 issuance of an emergency order for protection against a high-risk
13 ~~[offender]~~ individual pursuant to subsection 7.

14 9. In a county whose population is less than 52,000, the court may
15 be available 24 hours a day, 7 days a week, including nonjudicial days
16 and holidays, to receive communications by telephone and for the
17 issuance of an emergency order for protection against a high-risk
18 ~~[offender]~~ individual pursuant to subsection 7.

19 10. The clerk of the court shall inform the applicant upon the
20 successful transfer of information concerning the registration to the
21 Central Repository for Nevada Records of Criminal History as required
22 pursuant to section 15 of this act.

23 **Sec. 9. 1.** Each order for protection against a high-risk ~~[offender]~~
24 individual must include:

25 (a) A requirement that the high-risk ~~[offender]~~ individual surrender
26 ~~[, sell or transfer]~~ any firearm or ammunition in his or her possession or
27 under his or her custody or control in the manner set forth in section 10
28 of this act; and

29 (b) A prohibition on the high-risk ~~[offender]~~ individual against
30 possessing or having under his or her custody or control, or purchasing
31 or otherwise acquiring, any firearm or ammunition while the order is in
32 effect.

33 2. The order for protection against a high-risk ~~[offender]~~ individual
34 must:

35 (a) Include a provision ordering any law enforcement officer to
36 arrest the person who is allegedly a high-risk ~~[offender]~~ individual, with
37 or without a warrant, if the officer has probable cause to believe that the
38 person has been served with a copy of the order and has violated a
39 provision of the order;

40 (b) State the reasons for granting the order;

41 (c) Include instructions for surrendering ~~[, selling or transferring]~~
42 any firearms or ammunition pursuant to paragraph ~~[(b)]~~ (a) of
43 subsection 1;

44 (d) State the time and date on which the order expires; and

45 (e) Include the following statement:

WARNING

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an order for protection against a high-risk ~~[offender]~~ individual and any other crime that you may have committed in disobeying this order.

Sec. 10. 1. After a court orders a high-risk ~~[offender]~~ individual to surrender any firearm or ammunition pursuant to section 9 of this act, the high-risk ~~[offender]~~ individual shall, ~~[not later than 24 hours]~~ immediately after service of the order:

(a) Surrender any firearm or ammunition in his or her possession or under his or her custody or control to the appropriate law enforcement agency designated by the court in the order; or

(b) Surrender any firearm or ammunition in his or her possession under his or her custody or control to a person designated by the court in the order. ~~}; or~~

~~— (c) Sell or transfer any firearm or ammunition in his or her possession or under his or her custody or control to a licensed firearm dealer. }~~

2. If the court orders the high-risk ~~[offender]~~ individual to surrender any firearm or ammunition to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the high-risk ~~[offender]~~ individual with a receipt which includes a description of each firearm and ammunition surrendered and the high-risk ~~[offender]~~ individual shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm or ammunition, provide the receipt to the court.

3. If the court orders the high-risk ~~[offender]~~ individual to surrender any firearm or ammunition to a person designated by the court pursuant to paragraph (b) of subsection 1, the high-risk ~~[offender]~~ individual shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm or ammunition to such a person, provide to the court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm and ammunition surrendered to the person.

~~4. If the high-risk offender sells or transfers any firearm or ammunition to a licensed firearm dealer that is subject to an order pursuant to paragraph (c) of subsection 1, the high-risk offender shall, not later than 72 hours or 1 business day, whichever is later, after such a sale or transfer, provide the court and the appropriate local law enforcement agency a receipt of such sale or transfer and a written description of each firearm sold or transferred.~~

~~— 5. }~~ If there is probable cause to believe that the high-risk ~~[offender]~~ individual has not surrendered ~~}; sold or transferred~~ any firearm or

1 ammunition in his or her possession or under his or her custody or
2 control ~~[within 24 hours]~~ **immediately** after service of the order, the court
3 may issue and deliver to any law enforcement officer a search warrant
4 which authorizes the officer to enter and search any place where there is
5 probable cause to believe any firearm or ammunition is located and seize
6 the firearm or ammunition.

