
ASSEMBLY BILL NO. 282—ASSEMBLYMEN OCEGUERA, BOBZIEN, SMITH, CONKLIN, KIRKPATRICK; ANDERSON, BENITEZ-THOMPSON, BROOKS, DONDERO LOOP, ELLISON, FLORES, FRIERSON, HANSEN, HORNE, LIVERMORE, MUNFORD, NEAL, STEWART AND WOODBURY

MARCH 15, 2011

JOINT SPONSORS: SENATORS MANENDO; DENIS AND RHOADS

Referred to Committee on Judiciary

SUMMARY—Revises various provisions concerning firearms. (BDR 15-962)

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 firearms; authorizing certain members or veterans of the Armed Forces of the United States, a reserve component thereof or the National Guard, who are at least 18 but less than 21 years of age, to obtain a permit to carry a concealed firearm; revising provisions concerning permits to carry concealed semiautomatic firearms; revising provisions governing the renewal of a permit to carry a concealed firearm; revising provisions concerning the confidentiality of information relating to permits to carry concealed firearms; revising provisions governing the possession and discharge of firearms in state parks; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Under existing law, a person who wishes to carry a concealed firearm must
- 2 obtain a permit to carry the firearm, and a person who applies for such a permit
- 3 must be at least 21 years of age. (NRS 202.3657) As part of the application process
- 4 to obtain a permit, an applicant must undergo an investigation by a sheriff to
- 5 determine if the applicant is eligible for a permit. (NRS 202.366) **Section 2** of this
- 6 bill additionally requires an applicant for the renewal of a permit to undergo an



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7 investigation by the sheriff. **Section 1** of this bill provides an exception to the
8 standard age requirement for permits and authorizes certain members or veterans of
9 the Armed Forces of the United States, a reserve component thereof or the National
10 Guard, who are at least 18 but less than 21 years of age, to obtain a permit.

11 Existing law also provides that a qualified applicant for a permit to carry a
12 concealed firearm may obtain a permit for revolvers, for one or more specific
13 semiautomatic firearms, or for revolvers and one or more specific semiautomatic
14 firearms. (NRS 202.3657) If the application for a permit involves semiautomatic
15 firearms, the applicant must state the make, model and caliber of each
16 semiautomatic firearm for which the applicant is seeking to obtain a permit. (NRS
17 202.366) Additionally, to receive and renew a permit involving semiautomatic
18 firearms, an applicant or permittee must demonstrate competence with each
19 semiautomatic firearm to which the application pertains. (NRS 202.3657,
20 202.3677) **Section 1** of this bill provides that: (1) a qualified applicant for a permit
21 to carry a concealed firearm may obtain one permit for all semiautomatic firearms
22 that the applicant seeks to carry instead of being required to obtain a permit for
23 each specific semiautomatic firearm; and (2) an applicant or permittee may
24 demonstrate competence with semiautomatic firearms in general rather than with
25 each specific semiautomatic firearm.

26 Existing law further provides that information in an application for a permit to
27 carry a concealed firearm and all information relating to the investigation of an
28 applicant for such a permit is confidential. (NRS 202.3662) However, the Nevada
29 Supreme Court recently held in *Reno Newspapers, Inc. v. Haley*, 126 Nev. Adv.
30 Op. 23, 234 P.3d 922 (2010), that the identity of a holder of a permit to carry a
31 concealed firearm and any postpermit records of investigation, suspension or
32 revocation are not confidential and are therefore public records. **Section 3** of this
33 bill provides that the identity and any information acquired during the investigation
34 of a holder of a permit to carry a concealed firearm are confidential, as are any
35 records regarding the suspension, restoration or revocation of such a permit.

36 Existing law also allows the Administrator of the Division of State Parks of the
37 State Department of Conservation and Natural Resources to adopt regulations,
38 including, without limitation, prohibitions and restrictions on activities within parks
39 or recreational facilities within the jurisdiction of the Division. (NRS 407.0475)
40 Existing administrative regulations allow a person to carry a concealed firearm in a
41 state park if the person complies with existing laws concerning the carrying of
42 concealed weapons but prohibit a person from discharging a firearm in a state park.
43 (NAC 407.105) Any person who violates a regulation adopted by the Administrator
44 is guilty of a misdemeanor. (NRS 407.0475) While existing law prohibits the
45 discharge of a firearm under various circumstances, it also provides certain
46 defenses for violating such provisions by allowing a person to make sufficient
47 resistance to prevent the occurrence of certain offenses. (NRS 202.280-202.290,
48 193.230-193.250)

49 **Section 5** of this bill prohibits the Administrator from adopting any regulation
50 concerning the possession or discharge of firearms in state parks or recreational
51 facilities which is more restrictive than the laws of this State relating to: (1) the
52 possession or discharge of firearms; and (2) engaging in lawful resistance to
53 prevent an offense against a person or property. **Section 5** also voids any regulation
54 which conflicts with such laws.



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 or she resides for a
5 permit on a form prescribed by regulation of the Department. Any
6 person who is not a resident of this State may apply to the sheriff of
7 any county in this State for a permit on a form prescribed by
8 regulation of the Department. Application forms for permits must be
9 furnished by the sheriff of each county upon request.

