
ASSEMBLY BILL NO. 21—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SHERIFFS’
AND CHIEFS’ ASSOCIATION)

PREFILED JANUARY 26, 2007

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions governing weapons.
(BDR 15-326)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to weapons; increasing the allowable fee for an application for the issuance or renewal of a permit to carry a concealed weapon; making various other changes concerning the application process for the issuance and renewal of such permits; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill increases the amount of the nonrefundable fee for an
2 application for a permit to carry a concealed weapon that a sheriff is authorized to
3 set from an amount that does not exceed \$60 to an amount that covers the actual
4 costs of issuing or renewing the application but not to exceed \$125. (NRS
5 202.3657, 202.2677) This bill also amends the procedure for renewing such a
6 permit to make that procedure identical to the procedure for obtaining an original
7 permit. (NRS 202.366-202.3665, 202.3677, 202.3683, 202.3687)



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

1 **Section 1.** NRS 202.3657 is hereby amended to read as
2 follows:

3 202.3657 1. Any person who is a resident of this State may
4 apply to the sheriff of the county in which he resides for a permit *or*
5 *for the renewal of a permit* on a form prescribed by regulation of
6 the Department. Any person who is not a resident of this State may
7 apply to the sheriff of any county in this State for a permit *or for the*
8 *renewal of a permit* on a form prescribed by regulation of the
9 Department. Application forms for permits *and for renewals of*
10 *permits* must be furnished by the sheriff of each county upon
11 request.

12 2. Except as otherwise provided in this section, the sheriff shall
13 issue *or renew* a permit for one or more specific firearms to any
14 person who is qualified to possess each firearm under state and
15 federal law, who submits an application in accordance with the
16 provisions of this section and who:

17 (a) Is 21 years of age or older;

18 (b) Is not prohibited from possessing a firearm pursuant to NRS
19 202.360; and

20 (c) Demonstrates competence with each firearm by presenting a
21 certificate or other documentation to the sheriff which shows that
22 he:

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

25 (2) Successfully completed a course in firearm safety offered
26 by a federal, state or local law enforcement agency, community
27 college, university or national organization that certifies instructors
28 in firearm safety.

29 ↳ Such a course must include instruction in the use of each firearm
30 to which the application pertains and in the laws of this State
31 relating to the use of a firearm. A sheriff may not approve a course
32 in firearm safety pursuant to subparagraph (1) unless he determines
33 that the course meets any standards that are established by the
34 Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs'
35 and Chiefs' Association ceases to exist, its legal successor.

36 3. The sheriff shall deny an application *for a permit or for the*
37 *renewal of a permit* or *shall* revoke a permit if he determines that
38 the applicant or permittee:

39 (a) Has an outstanding warrant for his arrest.

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

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



1 (d) Has habitually used intoxicating liquor or a controlled
2 substance to the extent that his normal faculties are impaired. For
3 the purposes of this paragraph, it is presumed that a person has so
4 used intoxicating liquor or a controlled substance if, during the
5 immediately preceding 5 years, he has been:

6 (1) Convicted of violating the provisions of NRS 484.379; or

7 (2) Committed for treatment pursuant to NRS 458.290 to
8 458.350, inclusive.

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

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

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

19 (h) Is currently on parole or probation from a conviction
20 obtained in this State or in any other state or territory or possession
21 of the United States.

22 (i) Has, within the immediately preceding 5 years, been subject
23 to any requirements imposed by a court of this State or of any other
24 state or territory or possession of the United States, as a condition to
25 the court's:

26 (1) Withholding of the entry of judgment for his conviction
27 of a felony; or

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

29 (j) Has made a false statement on any application for a permit or
30 for the renewal of a permit.

31 4. The sheriff may deny an application *for a permit or for the*
32 *renewal of a permit* or *may* revoke a permit if he receives a sworn
33 affidavit stating articulable facts based upon personal knowledge
34 from any natural person who is 18 years of age or older that the
35 applicant or permittee has or may have committed an offense or
36 engaged in any other activity specified in subsection 3 which would
37 preclude the issuance *or renewal* of a permit to the applicant or
38 require the revocation of a permit pursuant to this section.

39 5. If the sheriff receives notification submitted by a court or
40 law enforcement agency of this or any other state, the United States
41 or a territory or possession of the United States that a permittee or
42 an applicant for *the issuance or renewal of* a permit has been
43 charged with a crime involving the use or threatened use of force or
44 violence, the conviction for which would require the revocation of a
45 permit or preclude the issuance *or renewal* of a permit to the



1 applicant pursuant to this section, the sheriff shall suspend the
2 person's permit or the processing of his application until the final
3 disposition of the charges against him. If a permittee is acquitted of
4 the charges against him, or if the charges are dropped, the sheriff
5 shall restore his permit without imposing a fee.

