

# NEVADA LEGISLATURE

Eightieth Session, 2019

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## SENATE DAILY JOURNAL

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### THE TENTH DAY

CARSON CITY (Wednesday), February 13, 2019

Senate called to order at 11:27 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Nick Emery.

Let us pray. As these servant leaders press on during this week, I ask, Lord, that You fill each of them with strength and energy. Scripture says, "Where does my help come from? My help comes from the Lord, the maker of Heaven and Earth." Give each of them places to process their concerns and to gain true perspective. Give them opportunities to learn from those they are listening to, and give them the resources needed to accomplish the various tasks You have placed before them.

Help each one of them to represent well the Nevadans who elected them in their district. Help them to seek what is best for those who have trusted in their leadership. Help them to leverage the relationships and networks they have to work well with one another, offering about and bringing a strong sense of purpose in each of their task they seek. Help them this day to know what to do at the right time, and help them to know when to wait and what questions need to be asked to gain more information.

May the Lord richly bless this gathering of servant leaders and may God bless Nevada.

It is in His Name we pray.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Atkinson moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: KTNV-TV: Joe Bartels; NEVADA APPEAL; Jessica Garcia; NEVADA CAPITAL NEWS: Roger Moellendorf, Kristin Simons.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Senator Seevers Gansert:

Senate Bill No. 152—AN ACT relating to taxation; revising provisions governing the administration of commerce tax on the Nevada gross revenue of certain business entities engaged in business in this State; and providing other matters properly relating thereto.

Senator Seevers Gansert moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By Senator Atkinson:

Senate Bill No. 153—AN ACT relating to collective bargaining; increasing the amount of time within which the Local Government Employee-Management Relations Board must conduct a hearing relating to certain complaints; removing certain restrictions on payment of compensation or monetary benefits upon expiration of a collective bargaining agreement; revising various provisions relating to negotiations between a school district and an employee organization representing teachers or educational support personnel; repealing certain provisions governing leave for services to an employee organization and governing school administrators; and providing other matters properly relating thereto.

Senator Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Atkinson:

Senate Bill No. 154—AN ACT relating to natural gas; requiring the Public Utilities Commission of Nevada to adopt regulations authorizing a public utility which purchases natural gas for resale to engage in renewable natural gas activities and to recover the reasonable and prudent costs of such activities; and providing other matters properly relating thereto.

Senator Atkinson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 143.

Bill read third time.

The following amendment was proposed by Senator Pickard.

Amendment No. 1.

SUMMARY—Repeals, revises and reenacts provisions relating to background checks for certain sales or transfers of firearms. (BDR 15-755)

AN ACT relating to firearms; repealing, revising and reenacting provisions relating to background checks for certain sales or transfers of firearms; prohibiting a fee from being charged for certain background checks; requiring a licensed dealer of firearms to conduct a background check before a private

party sale or transfer in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law concerning background checks for the sale or transfer of firearms is contained in The Background Check Act, which was proposed by an initiative petition and approved by the voters at the 2016 General Election. (NRS 202.2531-202.2543) Pursuant to the Nevada Constitution, as an initiative petition approved by the voters, The Background Check Act is not subject to legislative amendment or repeal until after November 22, 2019. (Nev. Const. Art. 19, § 2) To date, The Background Check Act has not been implemented because the Attorney General issued an opinion that a licensed firearms dealer cannot contact the National Instant Criminal Background Check System directly as the Act requires before the sale or transfer of a firearm that is being sold or transferred by a private party. (Att'y Gen. Op. 2016-12 (Dec. 28, 2016)) Therefore, section 9 of this bill repeals all of the provisions of The Background Check Act and reenacts the provisions without the requirement to make that direct contact. Section 10 of this bill makes the provisions effective January 2, 2020, which is after the date on which The Background Check Act may be amended or repealed.

Section 2 of this bill establishes a short title in statute to allow the provisions to be cited as The Background Check Act. (See NRS 202.2531) Section 3 of this bill sets forth the findings and declarations regarding The Background Check Act. (See NRS 202.2533) Section 4 of this bill provides definitions for certain terms used in The Background Check Act. (See NRS 202.2535) Section 5 of this bill requires a licensed firearms dealer to conduct a background check on a person who wishes to buy or receive a firearm from an unlicensed person, but removes the requirement that the licensed dealer directly contact the National Instant Criminal Background Check System to perform the background check. ~~Instead,~~ In addition, section 5 requires a licensed dealer to contact the same agency the dealer would otherwise contact to conduct a background check if the dealer were selling or transferring the firearm from his or her own inventory. (See NRS 202.254) comply with the procedures and requirements established by the Bureau of Alcohol, Tobacco, Firearms and Explosives for federal firearms licensees who facilitate the sale or transfer of firearms between private unlicensed persons.

Section 6 of this bill provides certain exemptions from the requirement to conduct a background check when a private person is selling or transferring a firearm. (See NRS 202.2541) Section 7 of this bill sets forth the penalties for selling or transferring a firearm in violation of The Background Check Act. (See NRS 202.2543) Section 8 of this bill prohibits the Central Repository for Nevada Records of Criminal History from charging to perform a background check on a person who wishes to purchase or receive a firearm from an unlicensed person.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *Sections 2 to 7, inclusive, of this act may be cited as The Background Check Act.*

Sec. 3. *The Legislature representing the People of the State of Nevada hereby finds and declares that:*

1. *To promote public safety, federal law currently prohibits felons, domestic abusers, the severely mentally ill and other dangerous people from buying or possessing firearms;*

2. *Federally licensed firearms dealers are required to run background checks on their prospective buyers to ensure they are not prohibited from buying or possessing firearms;*

3. *Criminals and other dangerous people can avoid background checks by buying guns from unlicensed firearms sellers, whom they can easily meet online or at gun shows and who are not legally required to run background checks before selling or transferring firearms;*

4. *Due to this loophole, millions of guns exchange hands each year in the United States without a background check;*

5. *Most Nevadans live within 10 miles of a licensed gun dealer;*

6. *We have the right to bear arms, but with rights come responsibilities, including the responsibility to keep guns out of the hands of convicted felons and domestic abusers; and*

7. *To promote public safety and protect our communities, and to create a fair, level playing field for all gun sellers, the people of the State of Nevada approved The Background Check Initiative in the 2016 General Election with the intent to more effectively enforce current law prohibiting dangerous persons from purchasing and possessing firearms by requiring background checks on all firearms sales and transfers, with reasonable exceptions, including for immediate family members, hunting and self-defense.*

Sec. 4. *As used in sections 2 to 7, inclusive, of this act unless the context otherwise requires:*

1. *“Central Repository” has the meaning ascribed to it in NRS 179A.045.*

2. *“Hunting” has the meaning ascribed to it in NRS 501.050.*

3. *“Licensed dealer” means a person who holds a license as a dealer in firearms issued pursuant to 18 U.S.C. § 923(a).*

4. *“Permanent transfer” means any conveyance other than a sale, including, without limitation, a gift or another act demonstrating an intent to permanently deliver possession and ownership from one person to another person.*

5. *“Temporary transfer” means an intent to transfer for an indefinite period without the intent to carry out a permanent transfer.*

6. “Transferee” means an unlicensed person who wishes or intends to receive a firearm from another unlicensed person.

~~5.~~ 7. “Transferor” means an unlicensed person who wishes or intends to carry out a temporary or permanent transfer of a firearm to another unlicensed person.

~~6.~~ 8. “Trapping” has the meaning ascribed to it in NRS 501.090.

~~7.~~ 9. “Unlicensed person” means a person who does not hold a license as a dealer, importer or manufacturer in firearms issued pursuant to 18 U.S.C. § 923(a).

Sec. 5. 1. Except as otherwise provided in section 6 of this act, an unlicensed person shall not sell or carry out a temporary or permanent transfer of a firearm to another unlicensed person unless a licensed dealer first conducts a background check on the buyer or transferee in compliance with this section.

2. The seller or transferor and buyer or transferee shall appear jointly with the firearm and request that a licensed dealer conduct a background check on the buyer or transferee.

3. A licensed dealer who agrees to conduct a background check pursuant to this section shall comply with ~~fall~~ the most current procedures and requirements of federal and state law as though the licensed dealer were selling or transferring the firearm from his or her own inventory to the buyer or transferee, including, but not limited to, all recordkeeping requirements. For the purpose of determining whether the buyer or transferee is eligible to purchase and possess firearms under state and federal law, the licensed dealer shall contact the same agency as though the licensed dealer were selling or transferring the firearm from his or her own inventory to the buyer or transferee.

~~4. Upon receiving a request for a background check from a licensed dealer pursuant to this section, the Central Repository or any other state or local agency described in subsection 3 shall, in the same manner as it would for the sale of a firearm from the licensed dealer’s inventory, perform a background check on the buyer or transferee and notify the licensed dealer of the results of the background check.~~

~~5. The seller or transferor may remove the firearm from the business premises while the background check is being conducted if, before the seller or transferor sells or transfers the firearm to the buyer or transferee, the seller or transferor and the buyer or transferee return to the licensed dealer who takes possession of the firearm to complete the sale or transfer.~~

~~6. A licensed dealer who agrees to conduct a background check pursuant to this section shall inform the seller or transferor and the buyer or transferee of the response from the agency described in subsection 3. If the response indicates that the buyer or transferee is ineligible to purchase or possess the firearm, the licensed dealer shall return the firearm to the seller or transferor~~

~~and the seller or transferor shall not sell or transfer the firearm to the buyer or transferee.~~

~~7.]~~ established by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of the Treasury for federal firearms licensees who facilitate the sale or temporary or permanent transfer of firearms between private unlicensed persons, including, without limitation, the requirement to conduct a background check.

