

**MINUTES OF THE JOINT MEETING OF THE  
SENATE COMMITTEE ON JUDICIARY  
AND THE  
ASSEMBLY COMMITTEE ON JUDICIARY**

**Eightieth Session  
February 12, 2019**

The joint meeting of the Senate Committee on Judiciary and the Assembly Committee on Judiciary was called to order by Chair Nicole J. Cannizzaro at 8:13 a.m. on Tuesday, February 12, 2019, in Room 1214 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**SENATE COMMITTEE MEMBERS PRESENT:**

Senator Nicole J. Cannizzaro, Chair  
Senator Dallas Harris, Vice Chair  
Senator James Ohrenschall  
Senator Marilyn Dondero Loop  
Senator Melanie Scheible  
Senator Scott Hammond  
Senator Ira Hansen  
Senator Keith F. Pickard

**ASSEMBLY COMMITTEE MEMBERS PRESENT:**

Assemblyman Steve Yeager, Chairman  
Assemblywoman Lesley E. Cohen, Vice Chair  
Assemblywoman Shea Backus  
Assemblyman Skip Daly  
Assemblyman Chris Edwards  
Assemblyman Ozzie Fumo  
Assemblywoman Alexis Hansen  
Assemblywoman Lisa Krasner  
Assemblywoman Brittney Miller  
Assemblywoman Rochelle T. Nguyen  
Assemblywoman Sarah Peters  
Assemblyman Tom Roberts

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Assemblywoman Jill Tolles  
Assemblywoman Selena Torres  
Assemblyman Howard Watts

**GUEST LEGISLATORS PRESENT:**

Senator Kelvin Atkinson, Senatorial District No. 4  
Senator Yvanna D. Cancela, Senatorial District No. 10  
Assemblyman Jason Frierson, Assembly District No. 8  
Assemblywoman Sandra Jauregui, Assembly District No. 41

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Nicolas Anthony, Committee Counsel  
Diane Thornton, Policy Analyst  
Brad Wilkinson, Committee Counsel  
Brenda J. Erdoes, Legislative Counsel  
Bryan Fernley, Senior Principal Deputy Legislative Counsel  
Karyn Werner, Committee Secretary  
Pat Devereux, Committee Secretary

**OTHERS PRESENT:**

William Rosen, Legal Counsel, Everytown for Gun Safety Action Fund; Moms  
Demand Action for Gun Sense in America  
Steve Sisolak, Governor  
Aaron D. Ford, Attorney General  
Jenny Heyman  
Peter Guzman, President, Latin Chamber of Commerce  
Elizabeth Becker  
Brian Brannman  
Ann Germain  
Donna West  
Gwen Hunter, Indivisible Northern Nevada  
Justin Jones  
Michael Willoughby  
Matthew DiFalco

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Elaine Sanchez

Christiane Brown, Brady Campaign to Prevent Gun Violence Northern Nevada

Serena Evans, Nevada Coalition to End Domestic and Sexual Violence

Gabrielle d'Ayr

Virginia Valentine, President, Nevada Resort Association

John T. Jones, Jr., Office of the District Attorney. Clark County

Will Pregman, Battle Born Progress

Jeri Burton, President, National Organization for Women, Nevada Chapter

Maria-Teresa Liebermann, Battle Born Progress

Rick McCann, Executive Director, Nevada Association of Public Safety Officers

Heather Sallan, Brady Campaign to Prevent Gun Violence Northern Nevada

Rusty McAllister, Nevada State AFL-CIO

David Hatton

Audrey Sauer, Moms Demand Action for Gun Sense in America

Bernice Olguin

David Booher

Ken Gray

Casey Balkenbush

Steve Johnston

Mack Miller

Donald Mosley

John Hermeler

Dan Reid, National Rifle Association

Gerald Antinoro, Sheriff, Storey County

Derek Clark

Byron Brooks

Linda Cannon

Anthony Wojcicki

Brent Johnson

Becki Howlett

Mary Rooney, Nevadans Citizens Action Network

Vernon Brooks

Joel Friedman

Art Clark III

Allen Main

Denise Davis

Linda Buckardt, Nevadans Citizens Action Network

Brian Wilson

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Gene Jacobson  
Kelly Main  
Maurice White  
Mihaito Dakic  
Matt Hennager  
Richard Emery  
Alvin Heskett  
Juanita Cox  
Donald Ault  
James F. Falk  
Jeff Watson  
Sheena Karr  
Bonnie McDaniel  
Paul Johnson  
Greg Ross  
James Brown  
Ray Kemple  
Jim Sallee  
Patti Jesinoski  
Jose Guerra  
Andrew Montgomery  
Bill Maggiora  
David Thorpe  
Maggie Mordaunt, Owner, Women's Defense Network; Homeland Personal  
Protection  
Michael Nuñez  
Sharon Oren, Owner, Maccabee Arms, Ltd  
Jason Evans  
Emerson Rader  
Mary Begany  
Cyrus Hojjaty  
Hal Greene  
Stephanie Pizzoferrato  
Geena Marano  
Marisa Marano  
Mike Alonzo, Caesars Entertainment Corporation  
Ainslee Archibald  
Marlene Lockard, Nevada Women's Lobby

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Sara Diss  
Linda Cavazos  
Teresa Crawford  
Greg Robertson  
Wendy Starkweather, Moms Demand Action for Gun Sense in America  
Lisa Hendricks  
Gene Gardella  
John Saludes, Vice Chair, Nevada Gun Safety Coalition; Chair, Nevada Gun  
Safety Education Fund  
Chip Evans, Chair, Nevada Gun Safety Coalition  
Kiran Hill  
Debbie Block, President, Reno Guns and Range  
Jim DeGraffenreid  
Alice Sherlock Clark  
Ed McSwain  
John Kubick  
Phil Nicholas  
Jared Raman  
Richard Brengman  
Ken Ortega, Co-owner, Homeland Personal Protection  
Jane Adams  
Rich Rupe  
Zoe Miller  
Benjamin Auer  
Paul Sitze  
David Darby  
Ray Lehman  
Gharima Capulong  
Tom Martin  
Clyde Parcamacarti  
Miles Humphrey, Jr.  
Nick Alfonsetti  
Craig Schmidt  
Robert Gaudet  
Jim Richards  
William Stanley  
Michele Toral  
Patricio Messyer

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Randi Thompson, Nevada Firearms Coalition  
Alan Rosean  
Janine Hansen, State President, Nevada Families for Freedom  
Jill Dickman  
David Moore  
Jennifer Woodman  
Sharla Guerra  
Jim Hindle  
John Potash  
David Burns  
Garret Woodman  
Steve Winters  
Darcy Sorensen  
Andrew Quinn  
Bill Bowen  
Greg Premo  
Tony Marimpietri  
Amber Carrillo  
Pat Horgan  
Michael Ione  
Shawn Meehan  
Matthew Yealy  
Mindy McKay, Acting Division Administrator, Records, Communications and  
Compliance Division, Nevada Department of Public Safety  
Adam Berger  
Lisa Cooper

CHAIR CANNIZZARO:

We will open the hearing on Senate Bill (S.B.) 143.

**SENATE BILL 143**: Repeals, revises and reenacts provisions relating to  
background checks for certain sales or transfers of firearms.  
(BDR 15-755)

SENATOR KELVIN ATKINSON (Senatorial District No. 4):

I will give an overview ([Exhibit C](#)) of the circumstances that brought about  
S.B. 143. At the beginning of the Seventy-seventh Legislative Session, the  
Nation was still mourning the mass shooting at Sandy Hook Elementary School

in Newtown, Connecticut, on December 14, 2012. That incident was the impetus for former Senator Justin Jones and other Legislators, myself included, to introduce S.B. No. 221 of the 77th Session, a comprehensive firearms background check measure that included provisions intended to keep guns out of the hands of persons with mental health problems that made them dangerous to themselves and others.

Senate Bill No. 221 of the 77th Session was heard by many Committees, amended several times and, eventually, declared an emergency measure before it was finally passed on the last day of the Session.

Governor Brian Sandoval vetoed S.B. No. 221 of the 77th Session, arguing it “constitutes an erosion of Nevadans’ Second Amendment rights ... and may subject otherwise law-abiding citizens to criminal prosecution.”

Let us be clear: law-abiding citizens would not have been negatively impacted by the background check provisions in S.B. No. 221 of the 77th Session; nor would they be negatively impacted by Ballot Question No. 1, the statewide initiative approved by voters in November 2016, after qualifying for the ballot with more than 100,000 signatures. A majority of Nevadans made clear they want sensible controls on gun sales and transfers—controls that do not infringe on Second Amendment rights nor impact law-abiding gun owners.

For 2 years, implementation of Question No. 1 was first delayed and ultimately denied, due in part to opposition from elected officials and in part to an error in its drafting. That error required the FBI to conduct background checks at the State’s direction, but Nevada cannot dictate how the FBI uses its resources. Senate Bill 143 will fix the problems contained in Question No. 1.

The bill repeals Question No. 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 subjects the involved parties to the same background check requirements.

Senate Bill 143 also details exemptions from those requirements, including transfers between law enforcement officers and military personnel acting within their official duties; the sale or transfer of antique firearms, as defined by federal

law; and sales and transfers between immediate family members: parents, children, siblings, grandparents, aunts, uncles, nieces and nephews.

In 2016, a background check would have saved the life of a woman who was shot and killed by her ex-boyfriend while outside a daycare in Las Vegas. Her two children were injured in the attack. The shooter had a protection order against him, preventing him from legally possessing a firearm. When he obtained a firearm from a private, unlicensed seller, he simply lied about his criminal history. That daycare was the same one my daughter attended, just down the street from my house.

On November 2, 2017, a background check would have saved another life. Giovanni Melton, an LGBTQ youth, was killed at age 14 by his father, who had stated he would rather "have a dead son than a gay son." His mother, Veronica Melton, said Giovanni's father had six illegally obtained firearms. Having committed domestic violence against her in 2014, the father should have been denied firearms when purchasing them from a gun show. 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 firearms from getting into the wrong hands without compromising the rights of law-abiding gun owners. States that require background checks have lower firearm homicide rates, lower gun trafficking rates and lower firearm suicide rates.

Why now? Why the rush? We have been trying to institute stricter background checks since 2013. Our citizens have been waiting; it is time to take action.

WILLIAM ROSEN (Legal Counsel, Everytown for Gun Safety Action Fund; Moms Demand Action for Gun Sense in America):

Senate Bill 143 is essentially identical to S.B. No. 221 of the 77th Session and Question No. 1, except for the language redirecting the entity conducting background checks from the FBI to the Repository. The confusion with the FBI led to Question No. 1 not being implemented, so changing the entity that conducts background checks will allow the law to be implemented without changing its effects on law-abiding firearms owners.



Under federal law, a background check is required when a person buys a firearm from a licensed gun dealer. The law does not extend to person-to-person sales in which both buyer and seller are not licensed dealers. That loophole has facilitated a flourishing gun black market, increasingly including websites like <http://www.armslist.com> on which thousands of guns are exchanged every year just in Nevada between unlicensed sellers without background checks. This is legal under federal law. Criminals and others prohibited from owning guns increasingly understand this loophole and look for firearms online or at gun shows.

Senate Bill 143 requires two unlicensed people who seek to exchange a gun to meet at the store of a licensed dealer, who will facilitate a background check as he or she would do if selling a gun from his or her own inventory. The bill will dramatically shrink the number of guns available without a background check for people trying to avoid the system.

SENATOR PICKARD:

In the definitions in section 4 of S.B. 143, "transfer" is not included. That will be critical to how Nevadans abide by the bill. In *Nevada Revised Statutes* (NRS), "transfer" has many different meanings based on context. Where is "transfer" defined in the bill, and does it work?

MR. ROSEN:

"Transfer" is not defined in S.B. 143 but generally refers to anytime a firearm is exchanged between people. Several states have similar language in statute, and that definition has not been problematic.

SENATOR PICKARD:

Are you describing mere possession as constituting a transfer? That could cause internal conflicts within the language. If we expect people to live by this bill, they must understand what they can do legally. Say I leave a gun in my home, and someone not part of my immediate family is in the home. Potentially, he or she is in possession of the weapon. Is there a way to make "transfer" more clear?

MR. ROSEN:

The bill's language is identical to S.B. No. 122 of the 77th Session. Hypothetically, the "transfer" definition depends on Nevada's idea of

constructive possession. Nineteen other states have laws requiring unlicensed sale background checks, at least for handguns. I know of no situation in which inadvertent questions of constructive possession in a home have gotten anyone into trouble.

ASSEMBLYMAN EDWARDS:

Section 5, subsection 3 of the bill states, "A licensed dealer ... shall comply with all requirements of federal and state law as though the licensed dealer were selling or transferring the firearm from his or her own inventory." Does this conflict with Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) ATF procedure 2013-1?

MR. ROSEN:

No, the bill's language is meant to incorporate that procedure. The BATFE recognized even if it removed a mandatory background check law for unlicensed sales, dealers can at their discretion—and are encouraged by BATFE to—conduct sales for unlicensed sellers who are attempting to ensure buyers are not legally prohibited from owning a gun. The ATF procedure 2013-1 lays out the process by which a licensed dealer would conduct a background check on a buyer for an unlicensed seller, see the check results and then process the gun through the dealer's own inventory.

ASSEMBLYMAN EDWARDS:

My concern is the entry into buyers' records. The dealer enters a buyer's record when he or she has to take possession of the firearm under several circumstances. I am worried about possible unintended consequences under section 5, subsection 6. When a person goes to a dealer to have a background check and he or she is denied, what is the law enforcement follow-up? What is to deter a bad actor from acquiring a gun through an illicit source?

MR. ROSEN:

That is one of the goals of S.B. 143. Under federal law and NRS, once a dealer denies a purchase because of a failed check, the next step is likely that the buyer goes to an unregulated market. If we shrink that market, it will be harder for the buyer to leave the dealer and buy a gun without a background check.

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ASSEMBLYWOMAN TORRES:

If I am a Nevada small business owner of a gun shop, what disadvantages do I have compared to sellers and traders at gun shows?

MR. ROSEN:

There can be two gun show booths next to each other, and only one seller is licensed. They might have the same inventory, but buyers notice one booth requires a background check. A buyer who knows he or she cannot pass the check turns to the unlicensed seller.

ASSEMBLYWOMAN TOLLES:

In section 5, subsection 1 of S.B. 143, an unlicensed seller or transferor is defined as a firearms dealer under Federal Firearms License (FFL) regulations. Does that not apply to someone who has a carry concealed weapon permit (CCW), whose fingerprints are in the federal system and who has passed the CCW background check? Would the person still be subject to the check for each additional transfer or sale?

MR. ROSEN:

That is correct.

ASSEMBLYWOMAN TOLLES:

What is the reasoning behind crafting the bill that way? It makes sense that someone who is licensed for a CCW and shows his or her card should not be subject to additional checks. Why would that not apply to private sales?

MR. ROSEN:

In Nevada, a CCW lasts for up to five years, during which time circumstances may change. People may become subject to restraining orders or anything else that prohibits gun ownership. If a background check is done at each point of sale, it is a quick and easy process and one more safeguard.

ASSEMBLYWOMAN TOLLES:

If a CCW holder did violate the law and law enforcement confiscated the CCW, would the process be invalidated?

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MR. ROSEN:

Yes, if the system works as intended. The bill's language allows for transfer of weapons after a simple background check.

ASSEMBLYWOMAN HANSEN:

For the record, I have a CCW permit. In the bill's section 5, subsection 7, "a licensed dealer may charge a reasonable fee" for transfers and background checks. Why has a standardized fee not been set?

MR. ROSEN:

That language is similar to laws in several other states, where the fee is left to the market to determine. It is not in a dealer's interest to charge an exorbitant fee because buyers will look for a dealer who charges a more reasonable fee. I know of no incident in which, under a similar law, an exorbitant fee is charged.

ASSEMBLYWOMAN HANSEN:

In my district I represent 38,000 square miles spread over 7 counties, many of which are rural. If a rural dealer refuses to do a background check because a person does not want to pay a high fee, where would that buyer go? Would that not be an added burden on the transaction and limit the number of rural licensed dealers?

MR. ROSEN:

In states with substantial rural populations and similar laws, we have never heard of an incident in which someone was unable to find a dealer to process his or her check. Ninety-eight percent of Nevadans live within ten miles of a licensed dealer.

CHAIR CANNIZZARO:

Is the cost of a background check \$25?

