

**PROPOSED REGULATION OF THE
DEPARTMENT OF PUBLIC SAFETY**

LCB File No. R068-24

May 8, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-3, NRS 202.369.

A REGULATION relating to concealed firearms; revising the application forms for the issuance or renewal of a permit to carry a concealed firearm; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth the requirements for a person to: (1) obtain a permit to carry a concealed firearm; and (2) renew such a permit. (NRS 202.3657-202.3677) Existing law further provides that an application for a permit to carry a concealed firearm or the renewal of such a permit be on a form prescribed by regulation of the Department of Public Safety. (NRS 202.3657, 202.3677) Existing regulations set forth separate application forms for an application for a permit to carry a concealed firearm and an application for the renewal of a permit to carry a concealed firearm. (NAC 202.020, 202.030) **Section 2** of this regulation combines the applications into a single application form. **Section 3** of this regulation makes conforming changes to repeal the: (1) separate application form for the renewal of a permit to carry a concealed firearm; and (2) authority for a sheriff to combine the applications into a single application form. (NAC 202.030, 202.040) **Section 1** of this regulation makes a conforming change to eliminate an internal reference to a section of the Nevada Administrative Code that is repealed in **section 3**. (NAC 202.040)

Section 2 revises the application form for a permit to carry a concealed firearm and for the renewal of such a permit to conform to existing law. (NRS 202.366, 202.3677) Specifically, **section 2** eliminates obsolete language relating to: (1) the limit on the number of firearms to which a permit to carry a concealed firearm applies; (2) carrying a concealed firearm in certain buildings; and (3) the expiration of a permit to carry a concealed firearm. **Section 2** further revises the application form to require the sheriff conducting an investigation of an applicant for the issuance or renewal of a permit to determine if the applicant meets the applicable requirements of existing law. (NRS 202.366, 202.3677)

Existing law prohibits a person from obtaining or renewing a permit to carry a concealed firearm if the person: (1) is currently subject to an emergency or extended order for protection against high-risk behavior; (2) has made a false statement on any application for a permit or for the renewal of a permit; or (3) has been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other

than honorable and is less than 21 years of age. (NRS 202.3657, 202.3677) **Section 2** revises the questions set forth on the combined application for a permit or renewal of a permit to include questions relating to these prohibitions.

Existing law requires that an applicant for a permit to carry a concealed firearm or the renewal of such a permit be qualified to possess a firearm under state and federal law. (NRS 202.3657, 202.3677) Federal law prohibits possession of a firearm or ammunition by a person who is an unlawful user of or addicted to any controlled substance, including cannabis. (18 U.S.C. § 922(g)(3)) **Section 2** adds to the list of questions an applicant must answer in the combined application form for a permit or renewal of a permit to carry a concealed firearm whether the applicant has consumed cannabis in the year immediately preceding the date of the application.

Section. 1. NAC 202.010 is hereby amended to read as follows:

202.010 As used in NAC ~~{202.010 to 202.040, inclusive,}~~ **202.020**, unless the context otherwise requires:

1. “Concealed firearm” has the meaning ascribed to it in subsection 1 of NRS 202.3653.
2. “Permit” has the meaning ascribed to it in subsection 3 of NRS 202.3653.

Sec. 2. NAC 202.020 is hereby amended to read as follows:

202.020 1. In addition to the requirements of subsection 2, the application form for *the issuance or renewal of* a permit to carry a concealed firearm must contain the following sections, which must be in substantially the following form:

GENERAL INFORMATION

The sheriff shall issue or renew a permit to carry a concealed firearm ~~{for no more than two specific firearms}~~ to any person who is qualified to possess a firearm under state and federal law.

A permittee shall carry the permit together with proper identification whenever ~~he or she~~ *the permittee* is in actual possession of a concealed firearm. Both the permit and proper identification must be presented to a peace officer upon request.

