

(Reprinted with amendments adopted on April 17, 2013)

FIRST REPRINT

S.B. 226

SENATE BILL NO. 226—SENATORS SETTELMAYER,
GUSTAVSON; AND GOICOECHEA

MARCH 8, 2013

JOINT SPONSORS: ASSEMBLYMEN HARDY; ELLISON,
FIORE, GRADY, HANSEN AND LIVERMORE

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning firearms.
(BDR 15-38)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to firearms; requiring an eligible person who holds a permit to carry a concealed firearm to obtain a driver's license or identification card which designates that the person holds such a permit; authorizing such a person to hold an additional identification card which does not contain the designation; authorizing the Department of Motor Vehicles to establish regulations relating to such drivers' licenses and identification cards; revising the definition of "concealed firearm"; authorizing a person to obtain one permit to carry a concealed firearm for all handguns owned by the person; revising provisions relating to a person's demonstration of competence with certain firearms for the purpose of obtaining or renewing a permit to carry a concealed firearm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 2** of this bill requires a person who holds a permit to carry a concealed
- 2 firearm and who is eligible to hold a driver's license or identification card issued by
- 3 the Department of Motor Vehicles to obtain a driver's license or identification card
- 4 from the Department which contains a designation that the person holds such a
- 5 permit. A person does not need to pay a fee to obtain the designation unless a new
- 6 driver's license or identification card needs to be issued, in which case the person



* S B 2 2 6 R 1 *

7 must pay the prescribed renewal fee for a driver's license or identification card.
8 **Section 19** of this bill requires a person who holds a valid permit to carry a
9 concealed firearm on January 1, 2014, to comply with the provisions of **section 2**
10 not later than the date on which his or her current driver's license or identification
11 card expires.

12 **Section 3** of this bill imposes certain requirements upon a person who holds a
13 driver's license or identification card with the designation required pursuant to
14 **section 2**, and **section 4** of this bill authorizes such a person to hold an additional
15 identification card which does not contain the designation. **Section 5** of this bill
16 authorizes the Department of Motor Vehicles to adopt any necessary regulations to
17 carry out the provisions of **sections 2-5**.

18 Existing law defines "concealed firearm" as a loaded or unloaded pistol,
19 revolver or other firearm which is carried upon a person in such a manner as not to
20 be discernible by ordinary observation. (NRS 202.3653) Existing law provides that
21 a person who applies for a permit to carry a concealed firearm may submit one
22 application and obtain one permit to carry all revolvers and semiautomatic firearms
23 owned by the person. A permit must list each category of firearm to which the
24 permit pertains and is valid for any revolver or semiautomatic firearm which the
25 permittee owns or thereafter obtains. An applicant for a permit or a permittee who
26 wishes to renew his or her permit must demonstrate competence or continued
27 competence, respectively, with revolvers, semiautomatic firearms or both, as
28 applicable, before obtaining or renewing a permit. (NRS 202.3657, 202.3677)

29 **Section 7** of this bill revises the definition of "concealed firearm" and defines
30 the term as a loaded or unloaded handgun which is carried upon a person in such a
31 manner as not to be discernible by ordinary observation. **Section 7** also defines the
32 term "handgun" by using the definition provided in federal law. **Section 8** of this
33 bill provides that a person may obtain one permit to carry all handguns owned by
34 the person, and such a permit is valid for any handgun which the person owns or
35 thereafter obtains. **Section 8** requires an applicant for a permit to demonstrate
36 competence with handguns before obtaining a permit, and **section 10** of this bill
37 requires a permittee to demonstrate continued competence with handguns before
38 renewing the permit. **Section 9** of this bill revises the required form of a permit.