SENATOR ATKINSON:

Yes, and the bill will not change that. The FFL dealers now performing checks will process them for private sales. This is not about removing anyone's ability to possess a firearm. For the record, I am also a CCW holder and have weapons. The idea that I would not be able to do so under S.B. 143 is incorrect. Law-abiding citizens without mental illness or felony convictions will be able to do everything they do today under the new law.

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With respect to distances between dealers, there are communities within our districts, even in the south, where people do not have direct access to grocery stores and must drive far distances to get supplies for their families. If that is true for someone to get to a dealer who can process his or her background check, so be it.

CHAIR CANNIZZARO:

The bill's language does not specify an added fee.

SENATOR ATKINSON:

That is correct.

SENATOR HAMMOND:

Section 6, subsections 5 and 6 of S.B. 143 list exemptions to weapons transfers. The vocabulary lacks definition. In Section 6, subsection 5, "temporary" and "immediately necessary" are undefined. How long is "immediately necessary"? For example, if a physician thinks someone might do immediate harm to himself or herself and takes away the weapon, how long would it be before it is returned, is there a procedural checklist for the return and will the doctor get in trouble for returning it?

As for loaning firearms, recently in Gardnerville there were two homicides, and people were scared. They began borrowing weapons from neighbors. How long can that borrowing last; what if the fear lasts for months?

What is "an established shooting range"? In rural Nevada, many shooters consider Bureau of Land Management (BLM) land their range. If that is not "an established shooting range" and a person loans his or her weapon to someone to see if he or she likes it, is that a crime? That is unenforceable and puts undue pressure on law enforcement.

What is "a lawful, organized competition"? As for "while hunting and trapping," why is that not "for hunting or trapping"? If I lend my gun to my son, do I have to be physically with him in the field? Can I FaceTime with him or monitor his activities with a drone camera? Section 6, subsection 6, paragraph (c), subparagraph (5) states, "While in the presence of the transferor." What if I am hunting, lend someone my gun and then momentarily leave the scene and a BLM ranger rolls in? Is the person with my gun in trouble because I am not in

sight? There are so many things we need to define before we know the bill's actual intent.

MR. ROSEN:

No law can squarely address every possible hypothetical. The bill's language is essentially identical to statutes in several states with strong hunting traditions and lawful gun ownership. There are no reports of people being unduly targeted or arrested there. The bill lists commonsense exceptions that make it easier for people to go about their business without background checks.

SENATOR HAMMOND:

If the bill's language has been around for six years, you have had time to render it more understandable and add definitions. There are things we could work on, but we have not been given the time since we only saw the bill yesterday.

SENATOR ATKINSON:

You are right. We have had a lot of time to offer amendments and talk to our colleagues. I need to remind you that voters passed Question No. 1 and knew what they were voting on. Eighty-eight percent of Clark County voters approved Question No. 1. Some polls on increased background checks were done a long time ago, and a lot has happened since then, particularly the Oct. 1, 2017, shooting at the Route 91 Harvest Country Music Festival outside of the Mandalay Bay Resort and Casino on The Strip. Legislators always discuss what we think voters intend and want, but we are past time for that on this issue.

SENATOR HAMMOND:

This bill is different from the legislation approved by voters who expected the FBI to do the background checks for free.

SENATOR ATKINSON:

That is the only thing that is different. The technicalities, enforcement and background check provisions are the same as in Question No. 1.

ASSEMBLYWOMAN MILLER:

Once an individual undergoes the background check, how long is it good for? How long can you make additional purchases after the initial clearance?

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MR. ROSEN:

The check is good per transfer or purchase of the firearm.

ASSEMBLYWOMAN MILLER:

If I were to purchase under that one check, could I purchase multiple firearms at that time?

MR. ROSEN:

Yes.

ASSEMBLYWOMAN COHEN:

I received an email from a sportsman constituent who questions that if he hands his firearm to a fellow hunter to cross a fence who then immediately returns it, are both men guilty of a violation?

MR. ROSEN:

That is the final exception in the presence of the transfer. Anytime two people transferring a gun are together, the background check is not required.

ASSEMBLYWOMAN COHEN:

There was recently a serial murderer loose in northern Nevada, and people were very concerned. If a legal gun owner believes his child, sibling, aunt or parent could pass a background check, is he allowed to give the family member weapons?

MR. ROSEN:

Yes, as long as he knows his family members are not prohibited from owning a gun.

ASSEMBLYWOMAN TOLLES:

For the record, I have a CCW permit. Under section 6, subsection 3 of the bill, family members are listed. Does that not include in-laws, cousins, fiancés or domestic partners?

MR. ROSEN:

That is correct.

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ASSEMBLYWOMAN TOLLES:

I purchased my first firearm from my sister-in-law, a police officer. Would the hunting rifle my father-in-law gave me constitute a gross misdemeanor?

MR. ROSEN:

If your immediate family member took possession of the gun and then gave it to you, that chain of custody would not require a background check.

ASSEMBLYMAN ROBERTS:

I was in law enforcement for 34 years. Given the penalties for first, second and subsequent offenses, how is law enforcement supposed to enforce the law in the field? If a nonprohibited person does not abide by the transfer process and sells at a gun show, how is law enforcement supposed to investigate and prosecute such a case?

MR. ROSEN:

We have seen several law enforcement methods accomplished, including monitoring online marketplaces to see if sellers are posting without requiring background checks. We have posted advertisements to see if people who cannot pass the check respond. The ultimate goal of this type of legislation is not to put people in jail; rather, it is to create a culture of compliance whereby law-abiding sellers require checks, resulting in a shrunken market for illegal guns.

ASSEMBLYMAN ROBERTS:

If I am an officer in the field and come across someone with a firearm, is there a database I can check to see if the transfer was legally conducted? What tools are available for officers?

MR. ROSEN:

Under the bill, if a background check is done, a record of it is kept by the licensed dealer. Anyone who says he or she got the gun through a licensed dealer can point to the dealer who facilitated the background check.

ASSEMBLYMAN ROBERTS:

Under federal background check statutes, even though millions of checks are done annually, the U.S. Attorney's Office prosecution rate of prohibited persons is less than 1 percent. Is that rate any better in the states you have mentioned?



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Have law enforcers prosecuted people under their statutes, and have there been cases cited?

MR. ROSEN:

Yes, cases have been prosecuted in Washington, Oregon and Colorado.

SENATOR HANSEN:

For the record, I hold a CCW permit. I am sensitive to public safety issues; no one will defend actions in which people open fire on masses of people. However, the reality is, when you look at Chicago; Washington, D.C.; Baltimore and Detroit, you see exceptionally strict gun laws and incredibly high amounts of crime. Laws like S.B. 143 apply mainly to law-abiders. Sixteen of Nevada's seventeen counties strongly rejected Question No. 1.

If I wanted to give my daughter-in-law a gun, could I first give it to my son and then have him give it to his wife, thus complying with the law? That kind of thinking exacerbates the illegal gun issue with things like strawman purchases. I have seen statistics that tens of thousands of people have been blocked from purchasing guns through systems like the bill. Yet, the actual number of federal prosecutions are remarkably small; the number I saw was only about a dozen. Instead of public safety, the bigger goal of the bill seems to be to create a gun registration list, so, like what happened in Australia and the United Kingdom, people's legitimately owned firearms would be confiscated in the United States.

MR. ROSEN:

This legislation would not create any sort of registry or database, other than the decentralized registries kept by licensed gun dealers. The federal government is prohibited from maintaining any sort of firearms registry. Studies have shown background check laws do save lives. States with check laws have reduced rates of homicide, suicides and gun trafficking. A researcher at Johns Hopkins University showed Connecticut's background check law resulted in a 40 percent reduction in its gun homicide rate and a 15 percent reduction in its suicide rate.

That may reflect the culture of compliance, the idea that just as there is not an officer at every intersection enforcing every stop sign because people understand what is required, the illegal gun market will shrink. The goal of the bill is certainly public safety.

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ASSEMBLYMAN HANSEN:

The foremost gun rights advocate in the Nation is Dr. John Richard Lott, Jr., who testified at the Seventy-eighth Legislative Session. I contacted Dr. Lott in advance of this hearing, but he was unable to be here today because of the short notice of the hearing. He could accurately refute most of the statistics presented by Mr. Rosen. Statistics like that are often financed through the Bloomberg L.P. gun control group. It is strongly against any kind of gun ownership and has stated it supports the United Kingdom law that limits people to only owning shotguns and the Australian law that virtually eliminated private ownership of firearms. If our real goal is public safety, there is another side to this debate.

Question No. 1, which passed by half a percentage point, mandated background checks would be done through the federal system. Senate Bill 143 would institute a big change to that. Whether that would have constituted a big change for voters is questionable; it may have impacted that one-half a percentage point. Whether enacting this bill is doing the will of the voters is questionable because not all of its provisions were on the ballot.

SENATOR ATKINSON:

The margin of passage of Question No. 1 was higher than half a percent. The important thing is that it passed.

ASSEMBLYWOMAN TORRES:

I represent a district I consider the heart of Las Vegas. I am a high school teacher. I will never forget the morning after 1 October when I heard about the Route 91 shooting on the radio. I called my mother, who is also a teacher, and asked, "How do we talk about 1 October to our students?" When I talked to my students about it, they were not impacted by the shootings because they are so numb to gun violence in our community. How will this bill impact crime in Las Vegas?

MR. ROSEN:

No one law will stop a particular act of gun violence. However, in aggregate, background checks are a proven way to keep guns out of the hands of people with an elevated risk of harming themselves or others.

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GOVERNOR STEVE SISOLAK:

Like so many of you, I have a deep respect for the people of our State and the sanctity of democracy. In 2016, voters approved a ballot measure to require background checks on private sales of firearms to prevent them from falling into the hands of those who may hurt themselves or others. We are here today because for too long the will of the voters was ignored.

Gun violence is not an easy problem to be solved with the flick of a pen. This Legislature has taken up many measures like S.B. 143 over the years, and countless Nevadans have spoken up on both sides of the issue. Folks are deeply passionate about where they stand. Sometimes the question about how to solve our gun violence crisis can seem so divisive there is no end in sight.

When things get tough, it may seem easier to look away. However, it is these seemingly insurmountable issues that truly test our courage to do the right thing, even if we know we cannot please everybody. Nevadans deserve leaders who have the fortitude to make tough decisions, knowing full well many may disagree with them. In this case, more than half of voters want us to do more to ensure potentially dangerous individuals do not have access to firearms. Like the majority of Nevadans, I support commonsense background checks on firearms sales.

Those who oppose S.B. 143 may call it an attack on their Second Amendment rights, but I reject such a false opinion. Most Nevadans understand we can uphold the Second Amendment rights of our responsible gun owners while doing all we can to prevent those who should not have access to firearms from putting our families in danger.

We can all agree criminals and the severely mentally ill should not have access to firearms. We can also agree no single law will prevent all gun violence, but it is our leaders' responsibility to keep people safe. That includes implementing commonsense measures to make it more difficult for those with criminal backgrounds or severe mental illness to purchase a gun.

Senate Bill 143 is a personal priority, and I look forward to signing it when it is brought to my desk. This Session, we will finally take action on the issue.

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SENATOR PICKARD:

Mr. Rosen, you suggested if an in-law wants to transfer a gun to another family member, he or she should send it through a permitted strawman. I suspect that runs afoul of federal straw purchase provisions because if the intent is not to take possession or acquire the gun for yourself, that violates federal law. Do you really think FFL dealers are going to participate in that activity? Would not that limit everyone else's access to guns, particularly if dealers lose their FFL status?

MR. ROSEN:

That conversation was about the exception to the requirement to buy from a FFL dealer. When any two parties have background checks at a dealer, the firearm transfer happens directly between them. The exceptions to this process in section 6, subsection 3 of the bill are designed to balance the convenience and rights of law-abiding gun owners with public safety. In your immediate family, you are likely to know if a relative has a record or condition that would prohibit him or her from owning guns, so those types of transfers are exempted. The idea of a spouse transferring a gun to an in-law is within the same vein: we understand people probably know the criminal or mental history of their in-laws.

SENATOR PICKARD:

Are you inviting circumvention of the express intent of the law to preclude those types of transfers? I do not disagree that the majority of voters voted for the language of the bill. Is there not language to accurately address the issue, or are you saying we are going to invite circumvention of the law's intent? I find that troubling.

SENATOR ATKINSON:

We are not trying to circumvent the intent of the law, as we have already explained.

ASSEMBLYMAN WATTS:

I need clarification on the intent of S.B. 143. I understand it is to close loopholes that make it easy for people to purchase firearms without any form of criminal background check. The exemptions in section 6, subsection 3 to gun transfers would allow common transfers between family members and to exempt other firearm transfer traditions from additional standards. Is that correct?

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MR. ROSEN:  
Yes.

ASSEMBLYMAN WATTS:

Cities mentioned by Senator Hansen with high gun violence rates are adjacent to states with lax gun laws, fostering the flow of illegal arms. Can you speak to that?

MR. ROSEN:

Illinois is a good example of that. While Chicago's gun violence problem is complicated and multifaceted, the majority of guns used in crimes there originate from states with lax gun laws, including limited background checks. One-fifth of guns in Illinois come from Indiana, which has some of the most lax gun laws in the Nation.

ASSEMBLYMAN EDWARDS:

My district encompasses Nellis Air Force Base with its thousands of active-duty personnel. I also represent active National Guard personnel and reservists. I do not believe S.B. 143 has adequately addressed concerns with which you are not familiar. Since the 9/11 terrorist attacks, only 1 percent of the U.S. population has served in the military. Only seven members of the Legislature have served.

You can be on active duty in a variety of ways: active duty training, individual duty training, individual duty training travel, active duty for special work, mobilization, activation, presidential recalls and others. The Guard has additional ways of being on active duty.

Section 6, subsection 1 of the bill addresses "member of the armed forces" on active duty "acting within the course and scope of his or her official duties." When I was a young ensign, I was set to deploy to the Persian Gulf. My roommates were Paul, a supply officer, and his fiancée. When Paul and I were deployed, his fiancée was in possession of my gun. Under the bill, I would be guilty of a gross misdemeanor for going on deployment, and the fiancée would be at risk of a gross misdemeanor when I returned because she had not done a background check on me.

Many military personnel are roommates, especially junior enlistees who cannot afford their own apartments. When I was a roommate in Hawaii, I was

deployed, leaving my gun in the house. If my roommate were subject to the bill's provisions, he would now have a gross misdemeanor on his record. When I returned, I would also have that charge on my record. When he deployed, I would have a felony charge because he also had a gun in the house, and I had not done a background check on him.

While transferring all over the world, active-duty personnel do not know all the ins and outs of gun laws. There are many active-duty reserve Guard members who are at great risk, as are their roommates, fiancées and others not adequately protected in the bill. They are in harm's way simply for deploying. Senate Bill 143 has totally missed many concerns about active-duty, reserve and Guard personnel. The Nevada Guard has deployed to the Middle East many times. If Guard members have a roommate or give their guns to friends, trying to prevent them from being stolen, they are guilty of a gross misdemeanor. If the friend does not do a background check, he or she is also guilty of a misdemeanor; if it happens twice, he or she is now a felon—for the crime of serving his or her Country.

This section of the bill must be reviewed and amended. How will that happen if it is going to be rushed through today? What do I tell my active-duty personnel constituents and their families or friends? How can I protect my constituents from a bill that is not well thought out because it is not as straightforward as you would have us believe? This is not just a hypothetical situation; it goes on every day. The Governor said he wants a commonsense bill. How can we do that when he, as commander-in-chief of the Nevada National Guard, is inadequately protecting his troops?

MR. ROSEN:

When it comes to roommates, an option is to securely store the weapon in something like a firearms safe.

ASSEMBLYMAN EDWARDS:

You have clearly stated mere possession is sufficient to be charged under the bill. You also said you are using a broad definition of "transfer." Having a gun in the house may be viewed as a transfer and being in possession. You are wrong on that point.

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MR. ROSEN:

If the gun is secured and not accessible to other household members, that cannot be interpreted as housemates being in possession of the weapon.

ASSEMBLYMAN EDWARDS:

That is not in the bill.

MR. ROSEN:

If there is any doubt, one can always get the background check at a gun dealer, which removes any sort of exceptions to the bill.

ASSEMBLYWOMAN KRASNER:

A January study conducted by the Bureau of Justice Statistics, "Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016," found 43 percent of convicted inmates who used a firearm in their crimes obtained the weapon from the back alley or underground market. Seven percent obtained the gun at the crime scene, 6 percent had stolen it, and less than 1 percent had obtained it at a gun show.