4. A licensed dealer may charge a reasonable fee for conducting a background check and facilitating a ~~firearm~~ temporary or permanent transfer of a firearm between unlicensed persons pursuant to this section.

Sec. 6. The provisions of section 5 of this act do not apply to:

1. The sale or temporary or permanent transfer of a firearm by or to any law enforcement agency and, to the extent he or she is acting within the course and scope of his or her employment and official duties, any peace officer, security guard entitled to carry a firearm under NAC 648.345, member of the armed forces or federal official ~~+~~ or other person who is required as part of his or her employment to possess a firearm.

2. The sale or temporary or permanent transfer of a firearm to a person who holds a current and valid permit authorizing the person to carry a concealed firearm.

3. The sale or temporary or permanent transfer of an antique firearm, as defined in 18 U.S.C. § 921 (a)(16).

~~3.]~~ 4. The sale or temporary or permanent transfer of a firearm between immediate family members, which for the purposes of this section means spouses ~~and~~, former spouses, domestic partners and any ~~of the following relations, whether by whole or half blood, adoption, or step relation: parents, children, siblings, grandparents, grandchildren, aunts, uncles, nieces and nephews.~~

~~4.]~~ other person who is related by blood or marriage or is or was actually residing with the person.

5. The temporary or permanent transfer of a firearm to an executor, administrator, trustee or personal representative of an estate or a trust that occurs by operation of law upon the death of the former owner of the firearm.

~~5.]~~ 6. A temporary transfer of a firearm to a person who is not prohibited from buying or possessing firearms under state or federal law if such temporary transfer:

(a) Is necessary to prevent imminent death or great bodily harm; and

(b) Lasts only for as long as is reasonably believed to be immediately necessary to prevent ~~such~~ an act that is imminent or probable and which could result in death or great bodily harm.

~~6.]~~ 7. A temporary transfer of a firearm if:

(a) The transferor has no reason to believe that the transferee is prohibited from buying or possessing firearms under state or federal law;

(b) The transferor has no reason to believe that the transferee will use or intends to use the firearm in the commission of a crime; and

(c) Such temporary transfer occurs and the transferee's possession of the firearm following the temporary transfer is exclusively:

(1) At ~~an established shooting range authorized by the governing body of the jurisdiction in which such range is located;~~ a location where shooting regularly occurs for recreational purposes, whether public or private, so long as it is not prohibited by law.

(2) At a lawful ~~organized competition~~ event organized by a person or entity for purposes of competition, whether or not it is for a prize of value, involving the use of a firearm;

(3) While participating in or practicing for a performance by an organized group that uses firearms as a part of the public performance;

(4) ~~While~~ For the purpose of hunting or trapping if the hunting or trapping is legal in all places where the transferee possesses the firearm, ~~and~~ the transferee holds all licenses or permits required for such hunting or trapping ~~+~~ and the transferee does not possess the firearm for more than 10 days after the last day of the designated date for the hunting or trapping season; or

(5) While in the presence of the transferor.

Sec. 7. An unlicensed person who sells or ~~voluntarily transfers~~ carries out a temporary or permanent transfer of one or more firearms to another unlicensed person in violation of section 5 of this act:

1. For a first offense involving the sale or temporary or permanent transfer of one or more firearms, is guilty of a ~~gross~~ misdemeanor; and

2. For a second or subsequent offense involving the sale or temporary or permanent transfer of one or more firearms, is guilty of a ~~category C felony~~ and shall be punished as provided in NRS ~~193.130.~~ gross misdemeanor.

Sec. 8. NRS 179A.140 is hereby amended to read as follows:

179A.140 1. Except as otherwise provided in this section, an agency of criminal justice may charge a reasonable fee for information relating to records of criminal history provided to any person or governmental entity.

2. An agency of criminal justice shall not charge a fee for providing such information to another agency of criminal justice if the information is provided for purposes of the administration of criminal justice, or for providing such information to the State Disaster Identification Team of the Division of Emergency Management of the Department.

3. The Central Repository shall not charge such a fee:

(a) For information relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding 90 days in conjunction with the application by that person for professional licensure; ~~for~~

(b) For information provided to any organization that meets the criteria established by regulation pursuant to paragraph (b) of subsection 5 of NRS 179A.310 ~~+~~; or

(c) For information provided to a person who is required to conduct a background check pursuant to section 5 of this act.

4. The Director may request an allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the Department to carry out the provisions of paragraph (b) of subsection 3.

5. All money received or collected by the Department pursuant to this section must be used to defray the cost of operating the Central Repository.

Sec. 9. NRS 202.2531, 202.2533, 202.2535, 202.254, 202.2541 and 202.2543 are hereby repealed.

Sec. 10. This act becomes effective on January 2, 2020.

#### LEADLINES OF REPEALED SECTIONS

202.2531 Short title.

202.2533 Findings and declarations.

202.2535 Definitions.

202.254 Background check required for certain sales or transfers of firearms between unlicensed persons; procedure.

202.2541 Exceptions to requirement of background check.

202.2543 Penalties for violations.

Senator Pickard moved the adoption of the amendment.

Remarks by Senators Pickard, Cannizzaro and Atkinson.

#### SENATOR PICKARD:

As the hearing on Senate Bill. No. 143 unfolded yesterday, those who watched came to understand the bill, as written, has critical flaws that make implementation largely improbable in practical terms. Say what you will about the policy, what was evident after listening to the testimony of the technical experts was there were serious flaws that could not simply be explained away.

Legislators on both sides of the aisle pointed out that many critical terms were not defined, leaving interpretation up to the people involved, who might very well disagree with how law enforcement and district attorneys might interpret them. Clarity is critical to implementation, yet the bill lacked some basic understandings of the practical applications we Nevadans need to understand in order to follow it. Indeed, the primary technical presenter, the attorney for "Everytown," when asked how a daughter-in-law could accept a gift from a father- or sister-in-law, advised that the way to accomplish that would be to go through the blood-related spouse, in violation of federal law. To acquire a firearm through a straw purchaser would subject that person to a felony punishable by a 10-year prison sentence.

This amendment seeks to find a bipartisan compromise. What this amendment does not do is undermine, in any way, the closing of the gun show loophole upon which the Governor and the Attorney General focused their remarks. The voters pulled this requirement across the finish line, and this amendment does not change that. Similarly, this bill does not change the requirement for people to go to a Federal Firearms Licensee or a Dealer to perform a background check to those they are not related to or with whom they have no existing relationship or familiarity.

What this amendment does is define those critical terms in ways that make sense. They conform to practices understood by industry and citizenry alike, without jeopardizing public safety. For example, instead of limiting transfers to some family but not others, this bill allows a gun owner to sell or transfer their weapon, whether permanently or temporarily, to close family members they know are trustworthy. It is already a crime to provide a weapon to a known prohibited person.

This amendment does not change that. Just as important, this amendment's redefinition of the procedures for dealers to follow. As written, Senate Bill No. 143 would curtail, if not entirely, end private party sales and transfers of weapons, because it actually requires the dealers to follow procedures contrary to the ATF protocols their licenses require them to follow. This amendment clarifies the procedures to be those that are required under the ATF protocols. This amendment improves the ability of dealers to carry out the goals of the bill. Without it, most dealers will refuse to provide the service, as they do not want to put their licenses in jeopardy.

Finally, the Majority party has historically called for reducing the overpunishment of Nevadans. The Supreme Court's Committee on the Administration of Justice points out that we are well above the National average in incarceration rates and disproportionately those of color. As written, Senate Bill No. 143 will disproportionately affect the poor and populations of color, particularly in urban areas where they are least likely to be in a position to take time out of their workday, when the dealers are open for business to obtain their background checks. Instead, they will simply run the risk of punishment and lend their weapons to their family and friends to defend themselves, particularly those in dangerous neighborhoods where they may live. They will then face up to a category C felony.

I freely acknowledge and embrace the voters have expressed their will to close the gun show loophole, and this amendment supports that desire. As much as I feel it will largely end gun shows and may even put the SHOT Show in jeopardy, I personally agree that we should be taking every effective step we can to reduce the likelihood that the bad guys have guns. As demonstrated in the hearing, the flaws in Senate Bill No. 143 make the bill largely unworkable and unenforceable in practical terms. This amendment corrects most of those flaws making it more likely all parties involved follow the law.