7 ~~[6. A local law enforcement agency may charge and collect a fee
8 from the high-risk offender for the collection and storage of a firearm or
9 ammunition pursuant to this section. The fee must not exceed the cost
10 incurred by the local law enforcement agency for such collection and
11 storage.]~~

12 ~~7.]~~ **5.** A local law enforcement agency shall return any surrendered
13 or seized firearm or ammunition to the high-risk ~~[offender]~~ **individual**
14 not less than 14 days after the order expires.

15 **Sec. 11.** 1. The clerk of the court shall provide each party, free of
16 cost, with information about the:

17 (a) Availability of orders for protection against a high-risk
18 ~~[offender,]~~ **individual;**

19 (b) Procedure for filing an application for an order for protection
20 against a high-risk ~~[offender,]~~ **individual;** and

21 (c) Right to proceed without counsel.

22 2. The clerk of the court or other person designated by the court
23 shall assist any party in completing and filing the application, affidavit
24 and any other paper or pleading necessary to initiate or respond to an
25 application for an order for protection against a high-risk ~~[offender,]~~
26 **individual.** This assistance does not constitute the practice of law, but the
27 clerk shall not render any advice or service that requires the professional
28 judgment of an attorney.

29 3. The clerk of the court shall not charge an applicant for an ex
30 parte or extended order for protection against a high-risk ~~[offender,]~~
31 **individual** for providing the applicant with a certified copy of the order
32 for protection against a high-risk ~~[offender,]~~ **individual.**

33 **Sec. 12.** 1. The court shall transmit, by the end of the next day
34 after an order for protection against a high-risk ~~[offender,]~~ **individual** is
35 issued or renewed, a copy of the order to the appropriate law
36 enforcement agency.

37 2. The court shall order the appropriate law enforcement agency to
38 serve, without charge, the high-risk ~~[offender,]~~ **individual** personally with
39 the order for protection against a high-risk ~~[offender,]~~ **individual** and to
40 file with or mail to the clerk of the court proof of service by the end of
41 the next business day after service is made. Service of an application for
42 an extended order for protection against a high-risk ~~[offender,]~~
43 **individual** and the notice of hearing thereon must be served upon the
44 high-risk ~~[offender,]~~ **individual** pursuant to the Nevada Rules of Civil
45 Procedure.

1 3. A law enforcement agency shall enforce an order for protection
2 against a high-risk ~~offender~~ individual without regard to the county in
3 which the order was issued.

4 4. The clerk of the court shall issue, without fee, a copy of the order
5 for protection against a high-risk ~~offender~~ individual to the applicant
6 or high-risk ~~offender~~ individual.

7 **Sec. 13.** 1. Every order for protection against a high-risk
8 ~~offender~~ individual must include a provision ordering any law
9 enforcement officer to arrest the high-risk ~~offender~~ individual if the
10 officer has probable cause to believe that the high-risk ~~offender~~
11 individual has violated any provision of the order. The law enforcement
12 officer may make an arrest with or without a warrant and regardless of
13 whether the violation occurs in the officer's presence.

14 2. If a law enforcement officer cannot verify that the high-risk
15 ~~offender~~ individual was served with a copy of the application and the
16 order for protection against a high-risk ~~offender~~ individual, the officer
17 shall:

18 (a) Inform the high-risk ~~offender~~ individual of the specific terms
19 and conditions of the order;

20 (b) Inform the high-risk ~~offender~~ individual that the high-risk
21 ~~offender~~ individual now has notice of the provisions of the order and
22 that a violation of the order will result in his or her arrest;

23 (c) Inform the high-risk ~~offender~~ individual of the location of the
24 court that issued the original order and the hours during which the high-
25 risk ~~offender~~ individual may obtain a copy of the order; and

26 (d) Inform the high-risk ~~offender~~ individual of the date and time set
27 for a hearing on an application for an extended order for protection
28 against a high-risk ~~offender~~ individual, if any.

29 3. Information concerning the terms and conditions of the order for
30 protection against a high-risk ~~offender~~ individual, the date and time of
31 the notice provided to the high-risk ~~offender~~ individual and the name
32 and identifying number of the law enforcement officer who gave the
33 notice must be provided in writing to the applicant and noted in the
34 records of the law enforcement agency and the court.

35 **Sec. 14.** 1. An emergency order for protection against a high-risk
36 ~~offender~~ individual expires within such time, not to exceed 14 days, as
37 the court fixes.