MR. ROSEN:

Several studies have been done by Everytown for Gun Safety around the Country, including in Nevada, analyzing unlicensed gun markets. Nearly 1 in 11 people, or 8.7 percent, buying illegally were prohibited from having guns due to their criminal histories. That figure is seven times the number of buyers who fail background checks at licensed dealers. This suggests people who cannot buy a gun understand there are online markets and gun shows where they can buy with no questions asked. People are exploiting the loophole.

ASSEMBLYWOMAN HANSEN:

Would S.B. 143 have prevented the shooter's actions on 1 October?

MR. ROSEN:

I know of nothing in the bill that would have prevented that incident.

ASSEMBLYMAN WATTS:

The last firearm I purchased was a hunting rifle, and the background check took 15 minutes. What is the average time to complete a background check?

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MR. ROSEN:

Generally, it takes less time than that. Nationally, checks take place on the spot within minutes.

AARON D. FORD (Attorney General):

You have my written testimony ([Exhibit D](#)). As the State's top law enforcement officer, I implore the Committees to close the background check loophole. Closing the background check loophole is a critical public safety measure that will save lives while protecting the rights of lawful gun owners.

Commonly referred to as the "gun show loophole," the lack of background checks for private sales is particularly concerning given the growing online market for gun sales. Using a host of websites or lists, a prohibited person may buy a firearm as easily as purchasing a couch on Craigslist.

It is important to understand how closing this loophole will save lives. Background checks have long been shown to be valuable tools in preventing gun violence. Between 2012 and 2014 in Nevada alone, background checks from licensed gun dealers blocked more than 5,000 gun sales to prohibited people, including fugitives, felons and domestic abusers.

Research shows that in states with these checks, 46 percent fewer women are killed with guns by intimate partners, 48 percent fewer people commit suicide with guns and 48 percent fewer police officers are murdered with guns. In Nevada, a state that is consistently among the worst for gun suicides and women killed by intimate partners, we simply cannot afford to allow this loophole to continue. The lack of comprehensive background checks has real consequences for public safety, particularly in a state like Nevada. Lives are on the line.

I can say with 100 percent certainty that S.B. 143 protects the constitutional right of lawful Nevadans to own, purchase and sell firearms. Specifically identified in this bill is the ability of lawful gun owners to transfer firearms between immediate family members. Individuals will still be able to pass antiques and family heirloom firearms from generation to generation without a background check. Lawful gun owners will also be able to share guns during hunting and sporting events so long as the owner retains possession of the gun at the end of the event.



This bill also provides a mechanism for lawful owners to sell guns with the knowledge they are transferring them to someone permitted to lawfully own them. The vast majority of Nevadans who sell their firearms do not want their guns to fall into the wrong hands. This bill would provide a means for private gun sellers to ensure their customers have the legal right to purchase weapons.

JENNY HEYMAN:

A part of me died on January 18, 2004, when my son Chris was murdered. Even after 15 years, the pain is still excruciating because of guilt that I did not do enough to keep him safe and alive. Chris was out driving with his friends on a holiday weekend, just being a teenager. He was in the back seat of a convertible Mustang waiting for a stoplight to change. A car came up behind them, and a coward stepped out with a modified, fully automatic TEC-9 pistol loaded with a 50-round clip. He emptied it into the boys' car. Chris took the brunt of the barrage and died instantly with five shots to his head and neck. His friend in the passenger seat took a bullet to the temple and died a few days later after his mother took him off of life support.

I did not have a chance to say goodbye to my son, which still haunts me. We had a private viewing for him. My husband had the morticians put a beanie on his head and dress him in a turtleneck to cover the damage to the back of his skull and neck. Based on the assailant's testimony, the motive was possible road rage.

We had the opportunity to ask for the death penalty for the shooter but declined, knowing he had given us a life sentence of grief and that giving him death would be the easy way out.

Chris did not walk at his high school graduation, finish earning his pilot's license, go to college or experience marriage and parenthood. He was a gentle soul filled with humor and love.

My goal is to limit the effects of senseless gun violence like that which killed Chris by being an example of what it is like to suffer endless heartache. When you consider more than 36,000 gun deaths occur annually in the Nation, background checks will go a long way to remedy that in Nevada.

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PETER GUZMAN (President, Latin Chamber of Commerce):

I represent thousands of businesses of all sizes. I have heard their owners loud and clear at a Las Vegas press conference that included former Clark County Sheriff Bill Young. Business owners care. They want a safe community because they live, spend and raise children there. They understand community safety is important to the economic bottom line.

People told me legislation like S.B. 143 would not stop a school shooting or 1 October, it is gun-grab, and it does not go far enough. Most important, the Committees and I heard that in a democracy, we do not get to choose whether a ballot measure passed by a little or a lot. People voted on Question No. 1 and spoke, which makes democracy awesome. This is a commonsense bill, and I do not understand the arguments and fuss over it. We must do more.

ELIZABETH BECKER:

My daughter was 9 months old when 20 first-grade students and 6 educators were murdered at Sandy Hook by a young man who never should have had access to weapons. I felt gut-wrenching agony for the families who would never again hold their babies. Later, I had a naïve hope that surely our lawmakers would act.

I watched with horror as weeks then months went by and nothing was done to close the background check loophole nationally. Nevada Legislators did act by passing a comprehensive public safety bill in June 2013, but it was vetoed by Governor Sandoval. I did not join the gun violence prevention movement until 2014, when a group of lawmakers and citizens formed a coalition to ensure Nevada voters would have the final say about background checks for every gun sale.

Senate Bill 143 will remedy the injustice of the lack of enforcement of Question No. 1 and ensure the people's will is carried out. For too long, well-funded fringe elements have decided gun policy in our State and Nation. There is a commonsense ground supported by more than 85 percent of the population. We want law-abiding citizens to continue to own weapons while making it as difficult as possible for those wishing to harm themselves and others to obtain guns. Background checks on every gun sale will do that.

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BRIAN BRANNMAN:

I was born into a hunting family and do not remember how young I was the first time I picked up a firearm. I have been a shooter all my life and am a 33-year veteran of the Navy. I was the CEO of the University Medical Center of Southern Nevada (UMC), with its well-regarded trauma center.

I have treated many gunshot injuries. While you are expected to do that in the military, I did not expect to see so many injuries in my hometown, Las Vegas. There are way too many UMC victims of people who had no business having a gun. This is not a zero-sum thing with no legislation, protections or gun seizures. I am familiar with the Second Amendment, and in the Navy, I swore to protect the U.S. Constitution. As a gun owner, I do not want you to take my weapon. However, I do not want to see any more Sandy Hooks, where someone with no business having a firearm takes out a bunch of schoolkids. We do not want to see any more 1 October incidents.

The voters spoke. It is not a perfect law, but in a representative democracy, the Committees have been put in place as our representatives to do the right thing. Stop someone from buying a gun who cannot even get on a plane because he or she is on the no-fly list. People who have been identified by law enforcement as a danger to themselves and others can get guns without background checks. You must make a brave decision and start somewhere. Come up with an incremental way to protect citizens' rights to bear arms and defend our families while keeping people with no business owning firearms from getting them.

ANN GERMAIN:

I survived 1 October. The memory lingers of cowering behind a steel truck body for protection against a rain of bullets. I was one of the lucky ones that night. After hours of abject fear and witnessing the carnage of gun violence, I was able to go home. Fifty-eight others were not that lucky. Hundreds of others were wounded.

I am here because my survival that night should mean something, as should the vote I cast for Question No. 1 in 2016. It is time to get serious about gun violence and enact the measure Nevadans approved. It is time to stem the tide of gun violence in our State and Country. It has become an epidemic woven into the fabric of the Country, and I am not sure why. Background checks are a necessary tool to help keep guns out of criminals' hands. Requiring checks on

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all sales will result in fewer gun violence deaths. Vote for this bill to effect true reforms in our gun laws.

DONNA WEST:

In 2013, I was proud of Legislators for taking action after Sandy Hook and then disappointed that S.B. No. 221 of the 77th Session was vetoed. We put that bill into petition form and collected 100,000-plus signatures to put Question No. 1 on the 2016 ballot. The measure passed, regardless if the voters were from Clark County or around the State. Senate Bill 143 is the first step in commonsense gun safety reform.

GWEN HUNTER (Indivisible Northern Nevada):

You have my written testimony ([Exhibit E](#)). I represent the 1,595 active members of Indivisible Northern Nevada in supporting background checks on all firearms sales which Nevada voters have approved.

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

I have been unwavering in my support of the issues in S.B. 143. As Chair of the Assembly Committee on Judiciary in the Seventy-seventh Legislative Session, I helped move S.B. No. 221 of the 77th Session through the Session. In 2016, 65 percent of the voters in my district supported Question No. 1.

Last week, a constituent emailed me, stating 80 percent of gun violence would not have been stopped by background checks. I am here to address the 20 percent that would. Since S.B. No. 221 of the 77th Session passed, a Nevadan is killed by a gun every 20 hours; more than 2,500 Nevadans have died. We do not know how many lives will be saved with universal background checks; however, if it is 20 percent, the bill is well worth it.

I am a Legislator, father, son and friend who grew up in Compton, California, literally in gun crossfire. I am the chief deputy district attorney representing child abuse and neglect cases in the Family Support Division, Clark County District Attorney's Office. Frequently, a domestic abuse situation involving a firearm could have been stopped with just a few minutes of thought and de-escalation. If that saves just 1 life—let alone 20 percent of lives—it is well worth the effort.

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ASSEMBLYWOMAN SANDRA JAUREGUI (Assembly District No. 41):

I survived 1 October, 8 weeks before what should have been the happiest day of my life: my wedding. I had had my bridal showers, made a date with my parents to pick up my gown and looked forward to my wedding day with my best friends. That time was stolen from me because of 1 October.

I remember hitting the ground and having my now-husband crawl on top of me to protect me from the bullets. Running in a panic and not knowing which direction to take and seeing injured people fall, I was so paralyzed with fear I did not stop to help them. The true terror of that night, the fear, anger and mostly the guilt will never leave me. I could not bear the thought of my wedding as irrelevant. While I still have life experiences, it is unfair the 1 October victims will never have another. It took me eight months to stop hearing the bullets raining down on me.

While this is an intensely personal story difficult to relate, it is not unique. Every day, people die from gunshot by suicide, children are killed accidentally because a gun was not safely stored or people are victims of violence, sometimes in mass shootings like 1 October. It is true expanded background checks would not have stopped 1 October, but we should not throw up our hands and let that reality be the world we live in. I stand in solidarity with every survivor of gun violence; my story is their story. As a Legislator, I should use my unique role and voice to stand up for commonsense approaches to solving this epidemic, including background checks.

JUSTIN JONES:

I am here as an individual, not as a Clark County Commissioner. I was elected to the Nevada Senate shortly before Sandy Hook. When a friend asked me if I was going to try and change the gun violence epidemic, I had no answer. Then-Senator Debbie Smith took me under her arm to show me the Senate ropes. I shared my concern with her that children faced gun violence. Senate Bill No. 221 of the 77th Session would never have gone past the initiation stage in the Senate Committee on Health and Human Services but for Senator Smith. She shared with me her anguish as a member of the National Rifle Association (NRA) and gun owner over what to do as the bill progressed. Her passionate testimony on the Senate Floor led to its passage.

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Many concerns raised today are the same ones raised in 2013. Those of you who want to pick apart S.B. 143 should direct your anger at me, while honoring the legacy of the late-Senator Smith. Pass the bill to ensure we are a safer community.

MICHAEL WILLOUGHBY:

I am speaking as a pastor, father, gun owner and shooter. I resent my 15-month-old daughter is likely to learn to survive a gun ambush in order to get an education. I resent that I carry a trauma kit in anticipation of the next domestic terrorist ambush. I resent that the will of Nevada voters was ignored and delayed by former Attorney General Adam Laxalt to further his political ambitions.

MATTHEW DIFALCO:

Senate Bill 143 will change southern Nevada's community forever and make it a safer place to live. Active-duty military personnel and veterans should not be used as a political ploy. As an Army veteran who deployed to Afghanistan under Operation Enduring Freedom, I know when you are deployed, you get a call and then prepare for it. There is an on-base arms room where you can store your personal firearms. It is a weapon that can kill someone, and you cannot just leave it in your home without ensuring it is in a safe place.

ELAINE SANCHEZ:

I am a former member of the advisory board of Nevadans for Background Checks. I joined the group in 2015 because checks on gun sales save lives. In 2016, more than a half-million voters approved Question No. 1. The voice of those voters matters. It has been more than two years since the initiative passed, but it still has not been implemented because of political roadblocks. According to a survey taken after the 2018 election by Save Lives Nevada, 93 percent of Nevadans support background checks for all gun sales. That includes the majority of voters outside of Washoe and Clark Counties, regardless of party, sex, race and age.

It is a travesty this commonsense law has not been implemented after that vote. Senate Bill 143 follows the spirit of Question No. 1 by providing the same intent and exemptions. The bill is necessary to ensure Question No. 1 is implemented without further roadblocks.

CHRISTIANE BROWN (Brady Campaign to Prevent Gun Violence Northern Nevada):  
You have my written testimony ([Exhibit F](#)). It should be more difficult to demonize common sense and for the billion-dollar gun industry to pit U.S. citizens against each other in the name of liberty. Liberty is something we all believe in, and whenever there have been actual threats to it, all Americans come together. Everyone here today believes the soul of America is founded on freedom, liberty and the preservation of individual rights. We would all fight against any real threat to impose tyranny on our Nation. None of that is happening here.

No one is coming to take anything from anyone, not our freedom, liberty nor our guns. The only thing S.B. 143 takes away is the ease with which felons, domestic abusers or persons with mental illness may purchase firearms. When Americans are in danger, we look to our government and laws to ensure our safety and protection. The U.S. Constitution gives us the freedom to drive, but laws require us to have driver's licenses. It gives us freedom to fly, but laws require us to have Transportation Security Administration background checks before we board planes.

A small handful of Americans is trying to divide us by rebranding common sense on firearms safety as tyranny. They want us to believe all gun safety measures are threats to freedom and liberty, and they have spent millions trying to silence rational conversations. We cannot let that happen in Nevada or our Nation. The will of the voters has been heard; enforce this law.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):  
You have my written testimony ([Exhibit G](#)). Nevada ranks second in the Nation in per capita deaths of females by homicide. In the past 20 years, Nevada has consistently ranked in the top 5 states for women murdered by men. The lethal combination of domestic violence and guns increases the chances of homicide for women by 500 percent. These national statistics have proven to be true in Nevada. In 2017, 52.38 percent of homicides were death by gunshot wounds, and 19 incidents that resulted in 28 deaths were related to domestic violence.

The 1996 Lautenberg Amendment to the Gun Control Act of 1968 prohibits the sale of guns to individuals subject to protection orders or who have been convicted of a misdemeanor crime of domestic violence. The Amendment provides some protection against the illegal selling of guns. However, domestic

violence offenders who are prohibited from purchasing guns can avoid a background check by buying guns from unlicensed or private sellers, usually at a gun show or through anonymous online transactions. Those sellers are not required to conduct background checks on potential buyers. In states that have closed the private sale loophole by requiring a background check for every handgun sale, 38 percent fewer women are shot to death by intimate partners. Help Nevada become safer for individuals experiencing domestic violence by requiring background checks for all purchases and transfers of firearms.

GABRIELLE D'AYR:

As a member of the Navy, I earned a sharpshooter medal. Having served in combat, I have an intimate understanding of what damage guns may do. As a woman, Ms. Brown's statistics are pertinent to me. We must stop killing each other. The \$25 background check fee is not too much to ask to potentially save someone's life.

VIRGINIA VALENTINE (President, Nevada Resort Association):

I have been an advocate of background checks as a private citizen and in my capacity as president of the Nevada Resort Association. As a member of the advisory board for Question No. 1, I voted to enact it. As the voice of the largest employer in the State, with more than 300,000 workers, the Association is responsible for protecting its employees and their families. Nationwide data is clear: background checks save lives. Since 2015, Nevada checks have blocked more than 5,000 sales to prohibited buyers. Extending checks to all purchasers will result in safer communities. As business leaders, we are responsible for speaking up when there are commonsense solutions like S.B. 143 for curbing gun violence.