SENATOR CANNIZZARO:

In reviewing Amendment No. 1 to Senate Bill. No. 143, I would like to note Section 5, which guts the entire provision for allowing the State Central Repository to complete the background checks. As passed by the voters, Question 1 would have required a federal background check, which is why the law has not been implemented. That federal requirement is what has kept from reality what the voters in Nevada approved in Question 1. If we adopt this amendment with this language, we are gutting the provision that would allow the enforceability of this law. I stand in opposition to Amendment No. 1. This amendment would render this entire piece of legislation unenforceable because we, once again, would be faced with the federal government having to conduct these background checks. This is the reason Question 1 has not been enforced, despite the fact Nevada voters indicated it is something they affirmatively want in our laws.

SENATOR ATKINSON:

As the sponsor of Senate Bill No. 143, I would like to make it known I was not spoken to or consulted with concerning this amendment, which guts Senate Bill No. 143. I request that in the future, the Minority Party talk to the members who have written bills they would like to amend to make this process easier. This amendment guts and replaces Senate Bill No. 143 and tries to create loopholes in our system that will allow criminals access to guns, and we refuse to allow that. We have had enough of that, and it is time to move on. I urge my colleagues to vote no on this amendment.

SENATOR PICKARD:

I would like to clarify a couple of points. First, to my colleague from Senate District 4, I apologize for not making direct contact regarding this amendment; there was limited time because of the short timeframe, and I apologize for that. I interpreted the invitation by the Judiciary Committee Chairwoman to have been sufficient, but that was clearly a mistake. With respect to gutting the bill, this amendment removes some of the language, but that language is superfluous. Under Nevada law, it is required to use the State Central Repository System, which this concedes. This amendment removes superfluous language because of the nature of the differences between the ATF protocols, which include the requirement for the State Repository. This amendment is not gutting the bill; it is removing language that is not needed and maintaining the existing requirements for those background checks. The process does not change in terms of background checks as they exist today. The only thing that changes is that we will be requiring all sales and

conveyances to third parties to be accomplished subsequent to a background check. This accomplishes the goal of this bill and allows for the imposition of background checks on all conveyances and transfers outside of family. What we are trying to do is keep it within the customs that Nevadans have known and adhered to for eons of time.

Motion failed.

Remarks by Senators Cannizzaro, Atkinson, Settelmeyer, Pickard, Seevers Gansert, Harris, Scheible, Goicoechea, Hammond, Spearman, Hardy, Ohrenschall, Hansen and Cancela.

SENATOR CANNIZZARO:

Senate Bill No. 143 repeals, revises and reenacts provisions relating to background checks on certain firearm sales and transfers that were approved by voters at the 2016 General Election. The measure provides that, with certain exceptions, a person who does not hold a license as a firearm dealer, importer or manufacturer cannot sell or transfer a firearm to another unlicensed person unless a licensed dealer first conducts a background check on the buyer or transferee. The licensed dealer is to contact the same agency he or she would if selling or transferring the firearm from his or her own inventory. Upon receiving a request for a background check, the Central Repository for Nevada Records of Criminal History or other appropriate agency will conduct the background check in the same way it would for a sale or transfer from the licensed dealer's own inventory. The agency conducting the background check may not charge a fee for conducting a background check. However, a licensed dealer may charge a reasonable fee for conducting a background check and facilitating the sale or transfer. A person who sells or voluntarily transfers one or more firearms in violation of the provisions of this measure is guilty of a gross misdemeanor for a first offense, and a category C felony for a second or subsequent offense.

We heard extensive testimony for many hours yesterday in the Senate Committee on Judiciary, and the bill we were discussing during those many hours is the bill as written in Senate Bill No. 143. I would urge your support.

SENATOR ATKINSON:

I rise in support of Senate Bill No. 143. Other than who will conduct the background checks, Senate Bill No. 143 is identical to what was approved by the voters in 2016. When the 2013 Legislative Session began, the whole country was still in shock and mourning the Sandy Hook Elementary School shooting that took place the previous December. We all have the details of that tragedy seared into our memories so I will not ask you to revisit it. Sandy Hook was, however, the impetus for my friend and colleague Justin Jones and several other Legislators serving in the 2013 Session to introduce Senate Bill 221, a comprehensive background check measure. That bill included provisions intended to keep guns out of the hands of persons with mental health problems that might make them dangerous to themselves and others. Many committees heard Senate Bill No. 221. It was amended several times and eventually declared an emergency measure before it was finally passed on the last day of the Legislative Session. Unfortunately, despite all of the hard work and good faith negotiations that went into passing Senate Bill No. 221, Governor Sandoval vetoed it, arguing—mistakenly in my opinion—that Senate Bill No. 221 “constitutes an erosion of Nevadans’ Second Amendment rights...and may subject otherwise law-abiding citizens to criminal prosecution.” Let us be clear, the background check provisions in Senate Bill No. 221 would not negatively affect law-abiding citizens. In addition, law-abiding citizens would not have been negatively impacted by the next background check measure I would like to discuss, Ballot Question 1, the Statewide Initiative approved by voters in 2016.

Qualifying for the ballot with more than 100,000 signatures, Question 1 was approved by voters in November 2016. A majority of Nevadans made it clear they wanted sensible controls on gun sales and transfers, controls that do not infringe upon Second Amendment rights and do not impact law-abiding gun owners.

This brings me to today. Sadly, for two years we have watched as implementation of Question 1 was first delayed and then ultimately denied, in part, due to opposition from elected officials and, in part, to an error in drafting. That error required the Federal Bureau of Investigation (FBI) to

conduct background checks at the State's direction, but as it turns out, Nevada cannot dictate how the FBI uses its resources. I will not get into the technicalities of either the FBI's position or that of our former Attorney General who believed that Question 1 could not be implemented. The experts who testified yesterday will be happy to do that. What I can tell you is the bill before you today, Senate Bill No. 143, fixes the problems contained in Question 1. Senate Bill No. 143 completely repeals Question 1 and replaces it with statutory provisions that will allow Nevada to conduct its own background checks through the Central Repository for Nevada Records of Criminal History. The bill treats private gun sales and certain transfers as if they were a sale made by a licensed gun dealer, and it subjects the involved parties to the same background check requirements.

Senate Bill No. 143 also details exemptions. These include transfers between law enforcement officers, members of the military who are acting within their official duties and the exemption of sale or transfer of antique firearms, as defined by Federal law. Lastly, it details sales and transfers between immediate family members including parents, children, siblings, grandparents, aunts, uncles, nieces and nephews.

Statewide in 2016, well over half of the voting population, said they wanted this. In Clark County, it passed by more than 100,000 votes. The voters have spoken, and the time to act is now. People ask, why the rush? I ask you, what rush? The original bill passed in 2013. It was vetoed by the Governor, approved by voters in 2016 and then our previous Attorney General refused to act. Our citizens have been waiting six years for us to act. The time has come.

A few incidents have occurred in the time because we did not act. I have personally felt a couple, and I would like to share them. First, there is Christina Franklin and her two small children. They were shot by her ex-boyfriend at a North Las Vegas day care center in 2016. The ex-boyfriend lied about his criminal history to a private seller in order to obtain a firearm. Now the mother is dead, and the two children who survived this horrible ordeal will have to live with this for the rest of their lives. Ironically, this day care center is within walking distance of my home and happens to be the same day care center my daughter attended. Then there is little Gio Melton. At the tender age of 14, a cold-blooded killer, his own father, shot Gio in the chest. It has been said the last thing little Gio heard from his father was "I would rather have a dead son than a gay son"! While his father has to live with his hateful act for the rest of his life, his mother, Veronica, whom I befriended, is still grieving this daily. She reminds me the father was prohibited from possessing a gun because of domestic violence action he committed against her years before. She went on to tell me he not only had one weapon confiscated after this event, but six. When asked where he got them, she said gun shows.

These are just a couple of examples where mandatory background checks may have saved a life. While they are just a couple, they are personal for me. We simply cannot allow this to go on anymore. We must act. Background checks have been shown time and time again to be the single best way to limit guns from getting into the wrong hands without compromising the rights of law-abiding citizens. States with required backgrounds checks have lower firearm homicide rates, lower gun trafficking rates and lower firearm suicide rates. I ask my colleagues to join me in honoring the will of the people. Let us take the necessary action to make our State a safer place.

SENATOR SETTELMAYER:

I rise in opposition to this bill. The Majority Leader and I have many similarities in our pasts, and I understand the tragedies he has discussed. I have had a lot of people in my community, unfortunately, take their own lives due to guns, even my father. I do not believe this bill will solve any of that, and that is why I am in opposition to this bill. We should look at the idea of taking the \$1 million that would need to be invested by the State in this bill and put it towards mental health. To me, that might actually save someone's life. Question 1 was never enacted because, as was mentioned, it was flawed. This is no one's fault; it was flawed as it was written. Many of these flaws still exist. This bill cannot be enacted for three years from the date it was passed. That means it will be January 2, 2020 before anything we pass can go into effect. There is time to get this right and to look at the things that were addressed, such as the concept of one fiancé not being able to have a gun because when the other fiancé has left, it now creates a crime to be in the house with the gun. There is a lot of confusion.