38 2. An ex parte order for protection against a high-risk ~~offender~~
39 individual expires within such time, not to exceed 21 days, as the court
40 fixes.

41 3. An extended order for protection against a high-risk ~~offender~~
42 individual expires within such time, not to exceed 1 year, as the court
43 fixes.

44 4. The high-risk ~~offender~~ individual may request in writing one
45 hearing to move the court to dissolve the order for protection against a

1 ~~high-risk [offender]~~ individual. If the court finds that there is no longer
2 clear and convincing evidence that the person is a high-risk ~~[offender]~~
3 individual, the court shall dissolve the order. The high-risk ~~[offender]~~
4 individual may request a hearing to move the court to dissolve the order
5 after a renewal pursuant to subsection 5.

6 5. The court may, after notice and a hearing, renew an extended
7 order for protection against a high-risk ~~[offender]~~ individual. If the
8 court finds that there is clear and convincing evidence that the person is
9 a high-risk ~~[offender]~~ individual, the court may renew the order. The
10 renewal of such an order expires within such time, not to exceed 1 year,
11 as the court fixes.

12 **Sec. 15.** Any time that a court issues or renews an order for
13 protection against a high-risk ~~[offender]~~ individual and any time that a
14 person serves such an order or receives any information or takes any
15 other action pursuant to sections 2 to 16, inclusive, of this act, the person
16 shall by the end of the next business day:

17 1. Cause to be transmitted, in the manner prescribed by the Central
18 Repository for Nevada Records of Criminal History, any information
19 required by the Central Repository in a manner which ensures that the
20 information is received by the Central Repository; and

21 2. Transmit a copy of the order to the Attorney General.

22 **Sec. 16.** A person who intentionally violates an order for protection
23 against a high-risk ~~[offender]~~ individual is:

24 1. Unless a more severe penalty is prescribed by law for the act that
25 constitutes the violation of the order, guilty of a misdemeanor; and

26 2. Prohibited from possessing or having under his or her custody or
27 control, or purchasing or otherwise acquiring, a firearm or ammunition
28 for a period of 5 years.

29 **Sec. 17.** NRS 1.130 is hereby amended to read as follows:

30 1.130 1. No court except a justice court or a municipal court shall
31 be opened nor shall any judicial business be transacted except by a justice
32 court or municipal court on Sunday, or on any day declared to be a legal
33 holiday according to the provisions of NRS 236.015, except for the
34 following purposes:

35 (a) To give, upon their request, instructions to a jury then deliberating
36 on their verdict.

37 (b) To receive a verdict or discharge a jury.

38 (c) For the exercise of the power of a magistrate in a criminal action or
39 in a proceeding of a criminal nature.

40 (d) To receive communications by telephone and for the issuance of ~~[a]~~

41 ;

42 (1) A temporary order pursuant to subsection 5 of NRS 33.020 ~~[a]~~ ;

43 or

44 (2) An emergency order for protection against a high-risk
45 ~~[offender]~~ individual pursuant to subsection 7 of section 8 of this act.

1 (e) For the issue of a writ of attachment, which may be issued on each
2 and all of the days above enumerated upon the plaintiff, or some person on
3 behalf of the plaintiff, setting forth in the affidavit required by law for
4 obtaining the writ the additional averment as follows:

5
6 That the affiant has good reason to believe, and does believe, that
7 it will be too late for the purpose of acquiring a lien by the writ to
8 wait until subsequent day for the issuance of the same.
9

10 All proceedings instituted, and all writs issued, and all official acts done on
11 any of the days above specified, under and by virtue of this section, shall
12 have all the validity, force and effect of proceedings commenced on other
13 days, whether a lien be obtained or a levy made under and by virtue of the
14 writ.

15 2. Nothing herein contained shall affect private transactions of any
16 nature whatsoever.