JOHN T. JONES, JR. (Office of the District Attorney, Clark County):

The Clark County Office of the District Attorney supports S.B. 143. Clark County District Attorney Steven Wolfson was a strong supporter of Question No. 1, and since its passage, he has pressed for its full implementation. The office believes background checks save lives.

In a 2017 letter to Governor Sandoval and Attorney General Laxalt, District Attorney Wolfson wrote, "Every day that the Nevada background check law goes unenforced is another day a domestic abuser, stalker or other



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dangerous individual can get their hands on a firearm." That is why we support S.B. 143.

SENATOR YVANNA D. CANCELA (Senatorial District No. 10):

When Senator Justin Jones introduced S.B. No. 221 of the 77th Session, he said, "I did not set out to take on this issue when I sought this office, but Sandy Hook changed things for me, as it did for so many others." His sentiments outline the moral responsibility before the Committees and all of us here today.

Since Sandy Hook, there have been many mass shootings at nightclubs, churches, government buildings and high schools. The Nation's highest-fatality mass shooting, 1 October, happened in my district. The opposition says background checks would not have prevented 1 October, but S.B. 143 is about lost potential.

The Committees have an obvious solution in front of them. It will not solve the entire problem, but if any single piece of legislation could do that, Legislators would be out of work. We have an opportunity to create a law that can minimize gun violence and is morally right. Every 20 hours, a person is killed by a gun in Nevada, a total of 438 people annually. If the law keeps just 10 percent of those people—43 individuals—alive after guns are kept out of the hands of those who should not have them, it will be worth it.

WILL PREGMAN (Battle Born Progress):

I live near The Strip, where 1 October happened. I heard emergency vehicle sirens blaring as they sped to the disaster. Every day, Battle Born Progress works with people traumatized by gun violence. It never becomes easier to hear their stories and see their outpouring of emotions in regard to how the issue impacts our community.

Senate Bill 143 is a commonsense measure that is necessary, at the very least, to alleviate the gun violence epidemic in our State and Country and curb gun sales to potentially dangerous individuals who might carry out attacks like 1 October.

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JERI BURTON (President, National Organization for Women, Nevada Chapter)

I am here with members of Moms Demand Action for Gun Sense in America, with whom the National Organization for Women, Nevada Chapter, works. Women in Nevada are 65 percent more likely to be shot to death by intimate partners than are women nationwide, according to Everytown for Gun Safety's analysis of FBI data. Nevada has the fifth-highest rate of domestic violence gun murders in the Nation. When there is a handgun in a house where domestic violence is occurring, the chance of a death is increased by 500 percent.

MARIA-TERESA LIEBERMANN (Battle Born Progress):

Senate Bill 143 is long overdue. I was born and grew up in Tijuana, Mexico, where gun ownership and gunfights were rampant. It was violent. As a woman, I know what it is like to want to protect myself with a gun, but I also understand the need to protect our communities. We must balance people's right to own arms with others' need to stay alive and safe.

RICK McCANN (Executive Director, Nevada Association of Public Safety Officers):  
The Nevada Association of Public Safety Officers is one of the largest affiliations of law enforcement organizations in the State. We support S.B. 143 as we supported Question No. 1.

Every day, I represent more than 1,500 officers in nearly 20 public safety labor groups across Nevada. Our members are police, corrections officers, deputy sheriffs, Nevada Highway Patrol troopers, parole and probation officers, and State legislative and university police. They go to work every day to keep us safe. They see firsthand the devastating impacts of gun violence, and, unfortunately, an increasing number of officers are feeling like targets themselves. Nationwide, a high percentage of officers shot to death are victims of people prohibited from owning guns. Too many officers are gunned down in the line of duty by felons, domestic abusers, fugitives and other dangerous people who damn well should not have a gun. We must do more to make it harder for these individuals to get guns.

Senate Bill 143 can make our State safer by requiring background checks for all gun sales and transfers with reasonable exceptions for family, hunting and self-defense. The bill will level the playing field so private sellers must conduct the same check required of licensed dealers. The bill will not prevent every bad

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guy from getting a gun, but it will make it harder, which will save lives. It is just that simple.

HEATHER SALLAN (Brady Campaign to Prevent Gun Violence Northern Nevada):  
I survived 1 October. I work with Moms Demand Action for Gun Sense in America and with the Nevada Gun Safety Coalition. Nevada has an egregious problem with gun violence. What happened to me and the 22,000 survivors of 1 October should never happen to anyone. Senate Bill 143 does not deal with mass shootings; it deals with people with mental illness and criminal records who should not be able to obtain guns. On 1 October, shooter Stephen Paddock should not have been able to obtain a gun because he was crazy and tried to kill thousands of people.

RUSTY MCALLISTER (Nevada State AFL-CIO):  
Before Question No. 1 passed, the Nevada State AFL-CIO membership voted in convention to support the measure. When I worked in fire services in Las Vegas for 33 years, I regularly dealt with the effects of gun violence. I have memories burned into my brain. Until you see firsthand what a gun can do to a person, you cannot comprehend the tragedy.

Once we were called to a fire, but when we arrived, there was no smoke. A woman and two children were standing in the doorway of the house. When I asked what was happening, she said, "Just help him." Her husband was sitting on the floor in his underwear with a loaded .357 Magnum in his lap, looking at me and rocking back and forth. I pulled the wife and children back and then asked her why she had called the fire department. She said, "Because there're not enough police officers, and they would have taken too long to get here. I knew you guys would come right away." Senate Bill 143 will not stop all of those types of instances, but it may stop some.

DAVID HATTON:  
You have my written testimony ([Exhibit H](#)). I live in the retirement community of Sun City Anthem through which out-of-towners drive to access places like South Point Hotel Casino and Spa to attend gun shows. If you are not a Nevada resident, you can still buy at shows here. That is odd and shows that what is happening in Chicago is happening in Las Vegas: people from California come to buy guns because they can pass the background check here. Everyone should be subject to checks for all transactions.

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AUDREY SAUER (Moms Demand Action for Gun Sense in America):

When I was a teacher, my students had to practice hiding from shooters. Some of them were upset and felt helpless. Some people say we should not pass S.B. 143, but we have to start someplace.

BERNICE OLGUIN:

I am a high school student. Our lives are never granted to us, and it is worrying when you have to practice shooter-avoidance drills at school because you never know if an attack might happen. This bill does not take away the rights of anyone to own guns; it just protects students' lives.

DAVID BOOCHER:

I oppose S.B. 143. I urge everyone involved in this legislation to act carefully in their consideration. It has been repeatedly proven that people who endeavor to exert areas of control and provide themselves with weapons to further their aims—however misguided or perverse they may be—will prevail.

KEN GRAY:

I am an Army veteran, a 26-year medic who had multiple deployments. I am now a Lyon County Commissioner. Like the Committee members, I swore an oath to uphold the constitutions of our Country and State. This quote from a U.S. Supreme Court majority opinion regarding the Bill of Rights strikes at the heart of this hearing:

The purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of the political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote, and they depend on the outcome of no elections.

To hear the proponents tell it, S.B. 143 will fix everything. The truth is, it is nothing more than feel-good legislation that will do nothing to protect Nevadans. It is obvious many laws were broken with each of the examples presented today, but the bill would not have stopped even one of them.

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Nevada has many gun laws that are not observed and are nearly impossible to enforce, and S.B. 143 will be added to the list. Let us enforce laws already in effect; or, if we truly want to affect the issue, address the root causes, the biggest of which is Nevadans' lack of access to mental health care.

Nothing has been mentioned about how a "prohibited person" used to only be a felon. Now, that definition includes people whose cases have never been adjudicated. This slippery slope is getting increasingly slippery with legislation like S.B. 143. There has also been no discussion of the bill's effect on local governments. This unfunded mandate will be passed down to municipalities and place burdens on law enforcers, taxpayers, district attorneys' offices, courts and jails.

CASEY BALKENBUSH:

You have my written testimony ([Exhibit I](#)). I became interested in firearms in my early teens and have enjoyed competitive shooting and hunting ever since. For many Nevadans like me, firearms have been an integral part of my life. They have allowed me to have experiences and cross paths with people from many different walks of life that I otherwise never would have done. For myself and many other Nevadans, firearms are a focal point for culture, recreation, experiencing the outdoors and a life characterized by the fundamental tenants of liberty and personal responsibility. Firearms have added only positive memories and experiences to my life.

The alleged purpose of S.B. 143 is to increase public safety by taking away one of the freedoms Nevadans have enjoyed for decades: the ability to sell or gift firearms to the people of our choosing, based on our own judgement. Philosophically, on its face, I do not think forcing background checks between private parties is a nefarious thing. I fear it will do little or nothing to achieve the alleged goal of increasing public safety.

According to a U.S. Department of Justice study released in January, less than 2 percent of federal inmates serving time for crimes in which a firearm was used acquired that firearm after a background check.

STEVE JOHNSTON:

I am a small business owner, veteran and licensed firearms dealer. Assemblywoman Tolles, do not sell your gun to your father-in-law in the manner

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Mr. Rosen suggested because it is a violation of federal law. A straw purchase may result in a 10-year federal prison sentence. After nearly ten years as a licensed dealer, I have processed countless background checks. How many denials have I seen? Three, because prohibited persons do not submit to checks.

Senate Bill 143 will not change that. People who buy guns on the street will continue to do so. Making it harder for law abiders to buy firearms makes no sense. That is tantamount to making it harder for sober people to buy cars in an effort to reduce drunken driving. As for whether the bill could lead to a firearms registry, Mr. Rosen told Assemblyman Roberts that law enforcers should look at dealers' records to track down gun transactions. That is exactly what we want to avoid.

As for the gun transfer exemptions, if the bill is so good, why are there 44 lines of exemptions in section 6? The top-rated University of Nevada, Reno (UNR), Wolfpack Rifle Team will not be able to practice because they cannot draw their weapons. How will the Veterans of Foreign Wars and the American Legion conduct military funerals without the honor guard drawing their rifles?

MACK MILLER:

Like Mr. Johnston, I wonder why there are so many transfer exemptions if S.B. 143 is so well-written. I have trained my 8-year-old daughter how to avoid active shooters. On the way to the hearing, I narrowly avoided a car accident. In 2016, Nevada had 141 firearms deaths; however, in 2018, there were 331 vehicle crash deaths. Are we going to severely regulate the Department of Motor Vehicles (DMV)?

I object to dealers being required to keep records of firearm purchases. That is why Governor Sandoval signed legislation in 2015 eliminating the "blue card" handgun registration system and other local gun ordinances in Clark County. People who obtain firearms illegally often get them through strawman purchases or from family members. Putting a moratorium on sales will not stop people who intend to use guns unlawfully from getting them.

The term "law-abiding citizen" is used frequently. The people S.B. 143 intends to stop are not law-abiders, and we will never prevent them from gaining access to firearms. The bill will make it harder for law-abiders to take advantage of their Second Amendment rights.

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DONALD MOSLEY:

The question has been asked, what will S.B. 143 do to deter mass shootings? I say practically nothing, as a 33-year Clark County judge who presided over many armed robbery and murder cases. I have yet to see a case in which a gun is left at a murder scene and then an officer looks at the serial number and traces the gun back to the owner.

Criminals buy guns at the corner of Bonanza Road and Eighth Street where they sell dope at midnight. They trade dope for guns or buy guns for a couple of hundred dollars that would cost \$700 to \$800 at a gun show. That is the kind of situation judges deal with, not with purchases from shows.

Senate Bill 143 is a veiled attempt to confiscate guns. People will roundly ignore its background check requirement. If they want to loan or sell their guns to their neighbors, people are not going to have a check. Michael Bloomberg and his minions will say, "Well, we need to register these guns. The law isn't being enforced. Judge Mosley's gun has to be registered, so if he sells it to Mr. Miller and Mr. Miller has to register it, now we have a paper trail." That begs the question: where is the background check? The gun control lobby wants a national database to track guns to confiscate them, just like they did in Australia and are trying to do in California. This is a feel-good bill whose supporters want to pass just to do something, even if it is nonsensical.

JOHN HERMELER:

Section 5, subsection 3 of S.B. 143 reads, "A licensed dealer who agrees to conduct a background check ... shall comply with all requirements of federal and state law." Federal law supersedes State law. Nevada law does not allow tracking of gun sales. Section 3, subsection 1 states, "federal law currently prohibits felons, domestic abusers, the severely mentally ill and other dangerous people from buying or possessing firearms." It does not define "dangerous" because that is open to interpretation. The bill needs to be amended before it is signed because of its excessive loopholes.

DAN REID (National Rifle Association):

The NRA opposed Question No. 1 as poorly drafted, ineffective and unenforceable. The same concerns apply to S.B. 143. We have heard it will not impact law-abiders, but that is exactly who will be impacted. Proponents said the bill will create a "culture of compliance." Who does not comply with the

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law? Criminals. The bill has too many unaddressed issues: definitions, exemptions, conflicts with BATFE procedures regarding dealers, a glaring potential tax issue.

Penalties for violating the bill have not been discussed. The penalties are not imposed on the person trying to illegally acquire a firearm; they are imposed on the person transferring the firearm. The person on whom the background check is run will not be penalized. Rather, it lies on the transferor, which brings us to the problems with the exemptions.

Let us say that as the potential transferor, I allow my friend to borrow my rifle to hunt. I am liable if he does not comply with the exemption. Possession is considered in all legal hunting areas, which makes it impossible to get to a hunting destination unless you are there with the person to whom the weapon will be transferred. There are no definitions for "in the presence of" and "organized shooting competitions." The hunting exemption is stricter than under California law. There, one can borrow a license for the duration of the hunting season.

Under NRS, when CCW holders go to dealers to purchase guns, they are subject to the Brady alternative by which CCW permits qualify as alternatives to the background check requirements of the Brady Handgun Violence Prevention Act for no more than five years from the date of issuance. Under S.B. 143, even though CCW holders have already been vetted, they must undergo background checks.

GERALD ANTINORO (Sheriff, Storey County):

Senate Bill 143 will not exempt CCW holders from background checks. I know of no gun owners or law-abiding citizens who want to see anyone harmed by guns. None of the 10 biggest U.S. mass shootings, dating from 1966, would have been affected by the bill in any way. There is an issue in those shootings not addressed in the bill: mental health care. Had the governmental agencies responsible for the shooters reported them, they may have been prevented from obtaining firearms.

Instead of feel-good legislation that is disingenuous to Nevadans, why do we not examine the real problems and not just enact a knee-jerk reaction that will have little, if any, effect?



DEREK CLARK:

I spent 35 years in law enforcement working in the field as a uniformed officer or deputy sheriff. There is nothing in S.B. 143 that will be easy for street cops to enforce. It will be a major pain in the neck to enforce in the field, resulting in a bunch of garbage being passed on to judges and district attorneys.

The phrase I keep hearing today is "common sense." Things that do not work or potentially will not work are not common sense. When a bill has so many open ends, you are laying a foundation for many entities at every level to add to local policies. That will create more problems than the bill already has and turn into an unwieldy octopus.

In regard to the military issues raised by Assemblyman Edwards, all of those same issues exist for law enforcement under the bill. When I was a young police officer with guns in my house, I had two roommates. What will happen when law enforcers are in that situation? As Mr. Reid said, the bill opens a bottomless pit to go after many people we should not be worried about. I am a cop. I want to counteract crooks, drug dealers, gang members and the people breaking the laws, not law-abiders.

BYRON BROOKS:

For years, I worked in tense environments in the Middle East. I have worked with many threat analysis experts and taught counterterrorism analysis at fusion centers. I agree Nevada needs a method to do background checks for firearms bought through licensed FFL dealers. However, I oppose measures presented as solutions that in reality are partisan Band-Aids that will not resolve gun violence. The killings at Marjory Stoneman Douglas High School in Parkland, Florida; Sandy Hook and 1 October had an undeniable common denominator: the firearms in the shootings were obtained legally. Two of the shooters had passed background checks.

Rather than implementing further oversight for private gun sales to law-abiding citizens, we need solutions to the problem of lack of shared information concerning mental health between State agencies. We need a better background check process in which behavior and mental stability can be reported to preclude firearm purchases.

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We need stricter enforcement of NRS regarding prohibited persons arrested with firearms who are released on their own recognizance or with low-level electronic monitoring. A review of felons arrested in Clark County would reveal the majority of cases result in no jail time and even denial in conjunction with another charge. Over time, stiffer penalties for crimes committed with firearms will send a clear message that Nevada will not tolerate gun violence.