My communities are in a different culture than those in the south. Recently, a person went through northern Nevada and murdered four people. I had many friends who were loaning guns to other friends or people who wanted to have a gun. That was happening all over this part of northern Nevada when that occurred. I look at the flaws within the bill. For example, if I give my worker a gun to use in order to protect my flock, my animals, my cows as they are calving, I now would be in violation, if this passes, if I do not first go to an FFL. This use is to protect my own property. I am not personally in eminent harm, so that exemption does not apply. Another example is a situation where my brother-in-law might get in my truck, which is owned by the ranch, and the truck has my gun in it because I occasionally use it to shoot coyotes who are killing my calves on my property. He sees the truck has a tire that is flat and takes it to Les Schwab. This would constitute a transfer. I would now be in violation because he saw a problem and, as a worker on the ranch, addressed it. I cannot support this bill with these types of flaws.

We are finding new things about this bill all the time. There may also be a Commerce Clause violation in this bill. It was stated on the record yesterday that if a person transfers a gun to someone and then goes to the store, there is no sales tax. The bill says if the person is from another state, there is a sales tax. That is an inequity between the two. This bill is flawed, but a court may have to make these determinations. Question 1 passed by .45 percent. In that same election, the people voted for the Energy Initiative at a 72.3 percent rate. The following election it went down to 67 percent. Opinions change. Maybe the public should be asked about these changes. This comes back to a simple issue—rural versus urban. I have many constituents who are writing me saying this is an infringement on their Constitutional rights. I am more worried because I think it is an assault on our very way of life in the rest of the State of Nevada.

SENATOR PICKARD:

Our founding fathers created a bicameral, republican form of government for one purpose: to provide for orderly deliberation of legislative measures that will affect all of the citizens of the State. The founders also established a method for citizens to press for measures that their representatives refused or otherwise failed to bring by giving them the ability to bring initiatives to force the Legislature's hand. The procedures used by the Majority in this instance seem to have ignored those time-tested protocols.

First, I am not philosophically opposed to background checks. If implemented correctly, they are a reasonable means of verifying eligibility to purchase a firearm, and they do work. We already do them in most instances. I have submitted to multiple checks, including the most stringent of tests, those performed by the Bureau of Alcohol, Tobacco, Firearms and Explosives. Let us be clear, most law-abiding citizens are not opposed to background checks, as we agree that we need to do all we can to keep guns out of the hands of dangerous people. Though none of the mass shootings in this country would have been prevented by this measure, other methods, if implemented, would have prevented them.

Second, and again to be clear, what was introduced is not what the voters passed in 2016. This is a new bill with new language, ostensibly correcting some flaws in the first. We need to be willing to make corrections on every bill that comes through this Chamber. Upon review, there are numerous problems with the language of this measure that are certain to negatively affect real people in real ways, and this has many of our constituents very worried.

In the past 48 hours, since it was announced this bill was coming, I have received over 800 messages by email, text and telephone, many from my constituents, opposing this bill. Four were in support of this bill. This Body gets to do what the majority wants to do. What is disappointing to me is that while the final language of the bill may not have been completed until last weekend, it has been known for weeks the bill would be brought under a shroud of secrecy and then rushed through an abbreviated timeline. In fact, the bill will not even go into effect until January of 2020. There is nothing "normal" about the process used. Worse, there was no appetite to strengthen the bill or to address the unintended consequences almost sure to adhere to a bill so hastily drafted and presented. There were no responses to the request to find language that avoided the need to instruct Nevadans to circumvent the stated intent of the law. This conduct belies any assertions of a desire to obtain well-vetted language. Instead, sympathetic witnesses who endured real human tragedy were used as pawns by out-of-state interests to push their agenda. These

preparations took a week or more to arrange. In that week, we could have been reading, considering, discussing, and yes, debating the content in an effort to seek common ground.

I read recently a statement from an advocate for the Majority party on how they got a kick out of members of the Minority party “squealing” about the bill getting rammed through. I am sure I learned in Kindergarten that two wrongs do not make a right. These petty comments only work to erode what confidence is left in those that express the sentiment and in the process.

History demonstrates we have agreed on most legislation brought before us. There used to be a certain sense of cooperation and respect across the aisle in this Chamber, but that attitude seems to be increasingly waning as we fail to respect the process. Now is the perfect time to embrace the opportunity to work together to craft the best possible legislation by considering all of the input that so many people have endeavored to give us. I urge my colleagues on both sides of the aisle to stop for a moment and consider what is happening and to decide whether this is the precedent we want to set so early in the Session.

SENATOR GANSERT:

I rise in opposition. Like everyone in this Chamber, I am sickened by the senseless shootings our Nation has experienced. I am saddened and feel an enormous sense of frustration about these horrendous incidents. In recent years, this Body has taken steps to prevent weapons from getting into the hands of potentially violent perpetrators, and I commend these efforts.

This Body has banned gun ownership for those committing battery constituting domestic violence or stalking; we have prohibited the purchase of firearms when an extended order for protection because of domestic violence is issued; and we have required prompt transmittal of mental health adjudication to the State Criminal Record Repository and National Database, National Instant Criminal Background Check System. I am introducing legislation to audit this information to make sure it is transferred.

Last Session, we implemented the SafeVoice program throughout our schools that now serves as an early warning system whereby students can provide tips concerning violent, unlawful or threatening activities. A national study showed that "at least one other person had some type of knowledge of the attacker's plan in 81 percent of the incidents" and of "those individuals who had prior knowledge, 93 percent were peers of the perpetrators—friends, schoolmates, or siblings." During calendar year 2018, SafeVoice received over 6,000 tips and during last June's Interim Finance Committee meeting, we heard testimony that SafeVoice is saving lives and making our schools safer. This body of work represents a step in the right direction.

I also want to commend the work of Governor Sandoval's School Safety Task Force and Governor Sisolak's adoption of its recommendations. This Legislature has worked and must continue to work to prevent the use of a firearm by another violent perpetrator while continuing to secure the Second Amendment rights of law-abiding citizens.

I know every member of this Legislature wants to support effective legislation that will make our communities safer; we have done it before, and we have done it together. We have a responsibility to examine the details of legislation and amend portions that just do not work. During testimony yesterday and comments today, we have heard of the numerous drafting errors in this legislation. I support reasonable background checks. We need to fix this bill.

We live in a very rural State where firearm ownership is common and part of the Nevada culture. Given the extensive testimony, it is clear this bill was not written with states like Nevada in mind. I cannot support this legislation as written and will be voting no.

SENATOR HARRIS:

I rise in support of Senate Bill No. 143. I am extremely proud to be a part of this Body. I do not know if everyone had the opportunity to watch the hearing yesterday, but every member of the Judiciary Committee in both Houses listened for hours to each and every person who wished to speak on this bill, and did so respectfully. The public did their job by being engaged in the process, and I am happy to say we did our job by listening and considering positions on both sides of the issue. It is not only just the hearing, chaired magnificently by my colleague from District 6 that makes me proud, but also the substance of the bill. Senate Bill No. 143 is the epitome of common sense. It allows for a transfer or sale of guns to family members. It allows for hunting buddies to temporarily exchange guns, and it is precise in its intent, which is to ensure that anyone who

purchases a gun from a private seller is subject to the same background check they would be subject to if they purchased the gun from a licensed dealer. It does not take away anyone's guns, infringe on any existing rights to own a gun, nor present an unreasonable burden to acquiring a firearm. This bill also does not solve our country's gun violence problem. Many of my colleagues on the other side are correct, the problem is a holistic one spurred by mental illness, crime and a lack of gun safety. I look forward to considering the measures they plan to bring before this Body to address those issues. In the meantime, we must do something. I cannot, and will not, throw up my hands up in the face of such a large problem that has impacted so many of our constituents. I happily stand today to support this bill, even if it saves just one life, and I encourage my colleagues to do the same.

SENATOR SCHEIBLE:

I also rise today in support of Senate Bill No. 143. Many people have been trying to get to the root of this issue, the root of gun violence in the United States and in Nevada. It is what this bill does. It might not get the whole root, it might not dig it out from the very bottom and stop every instance of gun violence from occurring again, but this bill answers the question of what happens when guns get into the hands of the wrong person. This is where gun violence comes from, and this bill addresses one easy, common sense, first step we can take to prevent it from happening in the first place.

If someone, who is not allowed to own a gun, walks into the most logical place to buy a gun, which I posit is a gun store, and they walk up to the counter with the gun in their hand and try to swipe their credit card or hand over cash or a check in order to receive that gun, they have to go through a background check first. They will be denied the opportunity to have that gun if they are a person who is not supposed to have a gun in the first place. It makes all the sense in the world to require this in places of business and to require this between individuals. This is where the majority of the debate is coming from, both today and in our Committee yesterday. The debate is about our individual transfers, the individual lending of guns.

I stand here not only as a Senator from District 9, but also as an attorney and as a prosecutor. I have personal experience interpreting laws regarding transfer and possession of property. I have personally prosecuted cases of prohibited persons in possession of a firearm. Our legal system is perfectly equipped to understand the terminology of possession and transfer. When I leave a gun in my house and walk out the front door, it is not transferred to anyone else who may or may not be sitting, standing or sleeping in that home. When I leave a gun in my car in order to go to dinner, it is not transferred to the car itself. When I hand someone a gun at a gun range so they can fire it once and hand it back to me, they are not in possession of that gun in the legal sense. We have all the tools necessary to enforce this law, and it is not confusing to those of us who operate within the Nevada Revised Statutes every day within the courtrooms and within our legal capacities. There is nothing wrong with this bill, and there is no reason it cannot pass. There is no reason it cannot and should not be implemented. This is why I stand before this Body today in strong support of Senate Bill No. 143.