17 **Sec. 18.** NRS 193.166 is hereby amended to read as follows:

18 193.166 1. Except as otherwise provided in NRS 193.169, a person
19 who commits a crime that is punishable as a felony, other than a crime that
20 is punishable as a felony pursuant to subsection 6 of NRS 33.400,
21 subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation
22 of:

23 (a) A temporary or extended order for protection against domestic
24 violence issued pursuant to NRS 33.020;

25 (b) An order for protection against harassment in the workplace issued
26 pursuant to NRS 33.270;

27 (c) A temporary or extended order for the protection of a child issued
28 pursuant to NRS 33.400;

29 (d) *An emergency, ex parte or extended order for protection against a*
30 *high-risk ~~offender~~ individual issued pursuant to section 8 of this act;*

31 (e) An order for protection against domestic violence issued in an
32 action or proceeding brought pursuant to title 11 of NRS;

33 ~~(e)~~ (f) A temporary or extended order issued pursuant to NRS
34 200.378; or

35 ~~(f)~~ (g) A temporary or extended order issued pursuant to
36 NRS 200.591,

37 ➔ shall, in addition to the term of imprisonment prescribed by statute for
38 the crime, be punished by imprisonment in the state prison, except as
39 otherwise provided in this subsection, for a minimum term of not less than
40 1 year and a maximum term of not more than 20 years. If the crime
41 committed by the person is punishable as a category A felony or category
42 B felony, in addition to the term of imprisonment prescribed by statute for
43 that crime, the person shall be punished by imprisonment in the state
44 prison for a minimum term of not less than 1 year and a maximum term of
45 not more than 5 years.

1 2. In determining the length of the additional penalty imposed
2 pursuant to this section, the court shall consider the following information:

- 3 (a) The facts and circumstances of the crime;
- 4 (b) The criminal history of the person;
- 5 (c) The impact of the crime on any victim;
- 6 (d) Any mitigating factors presented by the person; and
- 7 (e) Any other relevant information.

8 ➔ The court shall state on the record that it has considered the information
9 described in paragraphs (a) to (e), inclusive, in determining the length of
10 the additional penalty imposed.

11 3. The sentence prescribed by this section:

- 12 (a) Must not exceed the sentence imposed for the crime; and
- 13 (b) Runs concurrently or consecutively with the sentence prescribed by
14 statute for the crime, as ordered by the court.

15 4. The court shall not grant probation to or suspend the sentence of
16 any person convicted of attempted murder, battery which involves the use
17 of a deadly weapon, battery which results in substantial bodily harm or
18 battery which is committed by strangulation as described in NRS 200.481
19 or 200.485 if an additional term of imprisonment may be imposed for that
20 primary offense pursuant to this section.

21 5. This section does not create a separate offense but provides an
22 additional penalty for the primary offense, whose imposition is contingent
23 upon the finding of the prescribed fact.

24 **Sec. 19.** NRS 202.3657 is hereby amended to read as follows:

25 202.3657 1. Any person who is a resident of this State may apply to
26 the sheriff of the county in which he or she resides for a permit on a form
27 prescribed by regulation of the Department. Any person who is not a
28 resident of this State may apply to the sheriff of any county in this State for
29 a permit on a form prescribed by regulation of the Department. Application
30 forms for permits must be furnished by the sheriff of each county upon
31 request.

32 2. A person applying for a permit may submit one application and
33 obtain one permit to carry all handguns owned by the person. The person
34 must not be required to list and identify on the application each handgun
35 owned by the person. A permit is valid for any handgun which is owned or
36 thereafter obtained by the person to whom the permit is issued.

37 3. Except as otherwise provided in this section, the sheriff shall issue
38 a permit to any person who is qualified to possess a handgun under state
39 and federal law, who submits an application in accordance with the
40 provisions of this section and who:

- 41 (a) Is 21 years of age or older;
- 42 (b) Is not prohibited from possessing a firearm pursuant to NRS
43 202.360; and
- 44 (c) Demonstrates competence with handguns by presenting a certificate
45 or other documentation to the sheriff which shows that the applicant:

1 (1) Successfully completed a course in firearm safety approved by a
2 sheriff in this State; or

3 (2) Successfully completed a course in firearm safety offered by a
4 federal, state or local law enforcement agency, community college,
5 university or national organization that certifies instructors in firearm
6 safety.

7 ↪ Such a course must include instruction in the use of handguns and in the
8 laws of this State relating to the use of a firearm. A sheriff may not
9 approve a course in firearm safety pursuant to subparagraph (1) unless the
10 sheriff determines that the course meets any standards that are established
11 by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs'
12 and Chiefs' Association ceases to exist, its legal successor.