~~{Except as otherwise provided in NRS 202.265 and subsections 2 and 3 of NRS 202.3673, a permittee shall not carry a concealed firearm into:~~

- ~~1. Any facility of a law enforcement agency;~~
- ~~2. A prison, county or city jail or detention facility;~~
- ~~3. A courthouse or courtroom;~~
- ~~4. Any facility of a public or private school;~~
- ~~5. Any facility of a vocational or technical school, or of the Nevada System of Higher Education;~~
- ~~6. Any other building owned or occupied by the Federal Government, the State or a local government; or~~
- ~~7. Any other place in which the carrying of a concealed firearm is prohibited by state or federal law.}~~

Unless suspended or revoked by the sheriff, a permit expires ~~{on the fifth anniversary of the permittee's birthday, measured from the birthday nearest}~~ *5 years after* the date ~~{of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of NRS 202.3653 to 202.369, inclusive, his or her date of birth shall be deemed to be on February 28.}~~ *on which the permit was issued or renewed.*

A permittee shall notify the sheriff who issued the permit, in writing, within 30 days if ~~{his or her}~~ *the permittee's* permanent address changes or if the permit is lost, stolen or destroyed.

~~{ELIGIBILITY}~~

The sheriff shall conduct an investigation of an applicant ~~{, including a check of the applicant's fingerprints,}~~ *pursuant to NRS 202.366* to determine if the ~~{person}~~ *applicant* is eligible for a permit ~~{~~

~~—— Except as otherwise provided in}~~ pursuant to NRS 202.3657 ~~{, a person is eligible to carry a concealed firearm if he or she:~~

~~—— 1. Is a resident of the State of Nevada and of the county in which the permit is sought;~~

~~—— 2. Is 21 years of age or older;~~

~~—— 3. Is not prohibited from possessing a firearm pursuant to NRS 202.360; and~~

~~—— 4. Demonstrates competence with a firearm by presenting a certificate or other documentation which shows that the applicant has successfully completed a course approved by the sheriff, or successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety. Any such course must include instruction in the use of each firearm to which the application pertains and in the laws of the State of Nevada relating to the proper use of a firearm.~~

~~—— The sheriff shall deny an application or revoke a permit to carry a concealed firearm if the sheriff determines that the applicant or permittee:~~

~~—— 1. Has an outstanding warrant for his or her arrest.~~

~~—— 2. Has been judicially declared incompetent or insane.~~

~~3. Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.~~

~~4. Has been habitually using intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. Such use is presumed if, during the immediately preceding 5 years, the applicant or permittee has been convicted of driving under the influence of intoxicating liquor or a controlled substance pursuant to NRS 484C.110, or has been ordered by a court to enter a program for treatment of drug or alcohol abuse pursuant to NRS 458.290 to 458.350, inclusive.~~

~~5. Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this State or any other state, territory or possession of the United States at any time during the immediately preceding 3 years.~~

~~6. Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.~~

~~7. Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.~~

~~8. Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.~~

~~9. Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or any other state or territory or possession of the United States, as a condition to the court's withholding the entry of judgment for a conviction of a felony or the court's suspending a sentence for the conviction of a felony.~~

~~10. Has made a false statement on any application for a permit or for the renewal of a permit.~~

~~The sheriff may deny an application or revoke a permit if he or she receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 of NRS 202.3657 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to NRS 202.3657.~~

~~If an application for a permit is denied by the sheriff, the sheriff shall send the applicant written notification setting forth the reasons for the denial. The applicant may seek judicial review of the denial by filing a petition in the district court for the county in which the applicant resides.]~~ *or the renewal of a permit pursuant to NRS 202.3677, as applicable.*

INFORMATION REGARDING THE APPLICANT

Last name

First name Middle initial

Any alias used or former name

Current resident address

City Zip

Any previous addresses for the past 5 years,

Address

City Zip.....

From To

Address

City

From To

Address

City Zip.....

From To

If different from resident address,

Mailing address

City Zip.....

Residence telephone number

Date of birth Place of birth

Citizenship..... Social security number.....

Race..... Sex Height

Weight..... Hair color Eye color

Driver's license number or identification card number and issuing state

Occupation

Employer's name

Employer's address

City Zip.....

Employer's telephone number

[Provide the following information concerning each firearm to which the application pertains:

Make

Model

Caliber

Make

Model

Caliber]

The following questions are to be answered either “yes” or “no”:

1. Are there currently any outstanding warrants for your arrest?
2. Have you been judicially declared incompetent or insane?.....
3. During the 5 years immediately preceding the date of this application, have you been voluntarily or involuntarily committed to a mental health facility?
4. During the 5 years immediately preceding the date of this application, have you been convicted of driving under the influence of alcohol or a controlled substance?
5. During the 5 years immediately preceding the date of this application, has a court ordered you to enter a program for the treatment of alcohol or drug abuse?.....
6. During the 3 years immediately preceding the date of this application, have you been charged with or convicted of a crime involving the use or threatened use of force or violence?.....