SENATOR GOICOECHEA:

I rise in opposition to Senate Bill No. 143 because I have more questions than answers about this bill. One question I have is how much benefit this bill will bring. I am afraid it will make most of my constituents guilty of transfer infractions. In rural Nevada, if you borrow a car or use a ranch vehicle, the chances are you would be in violation under this bill and need a transfer document, because I can promise you, in rural Nevada there will be a firearm in the vehicle. How would law enforcement know if a transfer document is required? I do not understand how this will work. If a person is pulled over by law enforcement and a firearm is in the car, how will ownership be determined? If the gun is in the vehicle, does that mean it needs a transfer document? This bill is unenforceable and will impact law-abiding citizens. We are all striving to find an answer to this problem, but this bill is not it. I will be voting no on it.

SENATOR HAMMOND:

This is an emotional day; it is supposed to be an emotional day. I count myself among the many in this room who have watched the all-too-familiar school shootings over the last few years with a sickening feeling. My heart goes out to the students, their families and the school professional

staff. This is not supposed to happen, not to anyone and not in any place in America. There is no doubt that the individuals who perpetrated these crimes are particularly sick.

I watch these as a former classroom school teacher for Clark County Public Schools. I watch them as the husband of a Clark County public school teacher. I watch them as a father to three young girls in Clark County public schools. Do not think for a second that every day when my wife and daughters go off to school, I do not think about their safety, but I believe that this issue has become too politicized. Career politicians and activists would rather make a show of banning something than looking past canned one-liners to find the root of the problem and addressing it there.

Our Constitution allows for the legality of the right to bear arms. Our Constitution is not a menu of suggested ways of self-governance; it is our way of government and has been enshrined as such since its creation. Study after study has shown that none of these suggested reforms would have stopped the Parkland shooting or the Las Vegas shooting. None of these reforms can stop the evil around us. What we can do, what we should do is to continue to focus on the things we can control such as increasing access to and funding for mental health professionals; allowing our school counselors to more vigorously enforce red-flag laws; and making sure the policies we put in place in this Chamber are fair, that they stay within the boundaries of the Constitution, and they do not punish legal sportsmen and sportswomen.

I stand before you today with it not lost upon me the hundreds of lives needlessly lost in Las Vegas, in Florida and in Connecticut. If there was a bill that came before me with common-sense laws in it, I would vote for it in a heartbeat, but I cannot vote for this legislation as currently written. Bills rushed through legislatures without the proper time to hear the legislation, to read and study the legislation and to generally listen to the experts do not turn out as intended. I hope my colleagues will think about this legislation as more than just talking points and politics. Think about our Constitution. Think about who actually is punished by this bill. It is not an evildoer, it is the law-abiding hunters, sportsmen and those who want to keep their families safe. I urge my colleagues to cast a no vote today.

SENATOR SPEARMAN:

I rise today in support of this legislation, and I am among a few of my colleagues who were here in 2013 when then Senator, now Commissioner Justin Jones, brought something similar. I also worked very hard, along with others, who have been affected by gun violence to ensure people understood we can do something. We can also do the right thing to pass the voter initiative of 2016. I am unclear as to why anyone would think this is a rush; I am unclear as to why anyone would think they have not had time to digest the words of this bill, because these are the very same, or very similar words, with some adjustments, from 2013 the voters willed in 2016 and now today. I listened yesterday as person after person came to speak on behalf of or in opposition to the bill, and I always find it curious there would be those that would disagree with my position in supporting this. They would call it activism when those who agree with their disagreement are just stating their constitutional right, but I leave that for another day. I am also one of a few of my colleagues here in this building who were present in 2013 when we had an Assemblyman who had made threats in Southern Nevada. He was prohibited from getting a firearm there, came to Reno and was stopped because of the waiting period and the background check. I was here during that time. I remember that. We have heard a lot about what it will not do and what it will do, so I will be putting my opinion on the record.

A comprehensive background policy does not infringe upon the Second Amendment. I know that because I served in the United States Army and Military Police Corps from 1977 to 2007. During that time, I fired my service weapon and several other firearms. I fired them so much I now have a 35-percent hearing loss in this ear and a 30-percent loss in my left ear. I know a little something about firearms. I also know something about serving to protect the Second Amendment. I have heard that argument for more than 30 years, and you know I have looked everywhere in libraries, online, under rocks, under bridges, "everywhere" to find some constitutionality that would support this would be taking away Second Amendment rights. I have not found it yet. I have not found it. This bill does not seek to take guns away. What it does is seek to make things safer for those of us who live in this society. This is what it does.

I used to own a home with a pool. When I purchased the home, I had to sign an insurance rider. The insurance rider made it very clear I needed to have a fence around the pool, and I needed to have an alarm on the fence. I signed it without hesitation because I knew this law was in place to protect those who might come to my home or children who might wander into the backyard. I did not equate it to taking away my pool; I just knew it was for safety. This is what this bill is about.

Last, but certainly not least, next month we have a 12-year anniversary of my youngest brother's murder. My youngest brother and my oldest brother have at least two things in common other than kinship, both served in the Marines, both served in combat and both were murdered after they came back from the war zone by people who should have not had weapons. My oldest brother in Oceanside California was simply trying to stop a fight, and he was shot three times. Seven days after he returned from a two-year tour in Vietnam, he was pronounced dead. My youngest brother served in the Gulf War. On my nephew's 14th birthday, my sister-in-law had the unimaginable duty of going to the morgue to identify his bullet-ridden body. After doing that, she had to try to compose herself, go back home and explain to her now 14-year-old that my brother, her husband, their father would not be attending the birthday celebration they had planned for that evening. She struggled to come to grips with the reality that the person she said "Honey, I love you" and he said "I'll see you tonight," the person she said that to when he left for work was now lying in the morgue with more than 12 bullet wounds in his body. Do not tell, do not tell me we cannot do something, do the right thing to protect those who need protection from people who have no right and no reason to have a weapon. We are better than that. My colleagues have already said that maybe it does not solve all the problems. I will tell you one thing: if we could go back in time and I could take Senate Bill No. 143 and put it in Oceanside, California in 1969, and I could put it in Indianapolis, Indiana in 2007, if I could do that, then my brothers would still be here.

I have looked for Constitutional reasons as to why we should not pass comprehensive background checks. I am a "pretty learned" individual, got a Bachelors, Masters and a Doctorate Degree, but I "ain't" found nothing in writing in our Constitution that suggests this will take away peoples weapons. What it will do is support another Amendment that I, too, have the right to life, liberty and the pursuit of happiness. This is what the bill is about. I stand on behalf of Vaughn; I stand on behalf of my brother Clyde, and I am speaking because they cannot. I urge your support.

SENATOR HARDY:

It is a tragedy to lose life, limb or a loved one. We all mourn with the victims and sometimes we ourselves are, indeed, the victims who are left behind to deal with the challenges of life that goes on. More so, we feel ourselves powerless to protect and prevent such tragedies in spite of our best efforts. I share the frustrations with all of you, Majority and Minority alike as we try to come to grips with how we do this, and how we are disappointed when we look back at things that have already happened in spite of background checks that were passed. There have been ten shooters in the last decade, six of whom passed background checks. One of them possessed and acquired guns legally, another took his mother's rifle and two had rifles given to them by a friend. In spite of our best efforts, there will be people who will not abide by the law.

I appreciated the word "evil" that has been used today. I maintain you cannot control evil, you cannot control psychotics, and you cannot control criminals. In my years in this Body, I have found it is important to count votes. I have counted the votes, and this bill will pass. The discussion we had yesterday was fruitful. It allowed us to consider everything everyone brought up. I appreciate the respect the Body and the people had for each other in the process; that is one of the blessings we have living in this Country.

With this bill, we have opened a virtual door in the timing of the 2016 initiative, and it will become effective after that timing has passed. I doubt if the full day of hearing yesterday changed anyone's vote. We are at a point where, having listened to the people who have had concerns and feelings and loss, and we consider, in as much as we know what is going to happen to the bill, that we may need to take a moment, or maybe more, and step back and ask what can we learn from each other? Can we participate in that dialogue in our own heads, as well as in this and other forums in this building, and come to a realization that neither side is absolutely right?

There may be things that can be done that would be a better approach and be more applicable to more people and allow more people to be saved and considerate of what the reality of life and limb and loved ones than is involved in this bill. I appreciated the comment by my colleague from

Senate District 1 when she alluded to another amendment. Another amendment may be wise. We are not done. There is still time to think, still time to work with each other and to respect each other. This is the time that will try men's souls, and it will try us as a Body and as friends in how we approach the coming days and how we address the legitimate, reasonable concerns that are very real. It is my hope we are not only praying for ourselves, but for those who have lost loved ones.