We must consider Assemblyman Edwards' testimony about military deployment. One's military classification, job and ready-deployment status will look different under S.B. 143. The bill will not provide Nevadans with the safety measures they deserve.

LINDA CANNON:

Mental illness presents itself in many ways, and it is not always obvious until something like Sandy Hook or 1 October is perpetrated. Senate Bill 143 does nothing to protect Nevadans while infringing on the rights of law-abiding citizens. I concur with Judge Mosley's testimony that creating a database of gun owners does not lead us down a path good for Nevadans.

ANTHONY WOJCICKI:

I am a retired professional bodyguard and investigator. I oppose S.B. 143 because the firearms black market will negate much of what it hopes to accomplish. That market includes "ghost guns" manufactured by private citizens designed to get around the bill's provisions. "Eighty percent" guns may be bought in many places. In the eyes of the law, they are an unfinished hunk of metal unable to be used as a firearm. All a criminal needs to do is drill a few holes and file off a few components to create a functional weapon.

Crimes are also perpetrated with stolen guns. Wilbur Ernesto Martinez-Guzman stole the weapon he used to allegedly kill four people in our area recently. Weapons are also stolen from police and federal authorities. The Chinese smuggled fully automatic assault weapons through the Port of Long Beach. Former California State Senator Leyland Yee was imprisoned for selling illegal assault rifles.

Internationally, gun control has been ineffective. France has had several terrorist attacks, and Latin America has a proliferation of illegal firearms. Countersnipers may have curtailed the 1 October attack. When the President visits Las Vegas,

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there are countersnipers all over the place. Why not station them for a crowd of 22,000 people?

BRENT JOHNSON:

I oppose additional State restrictions on gun sales and increased background checks. Senate Bill 143 copies California's background check law, which failed Kate Steinle; the 14 victims of the December 2, 2015, San Bernardino mass shooting; and the 13 victims of the November 7, 2018, Thousand Oaks bar shooting. A study by John Hopkins University and the University of California, Davis, found the 1991 California background check law has been a dismal failure. Respondents to the 2018 California Safety and Wellbeing Survey concurred.

Stephen Paddock passed every federal background check. Casinos should do psychiatric checks on guests and subject their luggage to security inspections. In January in Washoe and Douglas Counties, an illegal alien allegedly burglarized four people and then killed them with one of his victim's gun. There should be mandatory jail sentences, not plea bargains, for crimes committed with firearms by felons.

BECKI HOWLETT:

Because the FBI will no longer conduct background checks, will a revised initiative go back to the voters? Senate Bill 143 will not keep my children and grandchildren any safer. It will not affect people who buy guns illegally, just penalize those who buy them legally.

MARY ROONEY (Nevadans Citizens Action Network):

As with most gun control legislation, S.B. 143 can be filed under "they pretend to protect us, and we pretend they do." Some of us are fed up with pretending. However well-intentioned the crafters of this bill were, the brunt of it will impact law-abiders. I do not see felons and domestic abusers lining up to obey this law. By definition, criminals ignore and break laws; the culture of compliance concept eludes them.

Senate Bill 143 is vague and incomplete, a solution in search of a problem. The Committees should look closely at the folly of incorporating pretense into legislation. The mere mention of culture of compliance should trouble all liberty-loving citizens.

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VERNON BROOKS:

Assemblyman Edwards' comments about military personnel made me realize that because I have firearms in my home, when I am not home but someone else is, the door is open for any number of unintentional transfers. My babysitter, house sitter, fish feeder and Amazon deliverymen are possibly unwittingly in possession of my firearms. This is another inadequately thought-out aspect of the bill.

Everytown for Gun Safety is funded by Bloomberg L.P. A report on the January 22, 2019, workplace shooting in Aurora, Illinois, listed campaign contributions to Nevada politicians: Justin Jones, \$5,000; Senator Atkinson's political action committee, \$50,000; Senator Julia Ratti, \$10,000; Chair Cannizzaro, \$10,000; Assemblyman Fumo, \$10,000; Attorney General Ford, \$10,000; Governor Sisolak, \$10,000; District Attorney Wolfson, \$10,000. This is not insignificant.

JOEL FRIEDMAN:

Firearms regulation is an emotional issue not based on facts. Here are the facts: Question No. 1 passed by less than 1 percent and probably would have failed if Question No. 2, the Regulation and Taxation of Marijuana Act, had not also been on the ballot. Question No. 1 failed in every County except Clark and was opposed by 16 of the 17 sheriffs.

Universal background checks have never stopped law violators from obtaining firearms and ammunition. By their very nature, criminals do not follow the law. Japan has had a ban on firearm possession, except hunting rifles, since the end of World War II. Yet, the country has thousands of firearm-related incidents annually.

Who will benefit from S.B. 143? It will certainly not be honest, law-abiding Nevadans, whom the Committees represent to look after our best interests. You have started on the slippery slope of removing citizens' rights. After 30 years in California, I moved to Nevada in search of a better, freer society. The Bloomberg gun control group spent \$18 million to ensure passage of Question No. 1, which makes me wonder, what is next? Will we end up with a gun registry or be required to have our social media activity checked before we can buy a gun? Will we be told we can no longer drink sugared soda and what size soda we can buy?

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ART CLARK III:

I want to thank the Committee for protecting all of us here from gun owners. On February 8, 1998, my family and friends were sentenced to life without the possibility of parole. Life without, after my son Branson, a UNR cheerleader, was murdered by two thugs determined that night to kill someone—they did not care who—so they could get into a gang. On February 12, we buried my son.

Background checks do not stop crime. Branson's murderers traded illegal methamphetamine for a gun. They shot him five times in the neck across the passenger seat when he was warming up his car. Today, I heard about DUI versus Second Amendment rights. I heard the Governor say this Country is a democracy when it is a republic. There is a distinct difference.

ALLEN MAIN:

I am a pistol instructor. I have doubts about the validity of the passage of Bloomberg-funded Question No. 1. Who exactly gets to vote in this Country? Elections have consequences. Senate Bill No. 221 of the 77th Session was vetoed by an elected Governor.

Senate Bill 143 will do more to tie the hands of law enforcement than any good it will do, including possibly saving a single life. It may even do more to take, rather than save, lives, which is why so many law enforcers oppose it. As for commonsense gun control, U.S. Senator Dianne Feinstein said:

If I could have gotten 51 votes in the Senate of the United States for an outright ban [on assault weapons], picking up every one of them ... Mr. and Mrs. America, turn 'em all in, I would have done it.

California was not invaded by the Japanese in World War II because there was a gun behind every blade of grass, so to speak.

It is too easy for a multitrillion-dollar media industry to demonize the Second Amendment. What gave former Vice President Joe Biden the guts to say, "Banning guns is an idea whose time has come"? Excuse me if I do not believe sensible gun control is what S.B. 143 is about. Who decides who is a law-abiding citizen? I was denied a permit for a rifle for a week before Sportsmen's Warehouse called to say, "This is unresolved."

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DENISE DAVIS:

I concur with the testimony of Mr. Brooks. Many today have said S.B. 143 is unconstitutional; it is also unenforceable. Many do not know that Nevadans do not have to register our firearms. The Clark County blue card went out with the dodo.

If something is unconstitutional, and all of the Committee members took an oath to defend and protect the U.S. and Nevada Constitutions under penalty of perjury, why have you not been recalled? If you pass something like S.B. 143, that is a breach of your oath. The bill will not stop criminals who obey the law about as much as our elected officials honor their oath of office.

LINDA BUCKARDT (Nevadans Citizens Action Network):

You have my letter of opposition ([Exhibit J](#)). I am chair of the education action committee of the Nevadans Citizen Action Network. The United Kingdom imposed gun bans, so now criminals are using knives and machetes. Now, they are trying to ban those weapons. How could I slice an apple without a paring knife? Anyone's personal information can always be hacked: bank accounts, schoolchildren's information, anything.

BRIAN WILSON:

I do not oppose background checks on principle. I respect the Nevada Constitution, including the ballot initiative process. Question No. 1 passed by a slim margin, and elections have consequences. I resent the reckless abandon with which S.B. 143 was rushed through the legislative process with no time for amendments. Senate Bill No. 221 of the 77th Session was flawed, vetoed and then was resurrected as Question No. 1, with an unenforceable flaw. The Committees are about to pass another deeply flawed bill. The Democrats are in the majority; the bill will pass with nothing to stop it. We can stop being embarrassed by a horrible bill and properly fix its holes and move forward with a solid piece of legislation that neither infringes on our rights nor puts the public at risk.

Senate Bill 143 discriminates against women, minorities, people with low incomes, people in high-crime areas who may desperately need a firearm when threatened by a jilted ex-lover and people who cannot afford a restraining order or the background check fee.

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GENE JACOBSON:

I am a retired law enforcement officer. Senate Bill 143 will not work. In my career, I arrested at least 100 criminals with weapons, not one of which belonged to the suspect. The gun had been lost and found, stolen, given to the suspect or just found and not registered. The bill is vague, confusing, unenforceable and violates the U.S. and Nevada Constitutions.

How will the bill be enforced: under infraction, as a misdemeanor, as a Category A, B, C, D or E felony? Weapons come across all borders and from all directions. Stolen weapons are in warehouses; gangs have more weapons than do private individuals in this State. The bill is simply a weapons grab.

The Law Enforcement Officers Safety Act of 2004, House of Representatives Resolution (H.R.) 218 stipulates all retired police officers in all 50 states may carry concealed weapons. The bill will force us to own multiple unregistered weapons. If we are pulled over while driving, we have multiple credentials, CCW permits and endorsements as per H.R. 218.

KELLY MAIN:

I am a former FFL dealer and a 20-year CCW instructor. Senate Bill 143 incorrectly cites Question No. 1 as its premise because it changes responsibility for background checks from the FBI to the Central Repository. Voters were unable to consider the considerable difference this entails in added taxes and how it paves a direct path to gun registration.

The bill denies CCW holders the BATFE fee waiver, after they have paid more than \$200 in training and permit costs in good faith, waiting months for an FBI check to earn vetting. Holders will be subjected to an imperfect system. My husband, who had never even gotten a parking ticket, had to wait several weeks to be suddenly let go during a background check because checks were not in effect then.

Nevada is a point-of-contact state. Whereas gun dealers in the majority of states can call the federal National Instant Criminal Background Check System (NICS) at no charge, Nevada dealers use the Department of Public Safety (DPS) system as the middleman. They pay DPS millions annually to play that role. As a FFL dealer, I received monthly invoices to pay that bill, which included people's names and the serial numbers of the guns they bought; now it is the case

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number. Those records are not destroyed like they are on the federal level. This is paving the way for registration from which no gun owner would be exempt.

The fee to register a gun has increased from \$15 to \$25. Will you raise it to \$50, \$100, to an exorbitant rate so people cannot afford to buy guns?

MAURICE WHITE:

Reject S.B. 143 as onerous and constitutionally averse. It imparts an excessive burden on private citizens who will not be able to enjoy the legitimate use of their private property. We are a republic. The U.S. Constitution is intended to stop the majority from harming the minority as S.B. 143 does. It will not stop criminals from acquiring firearms. If I live in Midas, Manhattan or on the Yomba reservation, I cannot readily comply with the bill. That violates my Second Amendment rights.

Section 6, subsection 3 of S.B. 143 provides that without a background check, I cannot transfer a firearm to former U.S. Senator Dean Heller or U.S. Representative Mark Amodei, men known to me since our childhoods.

Senate Bill 143 infringes upon the right of people to keep and bear arms. Why is there no bill restricting the transfer of dangerous automobiles?

MIHAITO DAKIC:

If Connecticut had a bill like S.B. 143, would it have stopped Sandy Hook? No. Would 1 October have been prevented? No. The bill is unenforceable without imposing registration because guns cannot be traced back to criminals without it. Officers do not have time to run background checks and trace excessive paperwork.

Once upon a time, there was a place called the Weimar Republic that instituted gun registration to protect its citizens. While that worked well, when Adolph Hitler took over, there were a few people for whom it did not work well: Jews, Gypsies, Slavs or any minority. That is what will happen in Nevada because S.B. 143 is a prelude to registration and confiscation. Who will occupy the Committees' chairs after you leave? Who will yield power and in what way? All we have to do is look at history. It repeats itself, and we need to pay attention to that. Who is promoting S.B. 143? Did anyone here sponsor, pay or bring people from other states to testify today?



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MATT HENNAGER:

I am concerned S.B. 143 will violate my Second and Fourth Amendment rights and private property rights. According to the bill, every time a background check is done, a BATFE Firearms Transaction Record 4473 form must be filled out, leaving a paper trail. If every gun transfer engenders a 4473 form, a billionaire could buy off Nevada politicians and force them to use it as a registration record. People with certain types of firearms would have to surrender them.

Before the passage of Question No. 1, Nevada had a great background system. We need to understand it is illegal to sell or give a firearm or ammunition to a prohibited person. If I had sold a gun before Question No. 1, I would ask to see the buyer's CCW permit. If I did not know if he or she was a prohibited person, DPS had a free program under which I could send a notarized letter of inquiry, and DPS would let me know the buyer's status. The advantage was you were checking out the buyer, not the gun.

RICHARD EMERY:

I am a 43-year Navy reservist who had secret or top-secret security clearance. Many here have said the public supports background checks for private sales, and I do not doubt that. Senate Bill 143 goes well beyond sales. There are too many gray areas in the temporary transfer provisions. My 30-year friend has top-secret clearance, which is checked every 5 years so he can maintain it. If I loaned him my .32-caliber rifle, we would both be guilty of a gross misdemeanor the first time and a felony for subsequent times. My friend has demonstrably proven he is trustworthy.

When I was in the Navy Reserve, if I were deployed for 2 weeks with guns in my house, my wife and I would both have been criminals under S.B. 143. Rewrite or remove the temporary transfer provisions. I understand the point of controlling gun sales and would support it if it were merely sales.

At a 2016 town hall meeting, District Attorney Wolfson was asked about the obvious gray areas in Question No. 1 and whether they would criminalize the actions of common citizens. He said, "I don't have to prosecute them. I can use my prosecutorial discretion and not charge people in these cases. Obviously, they are not criminals." What about the next Clark County district attorney who may not feel that way?

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ALVIN HESKETT:

When people talk about S.B. 143 being a good first commonsense step, that means there will be other steps. A December 21, 2012, article on the *Daily Kos* website was titled "How to Ban Guns: A step by step long term process." It begins by outlining the process for implementing a total ban on guns because that is the only way to keep people safe. I laud that goal and do not mock victims of violence. I learned how to use and carry a gun to potentially stop violence in my community.

I fear laws being passed that result in the kind of violence we see in other countries and U.S. cities that have suffered at the hands of criminals who will never obey gun regulations.

JUANITA COX:

You have my letter of opposition ([Exhibit K](#)). Senate Bill 143 will not reduce crime rates and discriminates against the poor and minorities. Prior laws have not been upheld to enforce the ban on criminals obtaining weapons. Why then would we believe this new law would? I would like a list of all violators who have been prosecuted for gun shows and internet sales. I believe that you will find no one.

The bill discriminates against the poor, who will be saddled with outlandish costs associated with it. The bill discriminates against certain races who can and will become targets, causing a greater chance of violating the law than do other races.

DONALD AULT:

I am a former County Commissioner in rural Nevada. When they got wind of S.B. 143, I got calls from my former constituents asking me to tell Clark County to stop shoving laws down the throats of northern Nevadans. We in the north do not want this bill.

JAMES F. FALK:

You have my written testimony ([Exhibit L](#)). I am a member of the Stillwater Firearms Association. Senate Bill 143 is yet another attempt to further restrict and eventually end our constitutional right to own and bear arms. In their wisdom in amending the U.S. Constitution, the Founding Fathers considered that right second only to the right to speak freely. They knew the best way to

stop a bad person with a gun was to have a good person with a gun, and the more good people with guns, the better.

Examples abound throughout history of dictatorial and tyrannical governments that heavily restricted and often completely outlawed weapons of self-defense for use by private citizens. Examples include Soviet Russia, Nazi Germany, Communist Cuba and most of the banana republics in the Western Hemisphere from Mexico on down.

Left-leaning elements in the Democrat Party favor moving America farther toward socialism. It most often begins with pie-in-the-sky promises and ends with force being applied to keep the citizenry in line. Some of the Founding Fathers had experienced this and did not want future generations of Americans to do so. They wanted future governments to respect the power of the people. My right to vote and speak freely at sessions like this comforts me, and my right to own firearms gives me assurance that those rights will continue.