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

1 **Section 1.** Chapter 202 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1. *If a person is issued a permit and is eligible to***
5 ***hold a driver's license or identification card issued by the***
6 ***Department of Motor Vehicles pursuant to the provisions of NRS***
7 ***483.010 to 483.630, inclusive, or NRS 483.810 to 483.890,***
8 ***inclusive, the person shall obtain a driver's license or***
9 ***identification card from the Department of Motor Vehicles that***
10 ***contains the designation "CCW."***

11 ***2. Except as otherwise provided in this subsection, the***
12 ***Department of Motor Vehicles shall not charge a fee for placing***
13 ***the designation required pursuant to subsection 1 on a driver's***
14 ***license or identification card. If the Department of Motor Vehicles***



* S B 2 2 6 R 1 *

1 *determines that the designation cannot be placed on an existing*
2 *driver's license or identification card and that a new driver's*
3 *license or identification card containing the designation must be*
4 *issued, a person must pay the prescribed fee for the renewal of a*
5 *driver's license or identification card pursuant to NRS 483.410 or*
6 *483.820 when he or she obtains the new driver's license or*
7 *identification card.*

8 **Sec. 3.** *Once a person obtains a driver's license or*
9 *identification card containing the designation required pursuant*
10 *to section 2 of this act, the person shall, in addition to any other*
11 *requirement provided by law:*

12 1. *Carry the driver's license or identification card on his or*
13 *her person any time he or she is carrying a concealed firearm; and*

14 2. *If requested by a peace officer to provide identification*
15 *while the person is carrying a concealed firearm, provide to the*
16 *peace officer the driver's license or identification card.*

17 **Sec. 4.** 1. *A person who obtains a driver's license or*
18 *identification card with the designation required pursuant to*
19 *section 2 of this act may also hold an additional identification card*
20 *issued pursuant to the provisions of NRS 483.810 to 483.890,*
21 *inclusive, which does not contain the designation. The additional*
22 *identification card may be used for any lawful purpose other than*
23 *when the person is required to provide identification to a peace*
24 *officer pursuant to subsection 2 of section 3 of this act.*

25 2. *A person who holds an additional identification card*
26 *pursuant to subsection 1 must pay the prescribed fee for the*
27 *identification card pursuant to NRS 483.820.*

28 **Sec. 5.** *The Department of Motor Vehicles may adopt such*
29 *regulations as are necessary to carry out the provisions of sections*
30 *2 to 5, inclusive, of this act.*

31 **Sec. 6.** NRS 202.253 is hereby amended to read as follows:

32 202.253 As used in NRS 202.253 to 202.369, inclusive **H** ,
33 *and sections 2 to 5, inclusive, of this act:*

34 1. "Explosive or incendiary device" means any explosive or
35 incendiary material or substance that has been constructed, altered,
36 packaged or arranged in such a manner that its ordinary use would
37 cause destruction or injury to life or property.

38 2. "Firearm" means any device designed to be used as a
39 weapon from which a projectile may be expelled through the barrel
40 by the force of any explosion or other form of combustion.

41 3. "Firearm capable of being concealed upon the person"
42 applies to and includes all firearms having a barrel less than 12
43 inches in length.

44 4. "Motor vehicle" means every vehicle that is self-propelled.



1 **Sec. 7.** NRS 202.3653 is hereby amended to read as follows:

2 202.3653 As used in NRS 202.3653 to 202.369, inclusive, *and*
3 *sections 2 to 5, inclusive, of this act*, unless the context otherwise
4 requires:

5 1. “Concealed firearm” means a loaded or unloaded ~~[pistol,~~
6 ~~revolver or other firearm]~~ *handgun* which is carried upon a person
7 in such a manner as not to be discernible by ordinary observation.

8 2. “Department” means the Department of Public Safety.

9 3. *“Handgun” has the meaning ascribed to it in 18 U.S.C. §*
10 *921(a)(29).*

11 4. *“Peace officer” means any person upon whom some or all*
12 *of the powers of a peace officer are conferred pursuant to NRS*
13 *289.150 to 289.360, inclusive.*

14 5. “Permit” means a permit to carry a concealed firearm issued
15 pursuant to the provisions of NRS 202.3653 to 202.369, inclusive ~~†.~~

16 ~~—4. “Revolver” means a firearm that has a revolving cylinder~~
17 ~~with several chambers, which, by pulling the trigger or setting the~~
18 ~~hammer, are aligned with the barrel, placing the bullet in a position~~
19 ~~to be fired. The term includes, without limitation, a single or double~~
20 ~~derringer.~~