10 2. Except as otherwise provided in this section, the sheriff shall
11 issue a permit for revolvers, ~~{one or more specific}~~ *for*
12 semiautomatic firearms, or for revolvers and ~~{one or more specific}~~
13 semiautomatic firearms, as applicable, to any person who is
14 qualified to possess the firearm or firearms to which the application
15 pertains under state and federal law, who submits an application in
16 accordance with the 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 revolvers, ~~{each specific}~~
21 semiautomatic ~~{firearm to which the application pertains,}~~ *firearms,*
22 or revolvers and ~~{each such}~~ semiautomatic ~~{firearm,}~~ *firearms,* as
23 applicable, by presenting a certificate or other documentation to the
24 sheriff which shows that the applicant:

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

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

31 ➤ Such a course must include instruction in the use of revolvers,
32 ~~{each}~~ semiautomatic ~~{firearm to which the application pertains,}~~
33 *firearms,* or revolvers and ~~{each such}~~ semiautomatic ~~{firearm}~~
34 *firearms* and in the laws of this State relating to the use of a firearm.

35 A sheriff may not approve a course in firearm safety pursuant to
36 subparagraph (1) unless the sheriff determines that the course meets
37 any standards that are established by the Nevada Sheriffs' and
38 Chiefs' Association or, if the Nevada Sheriffs' and Chiefs'
39 Association ceases to exist, its legal successor.

40 3. *Notwithstanding the provisions of paragraph (a) of*
41 *subsection 2, a person who is at least 18 years of age but less than*
42 *21 years of age is eligible for a permit pursuant to this section if*



1 *the person meets the other requirements for eligibility pursuant to*
2 *subsection 2 and:*

3 (a) *Is a member of the Armed Forces of the United States, a*
4 *reserve component thereof or the National Guard; or*

5 (b) *Was discharged or released from service in the Armed*
6 *Forces of the United States, a reserve component thereof or the*
7 *National Guard under honorable conditions.*

8 *↳ A person who is eligible for a permit pursuant to this subsection*
9 *is not exempt from any age requirements imposed by law which*
10 *govern the purchase of firearms or ammunition.*

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

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

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

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

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

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

23 or

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

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

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

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

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

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

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

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



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

3 ~~[4.]~~ 5. The sheriff may deny an application or revoke a permit
4 if the sheriff receives a sworn affidavit stating articulable facts
5 based upon personal knowledge from any natural person who is 18
6 years of age or older that the applicant or permittee has or may have
7 committed an offense or engaged in any other activity specified in
8 subsection ~~[3]~~ 4 which would preclude the issuance of a permit to
9 the applicant or require the revocation of a permit pursuant to this
10 section.

11 ~~[5.]~~ 6. If the sheriff receives notification submitted by a court
12 or law enforcement agency of this or any other state, the United
13 States or a territory or possession of the United States that a
14 permittee or an applicant for a permit has been charged with a crime
15 involving the use or threatened use of force or violence, the
16 conviction for which would require the revocation of a permit or
17 preclude the issuance of a permit to the applicant pursuant to this
18 section, the sheriff shall suspend the person's permit or the
19 processing of the person's application until the final disposition of
20 the charges against the person. If a permittee is acquitted of the
21 charges, or if the charges are dropped, the sheriff shall restore his or
22 her permit without imposing a fee.

23 ~~[6.]~~ 7. An application submitted pursuant to this section must
24 be completed and signed under oath by the applicant. The
25 applicant's signature must be witnessed by an employee of the
26 sheriff or notarized by a notary public. The application must
27 include:

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

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

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

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

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

41 (f) ~~[The make, model and caliber of each semiautomatic firearm
42 to which the application pertains, if any;~~

43 ~~—(g) If the applicant is applying for a permit to carry a
44 concealed firearm pursuant to subsection 3, proof of the
45 applicant's status as a member of the Armed Forces of the United~~



1 *States, a reserve component thereof or the National Guard, or*
2 *proof of the applicant's discharge or release from such service*
3 *under honorable conditions;*

4 (g) *Whether the application pertains to semiautomatic*
5 *firearms;*

6 (h) Whether the application pertains to revolvers;

7 ~~(h)~~ (i) A nonrefundable fee in the amount necessary to obtain
8 the report required pursuant to subsection 1 of NRS 202.366; and

9 ~~(i)~~ (j) A nonrefundable fee set by the sheriff not to exceed
10 \$60.

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

12 202.366 1. Upon receipt by a sheriff of an application for a
13 permit, *including an application for the renewal of a permit*
14 *pursuant to NRS 202.3677*, the sheriff shall conduct an
15 investigation of the applicant to determine if the applicant is eligible
16 for a permit. In conducting the investigation, the sheriff shall
17 forward a complete set of the applicant's fingerprints to the Central
18 Repository for Nevada Records of Criminal History for submission
19 to the Federal Bureau of Investigation for its report concerning the
20 criminal history of the applicant. The sheriff shall issue a permit to
21 the applicant unless the applicant is not qualified to possess a
22 handgun pursuant to state or federal law or is not otherwise qualified
23 to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive,
24 or the regulations adopted pursuant thereto.