SENATOR OHRENSCHALL:

I rise in support of Senate Bill No. 143. In the Joint Judiciary Committee meeting yesterday, we heard testimony from Mindy McCay, Records Bureau Chief, Department of Public Safety, that a check through the Central Repository would be as secure and thorough as the original federal check contemplated in the ballot question. That is a secure check. It is as secure as we had with the original ballot question. The Attorney General testified in that meeting that between the years of 2012 and 2014, in Nevada alone background checks from licensed gun dealers prevented over 5,000 gun sales to fugitives, felons and domestic abusers. This means that within two years in Nevada 5,000 prohibited people who attempted to buy a firearm from a licensed firearm dealer were stopped by a background check. We have data to support that this does work. The data we do not have is how many of these 5,000 people then attempted to purchase a firearm through a private sale, or gun show, and how many of these prohibited people were successful. If you do not think we have a gaping loophole here, the numbers are something you need to review. This bill will address that problem, and I urge you to support it.

SENATOR HANSEN:

I would like to complement the Chair of the Committee on the hearing yesterday. I thought she did an excellent job and was fair to both sides. There was, however, a dramatic difference in opinions on both sides of the issue. How did a guy like me come to be a strong supporter of guns, and why did those who testified against firearms have such a negative view of them? I have been contemplating that. Yesterday, we focused a lot on the mass shootings that have occurred and very little on the idea of background checks. We have been talking about firearms and gun control as if it is a new issue in our country. It is, in fact, an ancient issue in this country; we have been dealing with this issue for many years. The unique thing about the United States, unlike other western countries, is we have a Bill of Rights that grants us the right to bear arms. Most other countries see that as a barbaric holdover from long ago. When we were focusing on this yesterday, the thing that intrigued me was that the people who were the proponents of the bill insisted they were not interested in infringing on the Second Amendment rights. Anyone who has followed Mayor Bloomberg and his efforts knows his goal is to, in fact, dramatically infringe on Second Amendment rights. All you have to do is go to California and see how these incremental, minor things end up dramatically infringing on the right of people to keep and bear arms.

I thought about my own history. When I was five years old, my grandfather took me out and we had a .22, a single shot rifle. I was small enough that I could not pull back the firing pin, but I learned how to shoot guns. I had a very dramatic lesson and was reminded constantly of the need for safety with firearms. In my life, a gun is neither a positive nor a negative thing; it is just a gun. Every day in this room, we are surrounded by people with firearms having multiple magazine capacities. I asked them about the average number of bullets they carry. They told me it is between 80 and 100. There are rooms in this building most people are not aware of that contain serious hardware. So if we want to deal with gun violence, we should begin by eliminating guns from our own building. If guns were the issue, would this really make us feel safer? Do we speak about automobile violence because of drunk drivers and blame the cars? There have been several mass killings in Nevada based around automobiles, but no one here is suggesting we discuss automobile violence.

In my upbringing, guns have always been something positive, whether it was for hunting or other things. Mainly, guns protect people, not harm people. I have strong, consistent and unbiased, studied evidence to share on this. This is not evidence like that from the Bloomberg people where they have hired people to come up with statistics. There is strong evidence to share on whether background checks reduce violent crime. The evidence is in many cases, the opposite has occurred.

If our goal is to reduce even a single case, as was stated repeatedly, I can provide evidence it has the opposite effect, and people are less safe.

In terms of gun violence and the need for law, if you travel across the United States in most areas where there are substantial levels of gun violence, such as Chicago, Washington D.C., Baltimore or Detroit, all of which have Draconian gun measures, the death rates are enormous; in the hundreds every year. It is said this is because people go across state lines to purchase their guns. No evidence has been produced to support this statement. Criminals buy their guns the way they have always done, illegally, from the black market. Of the 5,000 cases my colleague mentioned, if those people had ultimately ended up getting guns, they would have gotten them through illegal sources. There is no shortage of those sources, and this has been going on for a long time.

How did we end up with the Bill of Rights? It goes back to England and a king named James who tried to disarm the Protestant members of his country because he was a devout Catholic. In 1689, the English Bill of Rights was developed. One of the things this bill allowed was for Protestants to own firearms, and that was the origin of our Bill of Rights, is where the term "bill of rights" originated. The Constitution in England is not written, but there is a written Bill of Rights; is the right to keep and bear arms is one of the key components. In the United States, we had the Boston Tea Party and the midnight ride of Paul Revere. They called in the Minutemen who had firearms. They were met on Lexington Green. Their leader was Captain John Parker who made the famous statement: "Stand your ground. Don't fire unless fired upon, but if they mean to have a war, let it begin here." The captain for the Redcoats announced: "Put down your arms you damn rebels." Someone fired the shot known as "the shot heard 'round the world," and the militiamen were wiped out. The British regulars then marched to Concord, with the goal of removing a cache of firearms stored there. They were successful in that, but when they were returning to Lexington, they "got the holy hell shot out of them" by a group of ordinary farmers with firearms. That is the genesis of our Second Amendment.

Through the years, there have been substantial efforts to keep certain people from having firearms. The first successful and intentional gun control act was in the antebellum South. As the population of free Blacks increased due to natural increases and manumission, there was a concerted effort to eliminate this group's ability to own firearms, which, in fact, occurred in the Deep South. One of the most disgraceful examples of gun control that occurred in American history was the Battle of Wounded Knee. This example has Nevada roots. A Nevada Indian named Jack Wilson, from Shurez, started the Ghost Dance religion. This caused some of the Indians to become rebellious, and they began to arm themselves. The 7<sup>th</sup> Cavalry, the same Cavalry that was at the Battle of Little Big Horn with Custer, were called in, and they rounded up 300 Indians. While they did this, the first thing they did, besides surrounding them with the new technology of the Hotchkiss machine gun, was disarm them. Type in the name of the event online, and you can see pictures of the 300 men, women and children who were slaughtered by the Cavalry and buried in a trench at Wounded Knee. This is an example of gun control in American history.

In the 1930s during prohibition, organized crime took off. There was a man known as Machine Gun Kelly, and the St. Valentine's Day Massacre occurred during this time. Fully automatic machine guns were used during this time. In 1934, the United States quite successfully outlawed machine guns. Has anyone heard of any crimes being committed with a machine gun since 1934? No, there has not been a single crime committed with a machine gun in the United States since then. I bring this up because there are 650,000 people with permits for fully automatic weapons. They still exist, but good, law-abiding citizens own those machine guns, and we do not see anyone being shot by them.

In 1968, Robert Kennedy was murdered, Martin Luther King Jr. was murdered, and Congress was called upon to do something. It passed the Gun Control Act of 1968. Crime in the United States did not decline after this measure was passed. People can look back and see the real problem was the baby boom generation and the young men who reached their peak at that time. This is where that crime wave came from. If you want to review crime in this country, look at high-population levels of young males. In Chicago, there are a disproportionate number of young people involved in gang activity. We have passed laws on drugs, guns and other things, but it does not prevent certain groups of people from consistently killing each other. To take away the rights of citizens in Elko, Winnemucca or Tonopah does not do a thing to help this.

In 1994, semi-automatic weapons were banned by United States Congress and the capacity of magazines was reduced to ten. This is the history of the United States. For a decade, it was the law. In reviewing this, it had no impact on crimes using these weapons. In 2004, the United States Congress revoked that law. You can now buy larger magazines and semi-automatic weapons.

We have been focusing on the Parkland shooting. The conclusions were drawn before we saw the bill. The Governor is going to get this bill tomorrow on the anniversary of the Parkland shooting and will make an appeal for it. This will be that emotional appeal that works so well. Let us look at that shooting. Nikolas Cruz was the young man in that shooting, and I have his history from the March 10, 2018, Washington Post. Let us talk about his emotional issues. On January 15, 2013, Mr. Cruz beat up his mother in a case of domestic violence; his stepparents had passed away. In 2014, at Cross Creek School for students with emotional or behavioral problems, he had 26 violations, more than 3 per month, and was suspended from the school. On February 5, 2016, an anonymous report was submitted saying Mr. Cruz had stated on Instagram that he planned to shoot up the Stoneman Douglas High School. The Broward County Sheriff received this report from an unnamed neighbor whose son said Cruz posted a photo of himself with guns. On September 28, 2016, after he had turned 18 on September 24<sup>th</sup>, the sheriff received another report from a school resource officer who reported a peer counselor told him Cruz ingested gasoline in an effort to commit suicide and was cutting himself. He also allegedly said he wanted to buy a gun and that he possessed hate-related symbols. Eight hours later, a sheriff's deputy responded to the Cruz home on allegations that Cruz was hurting himself and talking about buying a gun. The Florida Department of Child and Families opened a case on him at this time and called him a vulnerable adult due to mental illness. The report noted Cruz said he planned to buy a gun, but "it is unknown what he is buying the gun for." On February 11, 2017, Cruz purchased at least ten weapons prior to the shooting. These were all rifles and shotguns. In September of 2017, a person with the screen name "nickolas cruz" went on the Internet and left a comment saying he was going to be a professional school shooter on a Mississippi bail bondsman Ben Bennight's site. The bail bondsman alerted the Federal Bureau of Investigation (FBI), and two agents interviewed Cruz. Shortly after this time, his mother passed away, and he moved to live with a family friend. At this time, his mother's cousin, Katherine Blaine, advised law enforcement her cousin had recently died leaving behind Nikolas, and he was reported to have rifles. She requested the Broward County Sheriff's Office recover these weapons. On November 17<sup>th</sup>, he was reported for digging holes and burying guns in his backyard. On November 29<sup>th</sup> a family friend with whom he was staying called 911 to report Nick was beating up his cousin. On November 30, 2017, the Broward County Sheriff's Office received a tip that Cruz could become a school shooter. The report stated: "Caller advised subject Nikolas Cruz is collecting guns and knives...concerned he will kill himself one day and believes he could be a school shooter in the making." In this same time period, a caller from Massachusetts told the sheriff's office Cruz was collecting guns and knives and could kill himself or become a school shooter. A deputy referred the call to the Palm Beach sheriff's office. They said they were never told of the threat. In 2018, the FBI received a tip Cruz might shoot up a school. The tip was from "a person close to Nikolas Cruz" who was concerned about Cruz "getting into a school and just shooting the place up." The caller reported concerns about Cruz's "gun ownership, desire to kill people, erratic behavior, and disturbing social media posts as well as the potential of him conducting a school shooting," according to the FBI statement. The agency ignored the warning. On February 14, 2018, Nikolas Cruz went to Marjory Stoneman Douglas High School, after repeatedly warning everyone, including the FBI, the Broward County Sheriff, the mental health folks and killed 17 people. Was the issue the gun, or was it the total breakdown of law enforcement and mental health professionals in that area to see what any common-sense person in this chain of events would have seen? This was a preventable tragedy. To have it continually be exploited in the media as requiring background checks as a way to stop this kind of shooting in the future is pure nonsense. It is a ridiculous, embarrassing exploitation of a horrible tragedy to try to advance Mr. Bloomberg's gun agenda.