6 6. An application submitted pursuant to this section *for a*
7 *permit or for the renewal of a permit* must be completed and signed
8 under oath by the applicant. The applicant's signature must be
9 witnessed by an employee of the sheriff or notarized by a notary
10 public. The application must include:

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

14 (b) A complete set of the applicant's fingerprints taken by the
15 sheriff or his agent;

16 (c) A front-view colored photograph of the applicant taken by
17 the sheriff or his agent;

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

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

24 (f) The make, model and caliber of each firearm to which the
25 application pertains;

26 (g) A nonrefundable fee in the amount necessary to obtain the
27 report required pursuant to subsection 1 of NRS 202.366; and


28 (h) A nonrefundable fee set by the sheriff *to cover the actual*
29 *costs of issuing or renewing the application but* not to exceed
30 ~~[\$60.]~~ *\$125.*

31 **Sec. 2.** NRS 202.366 is hereby amended to read as follows:

32 202.366 1. Upon receipt by a sheriff of an application for a
33 permit ~~[a]~~ *or for the renewal of a permit*, the sheriff shall conduct an
34 investigation of the applicant to determine if he is eligible for a
35 permit ~~[a]~~ *or for the renewal of a permit*. In conducting the
36 investigation, the sheriff shall forward a complete set of the
37 applicant's fingerprints to the Central Repository for Nevada
38 Records of Criminal History for submission to the Federal Bureau
39 of Investigation for its report concerning the criminal history of the
40 applicant. The sheriff shall issue a permit to the applicant *or renew*
41 *a permit* unless ~~[he]~~ *the applicant* is not qualified to possess a
42 handgun pursuant to state or federal law or is not otherwise qualified
43 to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive,
44 or the regulations adopted pursuant thereto.




1 2. To assist the sheriff in conducting his investigation, any
2 local law enforcement agency, including the sheriff of any county,
3 may voluntarily submit to the sheriff a report or other information
4 concerning the criminal history of an applicant.


5 3. Within 120 days after a complete application for a permit *or*
6 *for the renewal of a permit* is submitted, the sheriff to whom the
7 application is submitted shall grant or deny the application. If the
8 application is denied, the sheriff shall send the applicant written
9 notification setting forth the reasons for the denial. If the application
10 is granted, the sheriff shall provide the applicant with a permit
11 containing a colored photograph of the applicant and containing
12 such other information as may be prescribed by the Department 
13 *or renew the permit*. The permit must be in substantially the
14 following form:

15
16 NEVADA CONCEALED FIREARM PERMIT
17

18	County	Permit Number
19	Expires.....	Date of Birth.....
20	Height.....	Weight.....
21	Name	Address.....
22	City.....	Zip
23		Photograph
24	Signature	
25	Issued by.....	
26	Date of Issue.....	
27	Make, model and caliber of each authorized firearm.....	

28
29 4. Unless suspended or revoked by the sheriff who issued *or*
30 *renewed* the permit, a permit expires:

31 (a) If the permittee was a resident of this State at the time the
32 permit was issued  *or renewed*, on the fifth anniversary of the
33 permittee's birthday, measured from the birthday nearest the date of
34 issuance or renewal.

35 (b) If the permittee was not a resident of this State at the time
36 the permit was issued  *or renewed*, on the third anniversary of the
37 permittee's birthday, measured from the birthday nearest the date of
38 issuance or renewal.

39 5. If the date of birth of a permittee is on February 29 in a leap
40 year, for the purposes of NRS 202.3653 to 202.369, inclusive, his
41 date of birth shall be deemed to be on February 28.

42 **Sec. 3.** NRS 202.3662 is hereby amended to read as follows:

43 202.3662 1. Except as otherwise provided in this section and
44 NRS 202.3665:



1 (a) An application for *a permit or for the renewal of* a permit,
2 and all information contained within that application; and

3 (b) All information provided to a sheriff or obtained by a sheriff
4 in the course of his investigation of an applicant,

5 ~~are~~ are confidential.

6 2. Any records regarding an applicant or permittee may be
7 released to a law enforcement agency for the purpose of conducting
8 an investigation or prosecution.

9 3. Statistical abstracts of data compiled by a sheriff regarding
10 permits applied for , ~~for~~ issued *or renewed* pursuant to NRS
11 202.3653 to 202.369, inclusive, including, but not limited to, the
12 number of applications received and permits issued ~~for~~ *or renewed*,
13 may be released to any person.