21 ~~—5. “Semiautomatic firearm” means a firearm which:~~

22 ~~—(a) Uses the energy of the explosive in a fixed cartridge to~~
23 ~~extract a fixed cartridge and chamber a fresh cartridge with each~~
24 ~~single pull of the trigger; and~~

25 ~~—(b) Requires the release of the trigger and another pull of the~~
26 ~~trigger for each successive shot.], and sections 2 to 5, inclusive, of~~
27 *this act.*

28 **Sec. 8.** NRS 202.3657 is hereby amended to read as follows:

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

36 2. A person applying for a permit may submit one application
37 and obtain one permit to carry all ~~[revolvers and semiautomatic~~
38 ~~firearms]~~ *handguns* owned by the person. The person must not be
39 required to list and identify on the application each ~~[revolver or~~
40 ~~semiautomatic firearm]~~ *handgun* owned by the person. A permit
41 ~~[must list each category of firearm to which the permit pertains and]~~
42 is valid for any ~~[revolver or semiautomatic firearm]~~ *handgun* which
43 is owned or thereafter obtained by the person to whom the permit is
44 issued.



1 3. Except as otherwise provided in this section, the sheriff shall
2 issue a permit ~~{for revolvers, semiautomatic firearms or both, as~~
3 ~~applicable,}~~ to any person who is qualified to possess ~~{the firearms~~
4 ~~to which the application pertains}~~ **a handgun** under state and federal
5 law, who submits an application in accordance with the provisions
6 of this section and who:

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

8 (b) Is not prohibited from possessing a firearm pursuant to NRS
9 202.360; and

10 (c) Demonstrates competence with ~~{revolvers, semiautomatic~~
11 ~~firearms or both, as applicable,}~~ **handguns** by presenting a
12 certificate or other documentation to the sheriff which shows that
13 the applicant:

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

16 (2) Successfully completed a course in firearm safety offered
17 by a federal, state or local law enforcement agency, community
18 college, university or national organization that certifies instructors
19 in firearm safety.

20 ➤ Such a course must include instruction in the use of ~~{revolvers,~~
21 ~~semiautomatic firearms or both, as applicable,}~~ **handguns** and in the
22 laws of this State relating to the use of a firearm. A sheriff may not
23 approve a course in firearm safety pursuant to subparagraph (1)
24 unless the sheriff determines that the course meets any standards
25 that are established by the Nevada Sheriffs' and Chiefs' Association
26 or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist,
27 its legal successor.

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

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

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

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

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

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

41 (2) Committed for treatment pursuant to NRS 458.290 to
42 458.350, inclusive.

43 (e) Has been convicted of a crime involving the use or
44 threatened use of force or violence punishable as a misdemeanor
45 under the laws of this or any other state, or a territory or possession



1 of the United States at any time during the immediately preceding 3
2 years.

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

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

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

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

15 (1) Withholding of the entry of judgment for a conviction of
16 a felony; or

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

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

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

27 6. If the sheriff receives notification submitted by a court or
28 law enforcement agency of this or any other state, the United States
29 or a territory or possession of the United States that a permittee or
30 an applicant for a permit has been charged with a crime
31 involving the use or threatened use of force or violence, the
32 conviction for which would require the revocation of a permit or
33 preclude the issuance of a permit to the applicant pursuant to this
34 section, the sheriff shall suspend the person's permit or the
35 processing of the person's application until the final disposition of
36 the charges against the person. If a permittee is acquitted of the
37 charges, or if the charges are dropped, the sheriff shall restore his or
38 her permit without imposing a fee.

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

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



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

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

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

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

11 ~~(f) Whether the application pertains to semiautomatic firearms;~~

12 ~~—(g) Whether the application pertains to revolvers;~~

13 ~~—(h)~~ A nonrefundable fee equal to the nonvolunteer rate charged
14 by the Central Repository for Nevada Records of Criminal History
15 and the Federal Bureau of Investigation to obtain the reports
16 required pursuant to subsection 1 of NRS 202.366; and

17 ~~(+)~~ (g) A nonrefundable fee set by the sheriff not to exceed
18 \$60.