I was able to visit Israel, and I spent almost two weeks there. I was stunned by the number of firearms you see everywhere in Israel, including fully automatic machine guns. Our tour guide had a 45 caliber Colt 1911 stuffed in his belt every day. Everywhere we went, we saw women in fatigues, fully armed with machine guns. It was probably the safest I have felt in my entire life. Israel should be the most dangerous country on the planet because everyone there has a firearm.

In Switzerland, every male between the ages of 18 and 45 is a member of the militia. While they are a member of the militia, they have to keep military grade weapons, including fully automatic weapons, in their own homes. If we are to equate guns with murder, homicide and violence, Switzerland and Israel should be two of the most dangerous countries in the world because they are filled with guns, even in their own homes.

In Nevada, the amount of money that is spent can be closely correlated to the success of a campaign. Mr. Bloomberg spent \$21,000,000. The evil National Rifle Association, the gun lobby, spent \$5,000,000, and Question 1 barely passed. The trends are changing dramatically. Yesterday we saw a well-organized effort by those who are proponents of the bill. Those in opposition to the bill were overwhelmingly rank-and-file folks. Most of them may not own a suit and most may never have spoken at a public hearing. It was very intimidating. Why did they come out in such numbers? Because they are fearful of the loss of their Second Amendment rights. The ordinary folks who testified are the people we like to talk about so much. They are the people, some, unfortunately regarded as "deplorables." I obviously do not share that sentiment.

I would like to share some trends from Roper, Pew and Gallup. These are neither paid for by the evil NRA, nor by Mr. Bloomberg. In 1983, 65 percent of Americans wanted stricter gun laws, and 35 percent were opposed to that idea. By the year 2015, that trend had totally changed, and it is now dead even. Most people are less comfortable with more restrictive gun laws. That is mirrored in Pew and Gallup polls which asked: Do guns make homes safer? In 2000, 35 percent said yes and 51 percent said no. By 2014, that trend had changed with 63 percent saying yes and 30 percent saying no. Why is that? It is because of another unique movement in the United States, the Concealed Carry Weapons (CCW) movement. Law enforcement was originally opposed to this idea and first said no. States, including Nevada, began to adopt the right of individuals to begin carrying pistols hidden on their persons. There may even be people in this Chamber who are packing heat. I know that in the Assembly Chamber, there are at least two who are CCW holders and are packing hardware. Over the period of time when the CCW laws have been in place, a dramatic drop in crime has occurred in the areas where people are carrying firearms. The right of women to carry guns to protect themselves against males went up as well. Many CCW holders are female. There is an increasing trend in people owning firearms and a drop in the amount of crime in the United States. Now, law enforcement is in favor of this and supports it. Concealed Carry Weapons are exempt from this bill, yet permit holders have a lower rate of crime than off-duty police officers. If guns cause crime, CCW holders have done a good job of hiding that fact.

One of the things stated yesterday from the New York Times was: "While the gun violence debate often focuses on mass shootings of strangers, hundreds of Americans are fatally shot every year by spouses or partners. Between 2008 and 2012, states that require background checks on private sales have 46 percent fewer gun homicides of women by partners adjusted for population than states with no such requirement." This is an accurate statement; there was a drop of 46 percent. What the Bloomberg folks failed to point out is when one reviews robbery, murder or aggravated assault, from 2000 to 2014, the states with expanded background checks experienced higher rates. If the Bloomberg group really believes this is the proper way to analyze data, will they accept that murders in the states that had a decline of 46 percent in domestic violence are up 49 percent in murders and up 75 percent in robberies? This is cherry picking of statistics. The overall impact in states with expanded background checks is that crime went up. We may want to save one life, but actually we may be endangering additional lives.

This does not mean expanded background checks will cause higher violent crime rates any more than looking across states proves these laws lower police shooting deaths or other claimed benefits. Yesterday, it was stated that a drop in police deaths occurred. That is not the case. States were compared before and after they changed their laws. They were also compared with states that did not change their laws. This is an honest way of looking at the evidence on both sides. Twenty-two of the twenty-four estimates showed no change in crimes or suicides as a result of the new background checks. Half of the statistically insignificant results implied background checks made things worse, and half implied they made them better. There are, however, two statistically significant results. One showed states with expanded background checks on transfers had a large increase in police gun deaths. The other showed a miniscule drop in total suicides. Even these results are no longer statistically significant when other factors are taken into account. Background checks on private transfers do not help. Economists, criminologists and public health researchers

have yet to find the Brady background checks did anything to reduce violent crime. Additional checks are not the solution. They have been about as successful in stopping criminals from getting guns as we have been in preventing people from obtaining illegal drugs.

Is there a danger to law-abiding people if we pass this law? It was said yesterday: “There are real costs of expanding background checks to private transfers. In particular, the fees on private transfers reduce gun ownership, particularly among law-abiding, poor blacks who live in high-crime, urban areas and who benefit the most from protecting themselves. They will be the ones most likely priced out of owning a gun for protection.” This means the most vulnerable people in our society, women in poor areas, will have less of an opportunity to purchase a firearm for their protection.

In too many cases we confuse cause and effect. It seems we have a severe case of firearm phobia, an irrational hatred of everything to do with guns. When we study our own history, including that of Nevada, guns are a good thing when in the hands of the correct people. Everybody here agrees we should not get them into the hands of the crooks. We have laws, and laws on top of laws trying to prevent felons, people who have been convicted and those with mental health issues from getting those things, yet they keep slipping through the cracks. All we will do with this bill is add one more layer and take away one more right, that of a simple transfer. Under this bill, if I were to give my daughter-in-law a gun, I will have violated Nevada State law and face prosecution for a gross misdemeanor. If I do it a second time, I could theoretically end up in prison. This is ridiculous. In our system, we not only have the Second Amendment, but we also have the right to a trial by jury. In the 16 counties that overwhelmingly voted no on Question 1, the right to a trial by jury still exists. If a district attorney got carried away and attempted to prosecute Ira Hansen for giving his daughter-in-law a gun, I would ask for a jury trial and I would bet I would not be convicted. This is another example of the brilliant checks and balances implemented by our Founding Fathers.

Please keep in mind the true goal of the Bloomberg folks. I urge my colleagues to vote no on Senate Bill No. 143. I apologize for being longwinded, but the history behind this needs to be heard. Yesterday was Abraham Lincoln’s birthday, arguably the best president in the history of the United States, and this Body did not say a word about it. No one in this building did that I am aware of. When I was a kid, this day was a celebrated holiday. One danger we have is ignorance of our history. Another is ignorance of the gun control laws. We end up doing foolish things in this Body that only harm the law-abiding citizens of this State. That is all this bill will do in its best form. The evidence overwhelming says no such luck in blocking criminal activity. I urge my colleagues to not pass yet another foolish restriction on guns in our country and our State. Let us stand up for the Second Amendment and quit restricting the right to keep and bear arms, which is not to be infringed.

SENATOR CANCELA:

I stand in support of Senate Bill No. 143. I ask my colleagues to pay attention to several important points. When we talk about gun violence, we can talk about mass shootings, life and death situations and all the times a gun is shot. It is important to know about all the times law-abiding gun owners follow the law. Background checks prevent those who want to usurp the law from committing gun violence. This means preventing a domestic abuser from holding a gun to the head of a woman because she did not make dinner on time. It means preventing a store clerk or a small business owner from being held up with a firearm that should not be in the hands of a burglar. It is making sure that a schoolchild who is walking home does not end up being held up for their speakers. It is making sure when a woman is stalked, she is not held hostage at gunpoint. This is gun violence.