14 **Sec. 4.** NRS 202.3663 is hereby amended to read as follows:

15 202.3663 If an application for *a permit or for the renewal of* a
16 permit is denied by a sheriff, the applicant who submitted the
17 application may seek a judicial review of the denial by filing a
18 petition in the district court for the county in which the applicant
19 filed his application . ~~for a permit.~~ A judicial review conducted
20 pursuant to this section must be limited to a determination of
21 whether the denial was arbitrary, capricious or otherwise
22 characterized by an abuse of discretion and must be conducted in
23 accordance with the procedures set forth in chapter 233B of NRS for
24 reviewing a final decision of an agency.

25 **Sec. 5.** NRS 202.3665 is hereby amended to read as follows:

26 202.3665 1. If a sheriff who is processing an application for *a*
27 *permit or for the renewal of* a permit receives notification pursuant
28 to NRS 202.3657 that the applicant has been:

29 (a) Charged with a crime involving the use or threatened use of
30 force or violence, the sheriff shall notify any victim of the crime of
31 the fact that the sheriff has, pursuant to NRS 202.3657:

32 (1) Suspended the processing of the application until the final
33 disposition of the charges against the applicant; or

34 (2) Resumed the processing of the application following the
35 dropping of charges against the applicant or the acquittal of the
36 applicant.

37 (b) Convicted of a crime involving the use or threatened use of
38 force or violence, the sheriff shall notify any victim of the crime of
39 the fact that the sheriff has, pursuant to NRS 202.3657, denied the
40 application.

41 2. If a sheriff who has issued a permit to a permittee *or*
42 *renewed a permit* receives notification pursuant to NRS 202.3657
43 that the permittee has been:



1 (a) Charged with a crime involving the use or threatened use of
2 force or violence, the sheriff shall notify any victim of the crime of
3 the fact that the sheriff has, pursuant to NRS 202.3657:

4 (1) Suspended the permit of the permittee until the final
5 disposition of the charges against the permittee; or

6 (2) Restored the permit of the permittee following the
7 dropping of charges against the permittee or the acquittal of the
8 permittee.

9 (b) Convicted of a crime involving the use or threatened use of
10 force or violence, the sheriff shall notify any victim of the crime of
11 the fact that the sheriff has, pursuant to NRS 202.3657, revoked the
12 permit of the permittee.

13 3. The sheriff shall notify a victim pursuant to subsection 1 or
14 2 not later than 10 days after the date on which the sheriff performs
15 one of the actions listed in subsection 1 or 2 concerning an
16 application or a permit.

17 **Sec. 6.** NRS 202.3677 is hereby amended to read as follows:

18 202.3677 ~~[1.— If a permittee wishes to renew his permit, the~~
19 ~~permittee must complete and submit to the sheriff who issued the~~
20 ~~permit an application for renewal of the permit.~~

21 ~~—2.— An application for the renewal of a permit must:~~

22 ~~—(a) Be completed and signed under oath by the applicant;~~

23 ~~—(b) Contain a statement that the applicant is eligible to receive a~~
24 ~~permit pursuant to NRS 202.3657; and~~

25 ~~—(c) Be accompanied by a nonrefundable fee of \$25.~~

26 ~~→} If a permittee fails to renew his permit on or before the date of~~
27 ~~expiration of his permit, the application for renewal must include an~~
28 ~~additional nonrefundable late fee of \$15.~~

29 ~~[3.— No permit may be renewed pursuant to this section unless~~
30 ~~the permittee has demonstrated continued competence with a~~
31 ~~firearm by successfully completing a course prescribed by the~~
32 ~~sheriff renewing the permit.]~~

33 **Sec. 7.** NRS 202.3683 is hereby amended to read as follows:

34 202.3683 The State or any political subdivision of the State,
35 the Department, a sheriff, law enforcement agency, firearm safety or
36 training instructor or any other person who, in good faith and
37 without gross negligence, acts pursuant to the provisions of NRS
38 202.3653 to 202.369, inclusive, is immune from civil liability for
39 those acts. Such acts include, but are not limited to, the receipt,
40 review or investigation of an application for a *permit or for the*
41 *renewal of a* permit, the certification of a retired law enforcement
42 officer, or the issuance, denial, suspension, revocation or renewal of
43 a permit.



1 **Sec. 8.** NRS 202.3687 is hereby amended to read as follows:
2 202.3687 1. The provisions of NRS 202.3653 to 202.369,
3 inclusive, do not prohibit a sheriff from issuing a temporary permit
4 to carry a concealed firearm. A temporary permit may include, but is
5 not limited to, provisions specifying the period for which the permit
6 is valid.
7 2. Each sheriff who issues *or renews* a permit pursuant to the
8 provisions of NRS 202.3653 to 202.369, inclusive, shall provide
9 such information concerning the permit and the person to whom it is
10 issued to the Central Repository for Nevada Records of Criminal
11 History.
12 **Sec. 9.** This act becomes effective upon passage and approval.

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