7. Have you ever been convicted of a felony?.....
8. Have you ever been convicted of a crime involving domestic violence or stalking?
9. Are you currently subject to a restraining order, injunction or other order for protection against domestic violence?.....
10. *Are you currently subject to an emergency or extended order for protection against high-risk behavior?*
11. Are you currently on parole or probation?
- ~~11.~~ 12. During the 5 years immediately preceding the date of this application, have you been subject to any requirements imposed by a court as a condition to the court’s withholding the entry of judgment or suspension of a sentence for conviction of a felony?...
13. *Have you ever made a false statement on any application for the issuance or renewal of a permit to carry a concealed firearm?*
14. *If you are under 21 years of age, have you ever been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other than honorable conditions?.....*
15. *During the year immediately preceding the date of this application, have you consumed cannabis?*

If you answered “yes” to any of the above questions, attach to your application a written statement explaining in detail the circumstances of the incident.

CERTIFICATION

I declare under penalty of perjury that the foregoing application is true and correct.

Executed on.....

(date)

(signature)

Subscribed and sworn to before me this(day) of(month) of(year)

.....

Notary Public or Employee of the Sheriff

2. The application form for *the issuance or renewal of* a permit to carry a concealed firearm must contain a section entitled “INSTRUCTIONS” that advises the applicant:

(a) As to the nonrefundable fees that must be submitted;

(b) As to the method by which payment of fees must be made;

(c) That a complete set of ~~his or her~~ *the applicant’s* fingerprints taken by the sheriff or an agent thereof must accompany the application ~~;~~ *for the issuance or renewal of a permit to carry a concealed firearm;*

(d) That a front-view colored photograph of the applicant taken by the sheriff or the agent must accompany ~~his or her~~ *the* application ~~;~~ *for an initial permit to carry a concealed firearm;*

(e) That a certificate or other document that ~~certifies~~ :

(1) Certifies that the applicant has successfully completed a course in firearm safety must accompany the application *for an initial permit to carry a concealed firearm; or*

(2) Demonstrates continued competence with a firearm through successful completion of a course prescribed by the sheriff must accompany the application for the renewal of a permit to carry a concealed firearm; and

(f) Of any other information required to process the application.

Sec. 3. NAC 202.030 and 202.040 are hereby repealed.

TEXT OF REPEALED SECTIONS

202.030 Application for renewal of permit. (NRS 202.369)

1. In addition to the requirements of subsection 2, the application form for the renewal of a permit to carry a concealed firearm must contain the following sections, which must be in substantially the following form:

GENERAL INFORMATION

The sheriff shall issue or renew a permit to carry a concealed firearm for no more than two specific firearms to any person who is qualified to possess a firearm under state and federal law.

A permittee shall carry the permit together with proper identification whenever he or she is in actual possession of a concealed firearm. Both the permit and proper identification must be presented to a peace officer upon request.

Except as otherwise provided in NRS 202.265 and subsections 2 and 3 of NRS 202.3673, a permittee shall not carry a concealed firearm into:

1. Any facility of a law enforcement agency;
2. A prison, county or city jail or detention facility;
3. A courthouse or courtroom;
4. Any facility of a public or private school;
5. Any facility of a vocational or technical school, or of the Nevada System of Higher Education;
6. Any other building owned or occupied by the Federal Government, the State or a local government; or
7. Any other place in which the carrying of a concealed firearm is prohibited by state or federal law.

Unless suspended or revoked by the sheriff, a permit expires on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of NRS 202.3653 to 202.369, inclusive, his or her date of birth shall be deemed to be on February 28.

A permittee shall notify the sheriff who issued the permit in writing within 30 days if his or her permanent address changes or if the permit is lost, stolen or destroyed.

ELIGIBILITY

Except as otherwise provided in NRS 202.3657, a person is eligible to renew a permit to carry a concealed firearm if he or she:

1. Is a resident of the State of Nevada and of the county in which the permit is sought;
2. Is 21 years of age or older;
3. Is not prohibited from possessing a firearm pursuant to NRS 202.360; and
4. Demonstrates continued competence with a firearm by presenting a certificate or other documentation which shows that the applicant for renewal of a permit has successfully completed a course in firearm safety prescribed by the sheriff renewing the permit.