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

29 3. Within 120 days after a complete application for a permit is
30 submitted, the sheriff to whom the application is submitted shall
31 grant or deny the application. If the application is denied, the sheriff
32 shall send the applicant written notification setting forth the reasons
33 for the denial. If the application is granted, the sheriff shall provide
34 the applicant with a permit containing a colored photograph of the
35 applicant and containing such other information as may be
36 prescribed by the Department. The permit must be in substantially
37 the following form:

38
39 NEVADA CONCEALED FIREARM PERMIT

40
41 County Permit Number
42 Expires..... Date of Birth.....
43 Height..... Weight
44 Name Address.....



1 City Zip

2 Photograph

3 Signature

4 Issued by.....

5 Date of Issue.....

6 ~~[Make, model and caliber of each authorized~~

7 ~~semiautomatic firearm, if any]~~ *Semiautomatic*

8 *firearms authorized* *Yes* *No*

9 Revolvers authorized..... *Yes* *No*

10

11 4. Unless suspended or revoked by the sheriff who issued the

12 permit, a permit expires 5 years after the date on which it is issued.

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

14 202.3662 1. Except as otherwise provided in this section and

15 NRS 202.3665 and 239.0115:

- 16 (a) An application for a permit, and all information contained
- 17 within that application; ~~[and]~~
- 18 (b) All information provided to a sheriff or obtained by a sheriff
- 19 in the course of the investigation of an applicant ~~[]~~ *or permittee;*
- 20 *(c) The identity of the permittee; and*
- 21 *(d) Any records regarding the suspension, restoration or*
- 22 *revocation of a permit,*
- 23 *↪ are confidential.*

24 2. Any records regarding an applicant or permittee may be

25 released to a law enforcement agency for the purpose of conducting

26 an investigation or prosecution.

27 3. Statistical abstracts of data compiled by a sheriff regarding

28 permits applied for or issued pursuant to NRS 202.3653 to 202.369,

29 inclusive, including, but not limited to, the number of applications

30 received and permits issued, may be released to any person.

31 **Sec. 4.** NRS 202.3677 is hereby amended to read as follows:

32 202.3677 1. If a permittee wishes to renew his or her permit,

33 the permittee must ~~[complete]~~ :

- 34 *(a) Complete* and submit to the sheriff who issued the permit an
- 35 application for renewal of the permit ~~[]~~ ; *and*
- 36 *(b) Undergo an investigation by the sheriff pursuant to NRS*
- 37 *202.366 to determine if the permittee is eligible for a permit.*

- 38 2. An application for the renewal of a permit must:
- 39 (a) Be completed and signed under oath by the applicant;
- 40 (b) Contain a statement that the applicant is eligible to receive a
- 41 permit pursuant to NRS 202.3657; and
- 42 (c) Be accompanied by a nonrefundable fee of \$25.
- 43 *↪ If a permittee fails to renew his or her permit on or before the*
- 44 *date of expiration of the permit, the application for renewal must*
- 45 *include an additional nonrefundable late fee of \$15.*



1 3. No permit may be renewed pursuant to this section unless
2 the permittee has demonstrated continued competence with
3 revolvers, with ~~[each]~~ semiautomatic ~~[firearm to which the~~
4 ~~application pertains.]~~ *firearms*, or with revolvers and ~~[each such]~~
5 semiautomatic ~~[firearm.]~~ *firearms*, as applicable, by successfully
6 completing a course prescribed by the sheriff renewing the permit.

7 **Sec. 5.** NRS 407.0475 is hereby amended to read as follows:

8 407.0475 1. The Administrator shall adopt such regulations
9 as he or she finds necessary for carrying out the provisions of this
10 chapter and other provisions of law governing the operation of the
11 Division. ~~[The]~~ *Except as otherwise provided in subsection 2, the*
12 *regulations may include prohibitions and restrictions relating to*
13 *activities within any of the park or recreational facilities within the*
14 *jurisdiction of the Division.*

15 2. Any regulations relating to the conduct of persons within the
16 park or recreational facilities must:

17 (a) Be directed toward one or both of the following:

18 (1) Prevention of damage to or misuse of the facility.

19 (2) Promotion of the inspiration, use and enjoyment of the
20 people of this State through the preservation and use of the facility.

21 (b) Apply separately to each park, monument or recreational
22 area and be designed to fit the conditions existing at that park,
23 monument or recreational area.

24 *(c) Not establish restrictions on the possession or discharge of*
25 *firearms within the park or recreational facility which are more*
26 *restrictive than the laws of this State relating to:*

27 *(1) The possession or discharge of firearms; or*

28 *(2) Engaging in lawful resistance to prevent an offense*
29 *against a person or property.*

30 *↳ Any regulation which violates the provisions of this paragraph*
31 *is void.*

32 3. Any person whose conduct violates any regulation adopted
33 pursuant to subsection 1, and who refuses to comply with the
34 regulation upon request by any ranger or employee of the Division
35 who has the powers of a peace officer pursuant to NRS 289.260, is
36 guilty of a misdemeanor.