We can talk about mass shootings; certainly, those are a tragedy. Our country’s largest mass shooting happened in my Senate district on October 1, but the gun violence addressed by background checks is the violence that happens every day in our communities, often not addressed or reported. When people want to usurp the law and get a gun through a private vendor and not undergo a background check, they can do real harm. As we think about what a background check is intended to prevent, we should keep in mind those folks who every day are dealing with gun violence in all sorts of ways. We should make sure we are thoughtful about preventing folks who should not ever own a gun from accessing one. That is what this bill intends to do.

SENATOR CANNIZZARO:

I rise in support of Senate Bill No. 143. The idea there are many drafting errors, or the language in the bill in front of you is imprecise or flawed, is an incorrect assessment. The idea the word "transfer" is a mysterious word we are incapable of defining, interpreting or understanding is something not ordinarily accepted by anyone in the legal profession. We define terms all of the time. Just because the word "transfer" is not defined, does not mean we do not know what it means. The plain and ordinary meaning of words are given in statute, and this is a primary construct of statutory interpretation. To use it as a reason why this bill is not good policy or why it is not going to make a difference is simply an error. As it relates to the idea the bill was flawed from the beginning, the only flaw was the idea that background checks would not be conducted because of the federal system for checking backgrounds. That specific flaw is addressed in this bill which provides those background checks will be conducted.

If you were paying attention to yesterday's hearing, we heard from the Department of Public Safety. I am reassured by doing these background checks through the Central Repository, we are going to be more certain to identify individuals who are convicted of misdemeanor battery, constituting domestic violence and for those people who are subject to a protective order for stalking or harassment. That was, in part, in Senate Bill No. 124 from last Session, and I was proud to work on that piece of legislation. Yet that piece of legislation has no affect if we allow the individuals who are supposed to be prohibited persons from purchasing firearms through a private sale. Individuals who have committed domestic violence, or who are subject to a protective order for stalking, harassment or domestic violence, are exactly the kind of people we do not want to have avenues available to access firearms. I do not stand here under the pretense that because we pass these laws, all people who have been convicted of breaking these laws are going to be prevented from getting firearms. However, if there is one thing we can do to ensure this does not happen, and private sellers have to have background checks when selling weapons online to ensure buyers will not turn around and use them against a person they have been abusing, then I will stand on this Floor every day in support of that, even if it saves just one person.

Yesterday, we discussed exemptions in the bill. We also discussed a myriad of hypothetical situations that were not covered by the bill. The coverage for those hypothetical situations—for the many different situations are not included in this bill—is that a person goes to a firearms dealer and gets a background check. This ensures that the person you are handing the firearm to is not someone who should not have a weapon. The exemptions cover everything from law enforcement, to armed security guards, to people who use weapons in the course of their duties. They include people who work within the Armed Forces of our Country; those who we know are perfectly fine possessors of firearms. The exemptions also include certain family members whom we know it is probably okay to give a gun, including estates, which possess firearms, where the firearms can be transferred. There is an exemption for when a neighbor may be in imminent threat of bodily harm and an individual wants to lend a weapon. There are also temporary transfer exemptions for the Nevada way of life. One example would be a rancher, who does not have a reason to believe an individual working at the ranch is prohibited, could lend a firearm to an employee to protect cattle. If you are going hunting with your hunting friends and one borrows your rifle, this is provided for in this bill. This is a common sense piece of legislation.

We heard this bill does not address mental health, and it does not; it addresses background checks. No piece of legislation is going to address every contingency. If the members of this Body are waiting for that in order to vote on a piece of legislation that makes sense and will keep people safe, you might as well resign. We are never going to pass a piece of legislation that will cover everything. I am hopeful we will address mental health this Session and ensure those who might do harm to themselves and others will not have access to firearms. We should want that prohibited persons do not have access to firearms. We should want to ensure people who commit armed robberies or hold others up at gunpoint, or those who commit domestic violence, do not have firearms.

We heard how this bill will not prevent mass shootings. It might not, but it might. We should not have legislation because of what it might do; we should pass legislation because of what it will do. My colleague from Senate District 4 talked about instances in Nevada, involving Nevada residents, where a background check on a private sale would have saved a life. There are other examples of this in Nevada. In Reno in 2012, a man fatally shot his wife in the chest on the side

of the road after she threatened to leave him and take away their two daughters. He previously had been convicted of multiple felonies but was able to purchase guns from an unlicensed, private seller. In 2010, another individual was shot when an individual got a gun from a private sale from a Nevadan. I work as a prosecutor, and one of the hardest parts of that job is having conversations with victims. If you have ever had to have a conversation with someone who has lost a family member and there was a way or reason by which that could have been prevented, you know if this bill prevents even one of those conversations, it is worth it.

We were in the Judiciary Committee meeting yesterday for over eight-and-a-half hours. There are few bills this Session that will receive that much time for public testimony. We took seriously all of the people who testified on both sides of the issue. I listened very carefully. Nothing in this bill infringes on the Second Amendment or on the right to own a firearm; there just is not. No argument is being made if you want to buy a firearm from a licensed dealer, you currently should not have to have a background check. If it is good enough to have a background check at a dealer, then it is good enough if you are selling a gun privately, you should go through a background check.

I disagree with my colleague from Senate District 14; this is not about hating guns. I am grateful for each of the Legislative Police in this building. I am grateful for each of the law enforcement officers I work with daily. I am grateful for my family members who have guns. I think they make us safe. There are reasons why people have guns in their homes. This bill is not about that. It is about saying if you are a felon, a domestic abuser or subject to a stalking order and should not have a gun, you cannot go to a private seller on Craigslist and get one without going through a background check. We should be that responsible. The idea this is about hating guns is incorrect. We have heard we do not prevent automobiles, and they cause fatal accidents. If a person drives under the influence and kills someone, it becomes more difficult for that person to have and operate an automobile. We have a duty in this Body to ensure the laws we enact keep people safe. This is a commonsense provision I am confident does not infringe on people's rights. It has sufficient protocols built into it to ensure Nevadans can continue their way of life while also ensuring people who should not have firearms do not get them. I urge my colleagues, before they vote, to look at the language in the bill. Please support Senate Bill No. 143.

SENATOR ATKINSON:

My colleague from District 6 did a good job of clarifying issues with respect to language in the bill. I would like to make clear where the Majority party stands on this issue. Just because something passes by a slim margin does not mean we should ignore it. We have a member in this Body who is here by a smaller margin than this vote. The voters spoke, and the individual is here. If we are to have a redo on this question, it might be different today, and we should include that district as well. I am not bitter about not having a super majority.

Every one of us wants to work on the issue of mental health. I do not want the Body to be bogged down on this issue. It is one that will be addressed this Session, and I hope all of our colleagues will be as dedicated as we will be in working on it and trying to make progress in that area. The issue of combining the issues when we began to talk about gun issues is just political jargon that comes out of D.C. "Let's not talk about guns, let's talk about mental health." Both have merits and stand on their own.

I have never talked to Mr. Bloomberg. I am not sure why this continues to come up. It was not Mr. Bloomberg who sent out a call-to-action email to folks in order to get them here yesterday; it was the National Rifle Association. If we are going to make the distinction, it needs to be made very clear. As my colleague from Senate District 6, who did a great job of chairing the committee and ensuring everyone was heard, I do not begrudge them coming here and being heard. I am glad they had the opportunity, but we know if the meeting had been held in the south, it would have been a different situation. We can hammer on this all day long, but we need to stop convoluting the issue and bringing up things that do not exist.

The Minority may not believe it, but our Senators are independent thinkers. We ran on this question this summer during the election cycle. We had it in the field and did polling. We do not just come here and come up with these things fictitiously. We did our homework on this, and the voters spoke. Today, the statistics could be different, but our polling tells us this is what our voters

wanted then, and it is what they want now. You can keep ignoring the facts, but the fact is, the voters spoke. It is time to take action, and it is time to vote. I urge your passage of this bill.

Roll call on Senate Bill No. 143:

YEAS—13.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settlemeyer—8.

Senate Bill No. 143 having received a constitutional majority, Madam President declared it passed.

Senator Cannizzaro moved that all necessary rules be suspended and that the bill be immediately transmitted to the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cancela, the privilege of the floor of the Senate Chamber for this day was extended to Bruce Spotleson.

On request of Senator Dondero Loop, the privilege of the floor of the Senate Chamber for this day was extended to Cynthia Mun.

On request of Senator Hansen, the privilege of the floor of the Senate Chamber for this day was extended to Kat Galli.

On request of Senator Settlemeyer, the privilege of the floor of the Senate Chamber for this day was extended to Dan Aynesworth, Councilwoman Kelly Frost and Director Jane Moon.

On request of Senator Scheible, the privilege of the floor of the Senate Chamber for this day was extended to Dulce Medina.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Kristee Watson.

On request of President Marshall, the privilege of the floor of the Senate Chamber for this day was extended to Brenda Nebesky, Deputy Director of Tourism.

Senator Atkinson moved that the Senate adjourn until Thursday, February 14, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:34 p.m.

Approved:

KATE MARSHALL  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*