JEFF WATSON:

The cost of a background check in Nevada is generally between \$50 and \$100, \$25 to the State and \$25 to \$75 for the dealer to conduct the check. Even if the State's portion were waived, gun store owners must still charge for providing the service. While \$50 to \$100 may not sound like a lot of money to the Committee members, for low-income Nevadans, the extra fees prohibit them from purchasing firearms for protection. For low-income families living in high-crime neighborhoods, the fees deprive them of their rights.

In 2016, Question No. 1 passed by a margin of less than 1 percent. Voters approved background checks on the promise there would be no extra fees for gun purchases or for the State to run an FBI check. Any extra costs directly contradict the will of the people. Senate Bill 143 will criminalize actions that violate no one's rights, impose burdens on lawful gun owners, deny people their right to armed self-defense and do nothing to improve public safety.

SHEENA KARR:

In 1997, in an incident involving my daughter and toddler grandchild, an armed drug dealer ran from the police through our neighborhood. I decided to buy a gun to protect us. I was told I could not get a license to buy a firearm because I was a felon. Even though I did not know why, I self-identified as a felon for

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more than 20 years on every job and housing application. Do you have any idea how many doors that slammed in my face? Twenty years later, someone asked me if I had ever questioned my felon status. I made calls and went all the way up to the Office of the Attorney General, where I was told not only was I not a felon, but I was an idiot.

I went again to buy a gun, and the background check revealed I was a fugitive. Again, I went as far as the Office of the Attorney General, where I was told, "No, somebody just didn't do his homework. You aren't a fugitive." The Office sent that to me in writing, and I picked up my firearm.

BONNIE MCDANIEL:

Senate Bill 143 is in no way part and parcel of Question No. 1, which so narrowly passed. Only law-abiding citizens will honor background checks; never will criminals follow the law. The bill is unenforceable, and Question No. 1 should go back to the voters. The bill is a fraud.

PAUL JOHNSON:

Gun violence is a serious thing in this Country. People give children cell phones for safety and then put them behind the wheel of car, where they are in much more danger of hurting themselves or someone else. We have unfounded fears in this Country.

In 2015, there were more mass shooting in France than in the previous 8 years in the United States. Everytown for Gun Safety uses its own statistics to skew facts. It ignores the federal statistic that less than 1 percent of guns are transferred at shows. Senate Bill 143 is simply gun registration in disguise and does nothing to solve the gun violence problem. Yes, it is the same law passed by the people, but that had serious flaws. People barely skim ballot descriptions of measures. We rely on the Legislature to not pass flawed laws.

GREG ROSS:

Senate Bill 143 will unintentionally create many criminals. I am an Uber driver who takes people to the airport with guns in their bags. When they ask me to stop en route, they leave their luggage in my car. Now, they have conducted an illegal firearm transfer to me.

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I am a CCW instructor. Students bring guns into my classroom, take a 15-minute break or go to lunch, leaving the gun—bam: illegal gun transfer. People have accidentally left range bags with me—bam: illegal gun transfer. I do not use an established firing range as stipulated in the bill. I use BLM land and my house as my classroom.

There are many gun-free zones around Carson City. I cannot even park on post office property. If I tell my friend I am just going to run into the office and leave my gun in the car—bam: illegal gun transfer. The bill will put innocent people in jail for established practices. They will have to rethink everything they do now with regard to guns.

I went out shooting with a friend who rides a motorcycle. I put his rifle in my trunk—bam: illegal gun transfer.

People are unaware FFL dealers must collect sales tax based on firearms' purchase prices. Legally, buyers must pay a use tax, but now dealers will collect sales tax up front. Under the bill, buyers will pay a \$25 background check fee, \$50 transfer fee and sales tax. This is just a ploy to collect more taxes.

JAMES BROWN:

I grew up in Texas and Mississippi. Gun control laws originated in Jim Crow laws. When people say S.B. 143 will not disenfranchise one or another group, maybe that is not its original intention, but it can be used that way. I saw it while growing up in Picayune, Mississippi. You think you know racism? You do not know racism. During Jim Crow, gun registration was used to determine who could be harassed.

People today admitted the bill is imperfect but are determined to push forward with it. In U.S. history, imperfect, poorly written laws tend to disproportionately disenfranchise certain groups. How will S.B. 143 be applied? You do not know what a Storey County prosecutor may do versus one in Clark County. Approving the bill as written is dangerous and irresponsible.

RAY KEMPLE:

I am from a multigenerational Nevada family. History repeats itself. My family has always told me it chose Nevada because of all the freedoms we have. Now, they are being taken away. I am holding up a firearms registration card, the

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Clark County blue card. Nevadans fought to get rid of blue cards, but S.B. 143 seeks to revive gun registration.

In the bill's section 7, penalties for violating its provisions target gun owners; nothing targets criminals. That is unacceptable. Nevada has a large CCW-holding population that has been vetted by the State and federal governments. CCW holders are six times less likely to commit a crime than are off-duty police officers. Are we being told a CCW holder cannot loan his or her gun to another holder? The added background check is solely to revive gun registration.

JIM SALLEE:

You have my written testimony and magazine articles ([Exhibit M](#) contains copyrighted material. Original is available upon request of the Research Library). Background checks are already enforced by the federal government, and reinforcing them at the State level will do nothing to stop the mass-shooting problem. In almost every incident, the shooter has been taking or is withdrawing from psychiatric drugs, according to Lawrence Hunter of the Social Security Institute, [Exhibit M](#). However, state and federal investigators continue to ignore the connection between drugs and murderous violence.

After World War II, the government recruited German scientists to create a drug called MK Ultra and the Long Range Acoustical Device for mind control, commonly misinterpreted as "the voice of God," [Exhibit M](#). Dr. Robert Duncan developed the technology to put voices inside people's heads. When a disturbed person is on psychiatric drugs, this is doable. Only someone under the influence of mind control would go into a school and shoot up a bunch of little kids. Stephen Paddock, the 1 October shooter, was on psychiatric drugs, [Exhibit M](#).

PATTI JESINOSKI:

The lack of definition of gun "transfer" in S.B. 143 concerns me. The U.S. Constitution protects the individual rights of "we, the people." Socialist countries take care of the collective, not the individuals, in a republic. A compliant society should go in the other direction. State government should comply with the Constitution. When will that happen here?

Proof of a gun transfer between private parties should be done through a gun shop. What if the shop owner dies or goes out of business? Where do the

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records of proof of sales go? Let us say an officer stops a car at 2 a.m. There is a gun in it, and the shop that handled the transaction is closed. The Repository is closed and has no record of the sale. Will the driver be jailed until he or she can verify ownership of the gun?

Sixteen out of 17 Counties rejected Question No. 1. This is not a "we, the people" vote in Nevada. The Committees lack the authority to determine the price gun shops charge for a nonprofit gun transfer transaction and sales tax. Will Legislators try to determine what we pay for pharmacy drugs?

JOSE GUERRA:

Criminals obtain illegal guns as easily as they obtain illegal drugs. Senate Bill 143 only targets law-abiding citizens. It inhibits commerce and creates expenses for the State, gun businesses and the citizens involved, thereby curtailing access to lawful gun possession.

The bill's language is too broad and open-ended to prevent law-abiders being trapped in a gross misdemeanor. Mr. Rosen claims to have no knowledge of how similar laws in other states have negatively affected even one citizen. What if that one citizen is you?

Senate Bill 143 is a bait and switch for Question No. 1. It is flawed and not the right solution to the problem of how to keep guns out of the hands of prohibited persons. Let us raise the penalty—with jail time and/or fines—for gun possession to a level that prohibited persons see as too expensive. A society interested in saving its citizens from gun violence can neutralize it with legislation targeting the problem: prohibited gun possessors.

ANDREW MONTGOMERY:

Senate Bill 143 has too many hypothetical implications that will be subject to interpretation by prosecutors. There may be instances in which the law is turned against law-abiders. The Committees claim to want to implement the bill with the right motives and intents. Who is to say those who succeed you will have the same intent? It could just as easily be turned against law-abiders as a trap and means to take away our Second Amendment rights. Who determines who is a "dangerous person"?

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BILL MAGGIORA:

I am bothered as to how the term "gun violence" has been used today. Its use is deceptive because it includes legal defensive violence and diverts attention from criminal violence by other means. Supporters of S.B. 143 have not cited examples whereby background checks improved overall public safety.

No one has mentioned increased criminal violence by other means due to increased difficulty of obtaining firearms. One October was awful; however, one terrorist with a rented refrigeration truck did more damage and carnage in Nice, France, on July 14, 2016.

DAVID THORPE:

Someone who desires to acquire a firearm from out of the State must have the weapon sent to a FFL dealer here. As of January 2015, dealers have been required to collect State sales tax on those transactions, even though the dealers have nothing to do with the actual sale. Under S.B. 143, will dealers collect sales tax on out-of-state private party transactions? This will add a further burden to buyers with more overhead costs for a transaction that should be a simple exchange of property between two law-abiding Nevadans.

MAGGIE MORDAUNT (Owner, Women's Defense Network; Homeland Personal Protection):

I am a hunter safety instructor for Bass Pro Shops. When we teach, students take the hunting rifles they have trained with into the field. Gee, I would be breaking the law under S.B. 143.

The bill's supporters have too much emotional baggage to efficiently define their emotions and what is best for gun owners. As a Nevadan, this law will demonize me and my fellow gun owners.

MICHAEL NUÑEZ:

There is nothing in NRS to stop people from taking innocent lives, women from being raped, children from being kidnapped and decapitated by gangs, innocents from being beaten almost to death by bigger and stronger individuals or a group. Children and women are victims of domestic abuse with no ability to level the battlefield.



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On June 24, 2017, at 1 a.m., my children almost lost their father and my wife almost lost her loving husband, had I not been carrying my CCW.

I would not like to hold those who support gun control accountable for lives taken any more than they hold law-abiders accountable for defending our families in our homes. I will fight to keep our freedoms, even if that opposes Legislators. Why do lawmakers defend those who do not care about laws while writing laws against those who follow them?

SHARON OREN (Owner, Maccabee Arms, Ltd)

I am a veteran of the Israeli Defense Forces and secret service who has trained law enforcers worldwide. In my shop, we deal daily with people who try to purchase guns illegally, and we turn them away. Title 18 USC section 926A declares simply the chronology of transferring or selling firearms to restricted persons as well as how to deal with straw purchases.

When was the last time a government task force—BATFE, county or state—went to a gun show and enforced current law? Never. Every time I or another gun dealer calls the BATFE because we witness a straw purchase, agents have no power of arrest, and nobody from the local police department has the manpower to assist them to make an arrest. Before you make new laws, look at NRS and apply funds, money and common sense to enforce it, to make gun show arrests, exhibit enforcement and hold people accountable as an example. That is what may save lives. I have not done a gun show in six years because I am tired of seeing the loose hand of the law with shady purchases. Bring offenders to justice for prosecution.

JASON EVANS:

I am a healthcare provider in preoperation trauma intensive care units. Everything we do is based on evidence-based peer reviews. The February issue of *The Annals of Epidemiology* has a study titled "California's comprehensive background check and misdemeanor violence prohibition policies and firearm mortality." In California and 32 other control states, using data compiled from 1981 to 2000, the study found:

The implementation of a comprehensive background check and violent misdemeanor prohibition of firearms was not associated

with a net change in firearm homicide or suicide rate over the preceding ten years.

That period was 1991 to 2001 in California, after it instituted the background check. In the July 2018 magazine, a study of data from Tennessee, from 1981 to 2008, and Indiana, from 1994 to 2008, looked at the repeal of private party background checks. There was no association between the check repeal and firearm homicide or suicide rates. Background checks do not stop criminals from getting guns.

The first page of S.B. 143 says it does not have a fiscal note for the State. Section 8, subsection 3, paragraph (c) states the Repository shall not charge such a fee "for information provided to a person who is required to conduct a background check pursuant to section 5 of this act." The check will cost \$25, impinging on the rights of low-income people wanting to buy a firearm. If the fee is waived, there will be a fiscal impact on the State, which Question No. 1 did not stipulate because the FBI check would have been used. Therefore, the measure should go back to the voters.

EMERSON RADER:

I am a retired 25-year law enforcement officer and Vietnam veteran with lifetime memberships in the NRA and Oath Keepers. Members of the NRA are devastated by mass shootings or the unlawful use of firearms that result in death or injury to innocent victims of any age. Nevada has sufficient laws to address unlawful possession or transfer of firearms by or to prohibited persons. I keep hearing the bill's proponents say something needs to be done to curb firearms violence. No one but the criminal element would disagree with that. The bill will not accomplish that objective. It will be detrimental to law-abiders and add extra duties for our already overburdened law enforcement agencies by diverting their attention from much more serious crimes.

If the Committees intend to enact reasonable laws relative to firearms with a positive impact on our communities, make it mandatory for all public schools to teach the Eddie Eagle GunSafe program in all K-4 classrooms. The gun accident prevention program seeks to help parents, law enforcers, community groups and educators navigate a topic paramount to children's safety. For more than 30 years, Eddie Eagle has helped keep kids safe and likely saved thousands of their lives.

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Nevadans know the driving force behind gun registration and almost all gun control legislation is outside organizations pouring money into efforts to restrict and infringe upon our right to keep and bear arms.

MARY BEGANY:

Legislators have said today that S.B. 143 has no negative impact on private citizens, including undue burdens. They did not say my Second Amendment rights or my right to bear arms under the Nevada Constitution would be infringed upon. I agree there is a gun violence problem, but this is not a solution. The only way to eliminate the infringement on my rights is to eliminate the bill.

CYRUS HOJJATY:

In London, guns are banned, and they are trying to ban knives and machetes. There has been a surge in crime corresponding with massive immigration. That has not been addressed today. We did not have gun control legislation in the 1980s and 1990s; what has changed is immigrants flowing into our State. If you ban guns, how will law-abiding citizens operate? It is about education and creating an environment in which people become less violent.

HAL GREENE:

Senate Bill 143 is a step toward gun registration and confiscation. If we want to use other states as examples, look at Arizona, Alaska, South Dakota or other constitutional-carry states where citizens can protect themselves. In the last 20 years, all U.S. mass shootings were committed in gun-free zones. The real problem is we are not allowed to protect ourselves. What part of "shall not be infringed" do you not understand?

STEPHANIE PIZZOFRERATO:

My four-year-old daughter Dayla was shot and killed eight years ago. No parent should have to plan his or her child's funeral. I am here on behalf of all grieving parents who have walked in my shoes, my son who lost his twin sister and all of the students of Nevada. Every child has the right to feel safe; it is our responsibility to do everything we can to ensure that. Pass S.B. 143 to protect our children.

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GEENA MARANO:

"They're just fireworks," I said to my best friend on 1 October. They were not fireworks, and that is why I am here today. My father is a lifelong gun owner, and my family always believed in the right to own a gun for protection. No one in my family thought of the impact of gun violence until we were forced to. That night, I texted my mom, "We are running. There is a shooting. I love you." The night, my father raced down to the MGM Resort to pick up his two sobbing daughters, and our perspective changed.

That night was not 1 October to my best-friend sister or me. It was the Route 91 festival, previously one of the best weekend events for me. We enjoyed music and looked at the scenery of our favorite city; now, it has been ruined. Fifty-eight country music fans were killed, hundreds injured and my sister and I scarred for life.

We are both Las Vegas social workers who not until that moment realized what trauma truly is. I was in a University of Nevada, Las Vegas (UNLV), social work master's degree class learning about trauma when my traumatic experience happened. Trauma is seeing your sister fear for your life, hating the sound of fireworks, jumping at every unknown sound and being fearful of attending UNLV football games or other outdoor events.

I am here because I truly realize what the impact of S.B. 143 could save us from. Yes, it will not stop all gun violence and could not have prevented 1 October, but it may reduce traumatic experiences and the number of people already fearful of fireworks.

MARISA MARANO:

Most days, I do not feel like a survivor of 1 October because loud noises terrify me. I cannot send my daughter to public school because of my fear. Fourth of July and New Year's Eve are no longer holidays because fireworks equal gunshots for me.

I threw my body over my baby sister and friends while a madman tried to murder us. We ran for our lives, selfishly not stopping to help the fallen. I see the woman with the white bloodstained shirt multiple times a day. I do not know her name, but I love her because I left her.

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I work with children of trauma and own a therapy agency. I now understand it is not fair that I am not safe. As a mother, social worker and Nevadan, I cannot protect those children.