13 4. The sheriff shall deny an application or revoke a permit if the
14 sheriff determines that the applicant or permittee:

15 (a) Has an outstanding warrant for his or her arrest.

16 (b) Has been judicially declared incompetent or insane.

17 (c) Has been voluntarily or involuntarily admitted to a mental health
18 facility during the immediately preceding 5 years.

19 (d) Has habitually used intoxicating liquor or a controlled substance to
20 the extent that his or her normal faculties are impaired. For the purposes of
21 this paragraph, it is presumed that a person has so used intoxicating liquor
22 or a controlled substance if, during the immediately preceding 5 years, the
23 person has been:

24 (1) Convicted of violating the provisions of NRS 484C.110; or

25 (2) Committed for treatment pursuant to NRS 458.290 to 458.350,
26 inclusive.

27 (e) Has been convicted of a crime involving the use or threatened use
28 of force or violence punishable as a misdemeanor under the laws of this or
29 any other state, or a territory or possession of the United States at any time
30 during the immediately preceding 3 years.

31 (f) Has been convicted of a felony in this State or under the laws of any
32 state, territory or possession of the United States.

33 (g) Has been convicted of a crime involving domestic violence or
34 stalking, or is currently subject to a restraining order, injunction or other
35 order for protection against domestic violence.

36 (h) *Is currently subject to an order for protection against a high-risk*
37 ~~*offender*~~ *individual*.

38 (i) Is currently on parole or probation from a conviction obtained in
39 this State or in any other state or territory or possession of the United
40 States.

41 ~~(i)~~ (j) Has, within the immediately preceding 5 years, been subject to
42 any requirements imposed by a court of this State or of any other state or
43 territory or possession of the United States, as a condition to the court's:

44 (1) Withholding of the entry of judgment for a conviction of a
45 felony; or

1 (2) Suspension of sentence for the conviction of a felony.

2 ~~(j)~~ (k) Has made a false statement on any application for a permit or
3 for the renewal of a permit.

4 5. The sheriff may deny an application or revoke a permit if the
5 sheriff receives a sworn affidavit stating articulable facts based upon
6 personal knowledge from any natural person who is 18 years of age or
7 older that the applicant or permittee has or may have committed an offense
8 or engaged in any other activity specified in subsection 4 which would
9 preclude the issuance of a permit to the applicant or require the revocation
10 of a permit pursuant to this section.

11 6. If the sheriff receives notification submitted by a court or law
12 enforcement agency of this or any other state, the United States or a
13 territory or possession of the United States that a permittee or an applicant
14 for a permit has been charged with a crime involving the use or threatened
15 use of force or violence, the conviction for which would require the
16 revocation of a permit or preclude the issuance of a permit to the applicant
17 pursuant to this section,
18 the sheriff shall suspend the person's permit or the processing of the
19 person's application until the final disposition of the charges against the
20 person. If a permittee is acquitted of the charges, or if the charges are
21 dropped, the sheriff shall restore his or her permit without imposing a fee.

22 7. An application submitted pursuant to this section must be
23 completed and signed under oath by the applicant. The applicant's
24 signature must be witnessed by an employee of the sheriff or notarized by
25 a notary public. The application must include:

26 (a) The name, address, place and date of birth, social security number,
27 occupation and employer of the applicant and any other names used by the
28 applicant;

29 (b) A complete set of the applicant's fingerprints taken by the sheriff or
30 his or her agent;

31 (c) A front-view colored photograph of the applicant taken by the
32 sheriff or his or her agent;

33 (d) If the applicant is a resident of this State, the driver's license
34 number or identification card number of the applicant issued by the
35 Department of Motor Vehicles;

36 (e) If the applicant is not a resident of this State, the driver's license
37 number or identification card number of the applicant issued by another
38 state or jurisdiction;

39 (f) A nonrefundable fee equal to the nonvolunteer rate charged by the
40 Central Repository for Nevada Records of Criminal History and the
41 Federal Bureau of Investigation to obtain the reports required pursuant to
42 subsection 1 of NRS 202.366; and

43 (g) A nonrefundable fee set by the sheriff not to exceed \$60.