19 **Sec. 9.** NRS 202.366 is hereby amended to read as follows:

20 202.366 1. Upon receipt by a sheriff of an application for a
21 permit, including an application for the renewal of a permit pursuant
22 to NRS 202.3677, the sheriff shall conduct an investigation of the
23 applicant to determine if the applicant is eligible for a permit. In
24 conducting the investigation, the sheriff shall forward a complete set
25 of the applicant's fingerprints to the Central Repository for Nevada
26 Records of Criminal History for submission to the Federal Bureau
27 of Investigation for its report concerning the criminal history of the
28 applicant. The investigation also must include a report from the
29 National Instant Criminal Background Check System. The sheriff
30 shall issue a permit to the applicant unless the applicant is not
31 qualified to possess a handgun pursuant to state or federal law or is
32 not otherwise qualified to obtain a permit pursuant to NRS 202.3653
33 to 202.369, inclusive, *and sections 2 to 5, inclusive, of this act*, or
34 the regulations adopted pursuant thereto.

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

39 3. Within 120 days after a complete application for a permit is
40 submitted, the sheriff to whom the application is submitted shall
41 grant or deny the application. If the application is denied, the sheriff
42 shall send the applicant written notification setting forth the reasons
43 for the denial. If the application is granted, the sheriff shall provide
44 the applicant with a permit containing a colored photograph of the
45 applicant and containing such other information as may be



1 prescribed by the Department. The permit must be in substantially
2 the following form:

3
4 NEVADA CONCEALED FIREARM PERMIT

6	County	Permit Number
7	Expires.....	Date of Birth
8	Height	Weight
9	Name	Address
10	City	Zip.....
11		Photograph
12	Signature.....	
13	Issued by	
14	Date of Issue.....	
15	Semiautomatic firearms authorized.....	Yes No
16	Revolvers authorized.....	Yes No

17
18 4. Unless suspended or revoked by the sheriff who issued the
19 permit, a permit expires 5 years after the date on which it is issued.

20 5. As used in this section, "National Instant Criminal
21 Background Check System" means the national system created by
22 the federal Brady Handgun Violence Prevention Act, Public Law
23 103-159.

24 **Sec. 10.** NRS 202.3677 is hereby amended to read as follows:

25 202.3677 1. If a permittee wishes to renew his or her permit,
26 the permittee must:

27 (a) Complete and submit to the sheriff who issued the permit an
28 application for renewal of the permit; and

29 (b) Undergo an investigation by the sheriff pursuant to NRS
30 202.366 to determine if the permittee is eligible for a permit.

31 2. An application for the renewal of a permit must:

32 (a) Be completed and signed under oath by the applicant;

33 (b) Contain a statement that the applicant is eligible to receive a
34 permit pursuant to NRS 202.3657;

35 (c) Be accompanied by a nonrefundable fee equal to the
36 nonvolunteer rate charged by the Central Repository for Nevada
37 Records of Criminal History and the Federal Bureau of Investigation
38 to obtain the reports required pursuant to subsection 1 of NRS
39 202.366; and

40 (d) Be accompanied by a nonrefundable fee of \$25.

41 ➔ If a permittee fails to renew his or her permit on or before the
42 date of expiration of the permit, the application for renewal must
43 include an additional nonrefundable late fee of \$15.

44 3. No permit may be renewed pursuant to this section unless
45 the permittee has demonstrated continued competence with



1 ~~revolvers, semiautomatic firearms or both, as applicable,~~
2 **handguns** by successfully completing a course prescribed by the
3 sheriff renewing the permit.