MIKE ALONZO (Caesars Entertainment Corporation):  
Caesars Entertainment Corporation supports S.B. 143.

AINSLEE ARCHIBALD:

I am 16 and attend Palo Verde High School in Clark County. About two weeks ago, my school had a lockdown. We later learned it was a neighborhood disturbance, but for much of the lockdown, we heard only rumors. We immediately assumed the worst. During and after the lockdown, my friends and I were terrified.

While lockdown is a good example of how gun violence affects youth, fear is constant. My friend has told me several times that every time he hears a door slam, he thinks it is a gun. This is unacceptable. Your children should not be scared to go to school. While background checks will not solve all our problems, they are incredibly important.

MARLENE LOCKARD (Nevada Women's Lobby):

The Nevada Women's Lobby supports S.B. 143. Every day in this Nation, five women are murdered with guns. A woman's risk of being murdered increases 500 percent if a gun is present during a domestic dispute. Former U.S. Supreme Court Justice Antonin Scalia said in his 2015 opinion in *District of Columbia v. Heller*:

Nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sales of arms.

He clearly made that statement in support of gun restrictions.

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SARA DISS:

I am a survivor of gun violence and a 41-year retired educator. I never thought I would find myself hiding in my own classroom under the choral risers with my 35 8th-grade students for 33 minutes. They were terrified; you cannot learn when you are terrified. This was long before we knew what active-shooter drills and hard lockdowns were. If we save the life of any child with S.B. 143, it will be worth it.

LINDA CAVAZOS:

Like Ms. Mordaunt said, I am one of those people with a lot of emotional baggage. I lost a brother to gun violence by suicide; he would not have passed a background check. I am a mental health professional who has worked with victims of domestic violence. I was an outsource evaluator for the Clark County Family Court. Many of the fatalities in my cases would not have happened without ready access to a gun. I have many referrals for suicide ideation with children who have attempted suicide with a gun.

This morning, I was told to shush when I began to cry as a testifier described her teen's murder. I said, "I will not shush now or ever because I'm not just working to help end gun violence just for my children, grandchildren and students and counselees but for all of our children."

TERESA CRAWFORD:

Please do not erase the voices of Nevadans who voted for Question No. 1. I have personally spoken with hundreds of Nevadans who support background checks, mostly in Republican-leaning districts represented by Republicans. I spoke to people of all party affiliations, race and gender, and to infrequent voters. Something about background checks is attractive to many voters; when I was canvassing for Question No. 1, the doors stayed open, and we had a conversation. Voters understood what we were talking about with no persuasion or manipulation on our part. It is no accident that Question No. 1 passed.

In 2018 when I canvassed for Legislators whom I thought would continue to support implementation of background checks, people thought that was a popular idea. Many who had voted for Question No. 1 thought it had already been implemented. I am glad we will implement what a majority of Nevadans voted for and expected their representatives to provide. We need to look at the

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larger picture to understand why Nevadans want safer schools and communities. They do not want the terror and violence to continue to rain down unnecessarily.

GREG ROBERTSON:

I am an advocate for youth, a father of two daughters and the student liaison for Moms Demand Action for Gun Sense in America. I am angry because two weeks ago, I picked up my daughter from school after she had spent an hour huddled in her classroom during a hard lockdown. I spent my entire education career without a hard lockdown; this is the third she has had this school year. That is unacceptable.

Gunshot is the second-leading cause of death among U.S. children and teens, and the first-leading cause of death for African-American children. That is unacceptable. In a November 2018 survey, Axios found 68 percent of U.S. teens consider gun violence the first- or second-most important issue facing our Country. On behalf of children, it is important something be done. Doing nothing is no longer an option. It is the Legislature's No. 1 job to protect its citizens. If S.B. 143 can save even one life, is it not worth it? If not one, how many will it take, 5, 10 or 100 lives? It is an indisputable fact that background checks save lives.

WENDY STARKWEATHER (Moms Demand Action for Gun Sense in America):

The background check law needs to be brought to its rightful conclusion after two years. I speak on behalf of all who have died of gun violence in the State and Nation. We lose 100 people a day, two-thirds of whom are suicides.

I was once asked if I am a gun violence survivor. When I said no, I was quickly admonished. I have not lost a relative to gun violence, a mass shooting, suicide or domestic violence, and I did not have children at Sandy Hook, Parkland or Clark County schools where shootings have occurred or guns have been discovered in student backpacks. I have realized all of us here—pro or con—are survivors of gun violence and mass shootings. We experience that violence when we talk to teachers who do active-shooter drills with young students. We all experience the fear from gun violence. Nevadans have an opportunity to take action.

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LISA HENDRICKS:

The man who held a gun to my head and pulled the trigger bought his firearm at a gun show from a private seller. He had to show identification but did not need a background check. If the gun had not malfunctioned, I would be dead. Background checks are personal to me, and they save lives.

GENE GARDELLA:

My first gun was a .410 shotgun with which my father taught me to shoot doves when I was age 8 or 10. I speak to reduce gun violence, which takes more than 30,000 U.S. lives each year. Every 18 months, that is as many lives as were taken over 10 years in the Vietnam War in which I served. More than 80,000 gunshot wounds are treated every year in the Country. Most suicides occur in households that own guns.

There is no silver bullet to fix the problem; there are only things we can do to incrementally reduce gun violence. Senate Bill 143 is the first important step in this journey.

JOHN SALUDES (Vice Chair, Nevada Gun Safety Coalition; Chair, Nevada Gun Safety Education Fund):

Before the petition to put Question No. 1 on the ballot was approved, we were required to get 101,000 signatures. We ended up with 264,000 signatures; the Secretary of State stopped counting at 116,000. The people of Nevada really wanted S.B. 143.

This bill is not about taking guns away. It is basically about prohibited individuals: felons, domestic abusers, sexual assaulters. You know they are on the FBI register, and they come to Nevada to buy guns at shows or from private parties without background checks. All the bill seeks to do is ensure people in the federal database cannot buy firearms in Nevada.

CHIP EVANS (Chair, Nevada Gun Safety Coalition):

The Nevada Gun Safety Coalition's mission is to advance effective gun safety legislation and policies that save lives and reduce injuries. Senate Bill 143 is exactly the type of proven and effective NRS the Coalition was created to advance. There are many valid points of view on the background check issue. It was brought to the voters, and we should all seek fidelity to that vote.



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KIRAN HILL:

The only purpose of S.B. 143 is to further limit the rights of law-abiding citizens. It was promoted by people who want to eliminate all gun rights. To all of the people here who cried about tragedies in order to limit our rights, we all know the bill would not have limited those incidents. This is the first step to registration and confiscation. It will not increase safety nor decrease crime.

I travel a lot. Last time I left town, there was a serial killer on the loose, and I had to choose between taking my weapon with me and leaving it with my elderly landlady who fit the pattern of the killer's targets. If S.B. 143 had been in place, would I have followed it and left her unarmed and unprotected, or would I have disregarded the unenforceable law?

DEBBIE BLOCK (President, Reno Guns and Range):

How could the Committees possibly vote for S.B. 143 as it stands? Only one of the gun violence tragedies presented today would have been affected by the bill. It is not about just doing something; it is about doing the right thing.

We see all types of people at our facility, some of whom have limited means, live in troubled neighborhoods and are women. The bill creates an additional burden for them with the transfer fee and \$25 background check.

The NICS is already overburdened, and sometimes that creates a bottleneck in our business when it is down or closed, or we are on hold for a long time.

The bill will not stop criminals; they will steal guns or get them some other way. It will criminalize some law-abiders. You cannot regulate morality or obedience to the law. If I have a friend I suspect is suicidal, do I have the right to take away his or her gun, risking becoming a felon? Nevada has more than 110 laws regulating firearms. Let us get serious about reducing crime by enforcing those laws.

JIM DEGRAFFENREID:

All of us feel the pain of gun violence, but we simply do not have the power to legislate it out of existence. Senate Bill 143 does not address the well-intentioned desire to end gun violence. At best, it has no effect and likely makes Nevadans less safe. Washoe and Douglas Counties recently had home-invasion murders, including two less than a mile from my home. The bill

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would have done nothing to stop the killings because the alleged perpetrator had stolen his weapon.

The only effect the bill could possibly have is make it harder for law-abiding Nevadans to protect themselves from bad people. Criminals who know they will not pass background checks obtain weapons in other ways. Dr. Lott has reviewed dozens of independent statistical comparisons and found there is no statistical reduction of violence as a result of background checks.

ALICE SHERLOCK CLARK:

Have the proponents of S.B. 143 actually read the bill? It is poorly written and full of mistakes. It will be almost impossible to implement, and the background check fee is discriminatory. The bill infringes on my constitutional right to keep and bear arms. If I believed it would stop or significantly reduce gun violence, I would support it.

ED MCSWAIN:

Felons trying to buy firearms are not prosecuted. On September 6, 2011, a man killed 4 people and injured 7 in a Carson City IHOP, after passing a background check and legally purchasing his firearm. He had been diagnosed with paranoia and schizophrenia. The system simply does not work. It cannot be known if S.B. 143 will save even one life. It cannot be enforced, and if violated, perpetrators will not be prosecuted. Some people call me an extremist because I own a gun. The extremists are those trying to strip me and other Nevadans of our rights.

JOHN KUBICK:

Guns are not violent. Criminals who commit acts of criminal intent and felonies are violent. There is confusion today over the definition of "gun safety." It is not legislation requiring people to register firearms or have background checks. Gun safety is teaching people how to properly handle firearms.

According to NICS statistics on firearm-denial cases investigated and prosecuted in fiscal year 2017, out of 8, 606, 286 transactions, 112,090 were denied. There were 12,710 BATFE field investigations and 12 prosecutions by the Office of the U.S. Attorney.

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PHIL NICHOLAS:

We heard testimony today about the dismal state of mental health care in this Country. Statistically, someone here today has attempted suicide, but you know no gun law drove you to that pain. How can the Committees vote on this, and what will they tell their constituents and families? How will I tell the grieving mother I see in the elevator a few minutes from now that I oppose S.B. 143? Highlight every word of today's testimony dealing with mental illness, and you will see how little the bill does about the problem.

If you have been to a prison or been involved in prison ministries, you will notice prisons are packed with people who do not have the means, systemically or financially, to fight the charges against them. You can either make criminals or address criminals; the bill makes criminals. Nevada's prisons are already extremely overcrowded. Enable law enforcement and mental health services to work together. Double the funding for sheriffs to seize convicted criminals' guns.

JARED RAMAN:

I sympathize with each woman who described her experience with gun violence today. How can the Committees look themselves in the mirror and live with the broken promise that you will somehow make a change, to those women? Senate Bill 143 is unenforceable, so what will follow is another law to try and make it up to your constituents. You will keep on grabbing our weapons.

What happens when we go to gun registration, red flag—extreme risk protection—laws and confiscation? Mr. Rosen kept saying the bill is just like legislation seen in other states. States that have despotic governments, like California, Massachusetts and Connecticut, have a civil disobedience rate of more than 90 percent. What will that rate be in Nevada?

How far are you willing to see your tyrannical plans through to fruition? Are you willing to go door-to-door to force us to give up our legal property? Throughout history, this has not ended well.

RICHARD BRENGMAN:

Policy should be based on fact, not a litany of emotionally charged terminology. It is illegal to lie to the Committees, yet today I have heard a lot of lies, especially manipulated statistics. I am a 25-year gun dealer. The false allegation

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was made that dealer records will be available to law enforcers through some sort of database. To enforce S.B. 143, several NRS would have to be repealed, and DPS would have to maintain a repository of every transaction. Now, NRS provides that the records of everyone who passed a background check be destroyed within ten days. The bill invites profiling and selective enforcement.

I have done thousands of background checks. They are ineffective and easily circumvented with fake identification. The fee for a check is \$35 in my area. I do not live within ten miles of a gun dealer.

KEN ORTEGA (Co-owner, Homeland Personal Protection):

When you look at other states' constitutional-carry laws, it is evident background checks do not save lives. Private gun sales without checks are legal under federal law, and a universal check bill will turn law-abiders into criminals. The bill is unclear and poorly written without anyone taking the time and due diligence to craft it correctly.

JANE ADAMS:

The stated intent of S.B. 143 is to protect lives. In reality, it misappropriates government funding, will jam up our justice system and put innocent people behind bars. The sloppy language needs to be scrapped or extensively rewritten if the bill is to be successful.

RICH RUPE:

Given it has been 6 years since the inception of S.B. 143, why is its verbiage so poor? Fifty-five percent passage of Question No. 1 is hardly a clear mandate. Only active-duty service members can store their weapons in an arms room before deployment, not reservists.

ZOE MILLER:

I am the victim of abuse, violence and trauma. I have two children and must protect them myself because the police are not close enough to our home. My friend was stressed because unknown, sketchy-looking people had repeatedly come to her door. I told her she could borrow my gun, and I would teach her how to use it. Under S.B. 143, I would break the law to help a friend stay safe. The police can never be close enough.

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BENJAMIN AUER:

You have my letter of opposition ([Exhibit N](#)). A wise man once said, "The road to hell is paved with good intentions." Maybe today's arguments are not about guns at all, rather about laws. Why have NRS gun provisions apparently failed us? If we need additional gun laws, let us write some quality laws, unlike S.B. 143, on the basis of solving a problem with defined legislation.

The average response time of police is six minutes, during which a lot can happen.

Let us write background check laws that work and do not punish the average gun owner. If criminals do not use a gun, they will use a knife or car. Gun violence cannot be eliminated with legislation, permits, rules and regulations. We do not live in a utopia.

PAUL SITZE:

The Committees need to understand a different narrative: guns are good when used correctly. Where is the list of all the lives that have been saved by guns? Is that not a crazy, radical statement? My wife's sister was murdered, but I would never think the gun that killed her is bad. Senate Bill 143 looks like it came out of the DMV. Why not arm teachers if they are willing? Our culture of glorified violence starts with videogames based on killing. Even the prisoners in Ely State Prison—the guys who know how to break laws—would think the bill is a joke.

DAVID DARBY:

After every major U.S. shooting, the public has demanded our politicians do something about gun violence. However, doing "something" can often be worse than doing nothing. Most shooters pass their background checks. Criminals pass checks by mistake, appeal denials through DPS or circumvent the process. Anyone determined to cause harm or do evil will succeed. Senate Bill 143 is the road to eventual gun registration. Bloomberg L.P. spent more than \$18 million to fool the voters into passing flawed Question No. 1.

RAY LEHMAN:

Statistics show 223,000 guns are stolen annually in the Nation. In a little over four years, a million guns flow into the streets. That is where our gun violence problem lies. Rather than pass the deeply flawed S.B. 143, embrace federal

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agencies and make the penalty for gun crimes much more severe. Punish the criminal, not the law-abider.

Governor Sisolak appears to be the driving force behind the bill. He uses bully tactics. Senate Bill 143 does not solve gun violence. Do not be bullied into passing it by our Governor.

GHARIMA CAPULONG:

Senate Bill 143 is intended to close a loophole. Since the Brady Bill was instituted in 1993, Congress expressly exempted background checks between private parties. Fifty years ago, there were no background checks, yet the crime rate was lower than today. Economic disparity and social alienation have increased, causing people to commit crimes.

Rather than enacting new laws, we should go after the illegal gun trade and determine why people want to commit violent crimes. Promote better outreach programs and improved communication between law enforcement agencies. A factor in the Parkland shooting was a failure of information-sharing.

TOM MARTIN:

Mr. Rosen said S.B. 143 would not negatively affect gun buyers. I own several antique firearms. Will there an ownership burden of proof for them on me under the bill?

CLYDE PARCAMACARTI:

I am a CCW holder. If highly flawed S.B. 143 passes, Nevada will have gun controls like California. I keep hearing the term "gun violence" today, but I do not believe inanimate objects can be violent. People are violent; guns in themselves are neither good nor bad. Punishing law-abiders just generates anger.

MILES HUMPHREY, JR.:

Mr. Rosen said the purpose of S.B. 143 is not to jail people, rather to create a culture of compliance. The Committees will do a disservice to their constituents to send such a flawed bill to the Governor's desk.

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NICK ALFONSETTI:

Senate Bill 143 criminalizes honest Nevadans. The Committees' oath was a pledge to uphold our constitutional rights, which the bill erodes. Criminals cannot be touched by gun laws, which will just push them further into their holes. In New York State, criminals buy or rent "alley guns" by the hour. My father always said what makes America great is that no nation will ever invade us because everyone has a gun.