The sheriff shall deny an application for renewal of a permit or revoke a permit to carry a concealed firearm if the sheriff determines that the applicant for renewal of a permit or permittee:

1. Has an outstanding warrant for his or her arrest.
2. Has been judicially declared incompetent or insane.
3. Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.
4. Has been habitually using intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. Such use is presumed if, during the immediately preceding 5 years, the applicant for renewal of a permit or permittee has been convicted of driving under the influence of intoxicating liquor or a controlled substance

pursuant to NRS 484C.110, or has been ordered by a court to enter a program for treatment of drug or alcohol abuse pursuant to NRS 458.290 to 458.350, inclusive.

5. Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this State or any other state, territory or possession of the United States at any time during the immediately preceding 3 years.

6. Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

7. Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

8. Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

9. Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or any other state or territory or possession of the United States, as a condition to the court's withholding the entry of judgment for a conviction of a felony or the court's suspending a sentence for the conviction of a felony.

10. Has made a false statement on any application for a permit or for the renewal of a permit.

The sheriff may deny an application for renewal of a permit or revoke a permit if he or she receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant for renewal of a permit or permittee has or may have committed an offense or engaged in any other activity

specified in subsection 3 of NRS 202.3657 which would preclude the renewal of a permit or require the revocation of a permit pursuant to NRS 202.3657.

If an application for renewal of a permit is denied by the sheriff, the sheriff shall send the applicant for renewal of a permit written notification setting forth the reasons for the denial. The applicant for renewal of a permit may seek judicial review of the denial by filing a petition in the district court for the county in which the applicant resides.

INFORMATION REGARDING THE APPLICANT

Last name

First name Middle initial

..... Any alias used or former name

Current resident address

City Zip

If different from resident address,

Mailing address

City Zip

Residence telephone number

Date of birth Place of birth

Citizenship Social security number

Race Sex Height

Weight Hair color Eye color

Driver's license number or identification card number

Occupation
Employer's name
Employer's address
City Zip.....
Employer's telephone number

Provide the following information concerning each firearm to which the application for renewal of a permit pertains:

Make

Model

Caliber

Make

Model

Caliber

The following questions are to be answered either "yes" or "no":

1. Are there currently any outstanding warrants for your arrest?
2. Have you been judicially declared incompetent or insane?.....
3. During the 5 years immediately preceding the date of this application, have you been voluntarily or involuntarily committed to a mental health facility?

4. During the 5 years immediately preceding the date of this application, have you been convicted of driving under the influence of alcohol or a controlled substance?

5. During the 5 years immediately preceding the date of this application, has a court ordered you to enter a program for the treatment of alcohol or drug abuse?.....

6. During the 3 years immediately preceding the date of this application, have you been charged with or convicted of a crime involving the use or threatened use of force or violence?.....

7. Have you ever been convicted of a felony?.....

8. Have you ever been convicted of a crime involving domestic violence or stalking?

9. Are you currently subject to a restraining order, injunction or other order for protection against domestic violence?.....

10. Are you currently on parole or probation?

11. During the 5 years immediately preceding the date of this application, have you been subject to any requirements imposed by a court as a condition to the court's withholding the entry of judgment or suspension of a sentence for conviction of a felony?...

If you answered "yes" to any of the above questions, attach to your application a written statement explaining in detail the circumstances of the incident.

CERTIFICATION

.....I declare under penalty of perjury that the foregoing application is true and correct.

Executed on
(date) (signature)

Subscribed and sworn to before me this(day) of(month) of(year)

.....

Notary Public or Employee of the Sheriff

2. The application form for the renewal of a permit to carry a concealed firearm must contain a section entitled “INSTRUCTIONS” that advises the applicant for renewal of a permit:

- (a) As to the nonrefundable fees that must be submitted, including the fee imposed if the permittee fails to renew the permit on or before the date of expiration of the permit;
- (b) As to the method by which payment of fees must be made;
- (c) That he or she must demonstrate continued competence with a firearm by presenting with the application for renewal of a permit a certificate or other documentation which shows that he or she has successfully completed a course in firearm safety prescribed by the sheriff renewing the permit; and
- (d) Of any other information required to process the application for renewal of a permit.

202.040 Combined form for permit and renewal. (NRS 202.369)

The sheriff may combine the application form for a permit to carry a concealed firearm and the application form for the renewal of a permit to carry a concealed firearm into a single application form. If the application form for a permit to carry a concealed firearm and the application form for the renewal of a permit to carry a concealed firearm are combined into a

single application form, the sheriff shall include a provision in the combined application form allowing the applicant to indicate whether the application is for a new permit or for the renewal of an existing permit.