4 **Sec. 11.** NRS 202.368 is hereby amended to read as follows:

5 202.368 All fees collected pursuant to the provisions of NRS
6 202.3653 to 202.369, inclusive, **other than any fees collected by the**
7 **Department of Motor Vehicles pursuant to the provisions of**
8 **sections 2 to 5, inclusive, of this act**, must be deposited with the
9 county treasurer of the county in which the fees are collected and:

10 1. If the county has a metropolitan police department created
11 pursuant to chapter 280 of NRS, credited to the general fund of that
12 metropolitan police department; or

13 2. If the county does not have a metropolitan police department
14 created pursuant to chapter 280 of NRS, credited to the general fund
15 of that county.

16 **Sec. 12.** NRS 202.3683 is hereby amended to read as follows:

17 202.3683 The State or any political subdivision of the State,
18 the Department ~~of~~ **of Public Safety, the Department of Motor**
19 **Vehicles**, a sheriff, law enforcement agency, firearm safety or
20 training instructor or any other person who, in good faith and
21 without gross negligence, acts pursuant to the provisions of NRS
22 202.3653 to 202.369, inclusive, **and sections 2 to 5, inclusive, of**
23 **this act** is immune from civil liability for those acts. Such acts
24 include, but are not limited to, the receipt, review or investigation of
25 an application for a permit, the certification of a retired law
26 enforcement officer, or the issuance, denial, suspension, revocation
27 or renewal of a permit.

28 **Sec. 13.** NRS 202.369 is hereby amended to read as follows:

29 202.369 The Department may adopt such regulations as are
30 necessary to carry out the provisions of NRS 202.3653 to 202.369,
31 inclusive ~~of~~, **other than the provisions of sections 2 to 5, inclusive,**
32 **of this act.**

33 **Sec. 14.** (Deleted by amendment.)

34 **Sec. 15.** (Deleted by amendment.)

35 **Sec. 16.** (Deleted by amendment.)

36 **Sec. 17.** NRS 483.820 is hereby amended to read as follows:

37 483.820 1. A person who applies for an identification card in
38 accordance with the provisions of NRS 483.810 to 483.890,
39 inclusive, and who is not ineligible to receive an identification card
40 pursuant to NRS 483.861, is entitled to receive an identification card
41 if the person is:

42 (a) A resident of this State and is 10 years of age or older and ,
43 **except as otherwise provided in section 4 of this act**, does not hold
44 a valid driver's license or identification card from any state or
45 jurisdiction; or



1 (b) A seasonal resident who does not hold a valid Nevada
2 driver's license.

3 2. Except as otherwise provided in NRS 483.825, the
4 Department shall charge and collect the following fees for the
5 issuance of an original, duplicate, *additional* or changed
6 identification card:

7	
8	An original, for duplicate <i>or additional</i> identification
9	card issued to a person 65 years of age or older..... \$4
10	An original or duplicate identification card issued to a
11	person under 18 years of age..... 3
12	A renewal of an identification card for a person under
13	18 years of age 3
14	An original, for duplicate <i>or additional</i> identification
15	card issued to any other person 9
16	A renewal of an identification card for any person at
17	least 18 years of age, but less than 65 years of age..... 9
18	A new photograph or change of name, or both 4
19	

20 3. The Department shall not charge a fee for:

21 (a) An identification card issued to a person who has voluntarily
22 surrendered his or her driver's license pursuant to NRS 483.420; or

23 (b) A renewal of an identification card for a person 65 years of
24 age or older.

25 4. Except as otherwise provided in NRS 483.825, the increase
26 in fees authorized in NRS 483.347 must be paid in addition to the
27 fees charged pursuant to this section.

28 5. As used in this section, "photograph" has the meaning
29 ascribed to it in NRS 483.125.

30 **Sec. 18.** (Deleted by amendment.)

31 **Sec. 19.** Any person who, on January 1, 2014, holds a valid
32 permit to carry a concealed firearm issued pursuant to the provisions
33 of NRS 202.3653 to 202.369, inclusive, shall comply with the
34 provisions of section 2 of this act not later than the date on which
35 his or her current driver's license or identification card expires.

36 **Sec. 20.** This act becomes effective:

37 1. Upon passage and approval for the purpose of adopting
38 regulations; and

39 2. On January 1, 2014, for all other purposes.