CRAIG SCHMIDT:

I am a former pastor. The largest funeral at which I officiated was a murder-suicide of a dear friend in front of 1,200 mourners. I get it about gun violence. It is a failure of our society, not our legislation. Patrick Henry said, "Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel." We, the people, have given that task to our federal government. The bill's opponents suspect our "jewel" is in danger.

ROBERT GAUDET:

Sandy Hook, Columbine, Fort Hood, San Bernardino, Parkland, Killeen, Southland, Virginia Tech, Orlando and Las Vegas all experienced mass shootings, to say the least. A total of 272 people died. Are those the mass shootings with the most number of victims in our history? No. In 1890, the U.S. government rounded up and killed 290 Native Americans, including 200 women and children, in Wounded Knee, South Dakota. There has been a lot of talk today about children dying. In 2015, the No. 1 cause of death for U.S. children was abortion.

JIM RICHARDS:

The Committees are here to pass a sensible gun law. Background check laws have been passed in several states. What are the consequences for failing the check? Is that in S.B. 143? If you want to get bad guys off the street, put some teeth in the bill and go after people who fail checks. Less than 1 percent of people who fail background checks in this Country are prosecuted.

The problem is not gun laws; it is the new culture. The media, Hollywood, videogames and the school system promote a culture of violence and death that has permeated every aspect of our society. How many mass shootings were perpetrated by—quote—"children"? They are on Ritalin and other drugs that help alleviate their problems and the trauma of trying to learn in schools.

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Senate Bill 143 was passed by Clark County and foisted onto the rest of the State. The Legislature should look at developing a State electoral college so the 16 other counties are not overrun by interests expressed in the bill.

WILLIAM STANLEY:

Dr. Lott showed when you make CCWs easier to obtain, crime rates drop. This controversial finding prompted several other studies, half of which corroborated Dr. Lott's research.

About 20 years ago, my female coworker's house was broken into. During our lunch break, I showed her how to operate a pistol. She felt much more comfortable after that and eventually got her CCW permit. If S.B. 143 had been in effect, I would not have been able to do that. A year ago, I met a woman who had been raped at knifepoint. I also showed her how to use a pistol. In May, I was driving in the Pine Nut Range when I saw a woman honking her horn, waving and yelling for help. She was being held captive and being abused. I helped her but only because I was carrying my .9mm pistol.

MICHELE TORAL:

Based on preliminary reports, the suspect in the recent home invasion murders in Reno and Gardnerville stole his weapon from one of the victims. One of the Reno victims owned several guns, and the suspect had worked for him as a landscaper. We are certain the suspect obtained his gun illegally. The homeowner had obtained his guns legally, from gun shows or as gifts, and was a law-abider. The legality of the good was overcome by the illegality of the bad.

I have friends and relatives who work in the Nevada prison system. They will tell you criminals boast about how they acquire guns, and it is not through dealers, private sales, as gifts or at gun shows. Prisoners acquire guns from other criminals and illicit means and in places where there is violence, danger, poverty, illegal prostitution and drugs. The call to action needs accountability for these criminals. They have no fear of the justice system.

PATRICIO MESSYER:

Senate Bill 143 is unconstitutional and unenforceable. In Nevada, there is no gun registration or way to track private party sales outside of FFL-licensed dealers. Private citizens cannot access NICS or conduct background checks.



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I recently purchased a gun at a Nevada show from a Utah dealer. He sent me to a Nevada seller to do my background check. Gun shows are getting a bad rap today. Sellers are legitimate people, including collectors, offering their guns.

Mental illness is a major cause of gun violence. Guns do not kill people; people kill people. Mental illness exams should have been done on teen mass shooters. Principals and teachers know what is going on with students. The young killer in Parkland was on a school watch list, but nothing was done.

RANDI THOMPSON (Nevada Firearms Coalition):

The Coalition promotes commonsense gun laws to increase public safety while protecting the rights of law-abiders. Senate Bill 143 will not keep guns out of the hands of criminals. There are 170 NRS chapters addressing firearms. *Nevada Revised Statutes* 202.360 makes it illegal for prohibited possessors to own firearms, and NRS 202.362 makes it illegal to provide firearms or ammunition to prohibited persons. After passage of S.B. No. 221 of the 77th Session, the Coalition sent a request to the Clark County district attorney, asking how many people were prosecuted in 2013 and 2014 for violating NRS 202.362, which is the focus of S.B. 143. There was not a single prosecution. If there are no violations of private party transfers, why is the bill necessary?

The bill creates more loopholes than it closes. It puts undue burdens on law-abiders and a costly burden on gun dealers. It could discourage gun stores from doing transfers. Every year in this Country, about 1.2 million guns are stolen. I hope Legislators will look at how to keep guns safer at home so they will not be stolen. That is a larger issue than background checks.

The bill is not about keeping guns out of the hands of bad guys. It is about forcing law-abiders to register their firearms.

ALAN ROSEAN:

I have a CCW permit. When people ask why I carry a gun, I tell them, "I want the option of shooting back, and I don't fire warning shots." A Frenchman has developed a 48-shot, black powder revolver. Anyone with \$100 can buy a black powder gun at Walmart without a background check. With "ghost guns," if you have 80 percent or lower percent of a frame, you can finish the machining on a gun. It has no serial number or FFL background check. I own an AR-15 ghost

gun that is completely legal. Homemade zip, black powder and ghost guns are not addressed in S.B. 143.

JANINE HANSEN (State President, Nevada Families for Freedom):

I began lobbying the Legislature in the early 1990s to protect our right to keep and bear arms. We have made a lot of progress, but S.B. 143 will be a setback. I have a CCW permit. Daniel Webster said, "It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions." People mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters. That is the direction of S.B. 143, which will increase laws and not reduce crime. Dr. Lott said, "Research looking at U.S. data has consistently found no evidence that any type of background checks reduce rates of violent crime."

Background checks are costly, a fee that can put guns out of reach of the most likely victims of violent crime, such as poor minorities living in high-crime areas. Checks may actually increase some types of crimes. Thomas Jefferson said, "In questions of power, let no more be heard of confidence in man, but bind him down for mischief by the chains of the constitution."

JILL DICKMAN:

Mr. Rosen said S.B. 143 will not adversely affect law-abiding citizens. I have heard nothing today about the excessive burdens on FFL dealers who will have to oversee these—quote—"sales." Sales tax will be collected and remitted to the State. Sales will be recorded as inventory sold at a fair market value. They will be subject to the gross receipts or commerce' tax for dealers. That is an undue burden for no return.

We have deep societal problems that are the underlying and root cause of constant gun violence. Stephen Paddock passed numerous background checks in Nevada, yet he killed 58 people. The bill does not address situations like that.

DAVID MOORE:

I have had a trigger pulled up against my head. The gun did not fire, and the shooter was quickly dispatched. I have heard a lot about how shoddily S.B. 143 is crafted. We will never have a background check system that works as long as there is a mental health provision if a buyer's mental health cannot be checked. Under HIPAA, you cannot go into a person's files to see if he or she has had

mental treatment. We need to address HIPAA and ways to get around its strictures or eliminate privacy and weigh those factors against each other. You cannot have both. I would like to see more money spent on enforcing existing NRS.

JENNIFER WOODMAN:

My first husband was an only child who killed himself with a gun, after passing a Nevada background check. Suddenly, I was a poor single mom with two kids, attending nursing school and doing the best I could. My first firearm transfer was from my father-in-law, a retired law enforcement officer. According to S.B. 143, he is no longer considered my family because his son is dead. My in-laws gave me my first firearm and trained me in its use. They said, "We feel better now, knowing our grandsons are better protected." There is evil in this world. To stop murder, eradicate evil.

SHARLA GUERRA:

I am 15 years old. Senate Bill 143 is laying the groundwork for other laws, such as a red flag law. Whoever wants to report someone who has been deemed "crazy" can remain anonymous. That sounds like a good tool for revenge and control. The bill is unjust, irrational and a gateway for worse violations of the U.S. Constitution and the Second Amendment.

JIM HINDLE:

Senate Bill 143 will not significantly reduce gun violence or increase safety. It is being pushed through without regard for the elephants in the room: culture, civility, family, education, mental health care.

I moved to Nevada from Illinois and Washington State, where a progression of gun laws have constrained the rights of law-abiding gun owners in the spirit of the intent to reduce violence and promote safety. Where are we going with this?

JOHN POTASH:

I am a 25-year CCW holder. Support for S.B. 143 is based on the misguided belief that it would have mitigated some of the traumatic experiences we have heard about today. Many people have said if the bill saves just one life, it is worth it. The Centers for Disease Control and Prevention (CDC) found on average, excluding suicides, there are 12,000 to 15,000 gun violence deaths

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annually in the Nation. Nevada has 200 to 250 deaths annually. The CDC also found people use guns to defend life and property about 1.2 million times per year. That is about 18,000 incidents lawful gun owners would have prevented. I agree if we save one life, the bill is worth pursuing. Opposing it will save lives.

DAVID BURNS:

Senate Bill 143 is a contract with the public that will cost Nevadans millions. This morning on television news, Senator Atkinson said, "I know the bill won't cover everything and take care of all of the problems, but it's a start." The fact that it is a start scares Nevadans. Where is it going to end?

Our judicial system is based on one thing: fact, not emotion. The courts rule according to facts, and I guarantee S.B. 143 will be challenged. The end result will be millions of dollars charged to taxpayers for a lawsuit that will fail.

GARRET WOODMAN:

I am the adoptive father of two boys. Senate Bill 143 does nothing for public safety and will make unintentional prisoners of those not in the know. It is purposefully burdensome. How will it affect residents of rural areas, where the majority of Nevadans live? The bill incorrectly identifies our population in section 3, subsection 5.

The definition of "immediately family" in section 6, subsection 3 is lacking. "Family" is often not truly expressed in laws. The bill will disenfranchise families. What about adopted children blended by their biological parents and grandparents? Nuclear families become rarer every year. What happens with unmarried couples in unregistered domestic partnerships or LBGTO families? "Family" does not make you immune to being a prohibited person or doing due diligence, as per NRS. Is section 6, subsection 3 intended to make the medicine go down easier? The bill was not introduced by real professionals and public safety advocates. Sheriffs are not asking for it. It is simply about politics and advancing an agenda. The Committees should not rush to be pawns in someone else's game.

STEVE WINTERS:

I am a firearms collector, appraiser and instructor. In 2012—3 days before Sandy Hook—in Clackamas County, Oregon, Nick Meli, a CCW permit holder, drew his Glock 22 and potentially saved an entire mall after a shooter killed

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2 people with 258 rounds from an AR-15. After Meli backed the shooter into a corner, the man ran downstairs and killed himself. Meli potentially saved more than 500 shoppers.

The Firearm Owners' Protection Act of 1986 states,

No such rule or regulation ... may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established.

DARCY SORENSEN:

I want to see "truth in advertising" from our Legislators. Question No. 1 would not have passed had it not stipulated universal background checks.

ANDREW QUINN:

Mr. Rosen talked about firearm transfers between daughters-in-law and fathers-in-laws, using the son as intermediary to make it legal. What if the son is dead? Now, you have an equal protection argument: only if a father has a son can he transfer to his daughter-in-law, or she would be subject to the background check.

Since Senate Bill 143 was written by just one side of the aisle, it would only be fair to step back and bring in Second Amendment advocates to write a better law. Because it affects so many law-abiders and does not limit crime, it adds up to a pound of prevention for an ounce of cure. The bill is a constitutional problem waiting to happen.

BILL BOWEN:

Senate Bill 143's Legislative Counsel's Digest identifies "The Background Check Act, which was proposed by an initiative petition and approved by the voters at the 2016 General Election." Massive voter fraud occurred in Clark County in that election, according to Assembly District 15 candidate Stan Vaughn. A total of 17,086 votes were cast in the District. When confirmation letters were sent, the postal service returned mail from 9,200 of the supposed voters. This means

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7,886 people did not have correct addresses for their sample ballots. Vaughn found many dead people are on the active voter roll, five people living in vacant lots without mail receptacles and voters registered as Edward Snowdon, Willie Nelson, Waylon Jennings and a dozen movie stars.

People have said Question No. 1 passed by a half-percent to 1 percent of votes. Voter fraud is a major issue across the Country, and we are arguing about a half-percent passage.

GREG PREMO:

Nevada is a little different from states like California, New York or Colorado that have failed gun laws. Many people who moved here from California have not yet altered their perspective, so votes may not reflect that demographic change.

Senate Bill 143 seeks to create a permanent record of gun ownership. Who will keep it and maintain its security? We know that foreign entities have hacked into computer records of personal information. With a gun registry, Nevadans will be open to this security risk.

TONY MARIMPIETRI:

The title and summary of S.B. 143 are misleading. It is about so much more than background checks. The devil is in the details. A lot of people are in favor of background checks, but so much more in the bill has not been talked about today. Present it to your constituents so they can see it for what it really is, and see if 50.5 percent of voters approve it.

Question No. 1 was put on the ballot after Bloomberg L.P. spent \$18 million on it. Too much of what goes on in elections is influenced by marketing and advertising campaigns.

AMBER CARRILLO:

I am a firearms instructor. After 27 years, my husband and I returned to Nevada because of its small business policies and gun laws. We decided this was the best place for firearms instruction. I recently received my FFL dealer certification. In order to comply with S.B. 143, I must take possession of clients' firearms and add them to my inventory. I have to pay taxes and fees on the transaction. If the buyer fails the background check, I have to do a check on the client who gave me the gun to sell. If he or she fails, I cannot return the

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gun, and I then have to pay insurance on it. The bill puts undue burdens on small business owners like me. My husband's background check was put on hold, even though he has had top-secret clearance in the Marine Corps for 27 years.

PAT HORGAN:

There are many reasons not to comply with S.B. 143. You are a bad guy who knows he will not pass the background check, or you are a patriot who feels it violates your Second Amendment rights. Let us say my family member and I exchange guns, and we both go home happy. How will that be stopped unless an officer is sitting at my kitchen table?

MICHAEL IONE:

I am concerned about the vague transfer exemptions in S.B. 143. I am confused as to what I can and cannot do. The legal age to hunt in Nevada is 12 with a parent's signature; the legal age to purchase a long gun is 18. I take children chukar hunting. I own the gun my child uses, but am I breaking the law when I drive the other two children with their guns? The whole process has created more questions than answers for me.

SHAWN MEEHAN:

Article 19, section 2, paragraph 3 of the Nevada Constitution provides:

If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect.

Senate Bill 143 becomes effective January 2, 2020, and tries to get around the constitutional mandate. When the Governor signs this bill, he will violate the Constitution.

I am a retired noncommissioned Air Force officer. Many of my troops deployed at an hour's notice with no one to give their firearms to. With no background checks, leaving weapons with friends will be a huge problem.

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Attorney General Ford said 5,000 Nevadans had failed background checks between 2012 and 2014. Mr. Kubick said in fiscal year 2017, there were just 12 prosecutions by the Office of the U.S. Attorney for check failures. Laws that are violated but not prosecuted are not deterrents.

In May 2014 in my hometown, Santa Barbara, California, a young man killed 6 people with illegally procured weapons. He had had many encounters with law enforcement and may have had unaddressed mental difficulties. In November 2017, a former Air Force airman killed 26 people in the First Baptist Church of Sutherland Springs, Texas. His mental deficiencies had not been reported to the proper database so he could receive treatment. The Committees have an opportunity to pull back S.B. 143 and instead address our inadequate mental health system to stop senseless killings.

MATTHEW YEALY:

I am neutral on S.B. 143. Why was the bill rushed through and clearly intended to circumvent poorly written S.B. No. 221 of the 77th Session? Mr. Rosen does not know the definition of "possession." Sandy Hook and 1 October had nothing to do with background checks. I was shot with an unregistered handgun, yet I am still neutral on the bill. What if my friend with a concealed firearm permit, issued by another state, needed to borrow my gun? We have already been vetted by our respective states and NICS.

BRENDA J. ERDOES (Legislative Counsel):

You have the Department of Taxation tax bulletin concerning private party transfers of firearms ([Exhibit O](#)). Is the question whether a background check done by an FFL dealer would be taxed as a private sale?

CHAIR CANNIZZARO:

Yes. We have heard testimony that if a buyer goes to an FFL dealer, there would be a background check with sales tax, and that would also impact the commerce tax.

MS. ERDOES:

Senate Bill 143 will not require private sales background checks done by FFL dealers to be taxed under the Sales and Use Tax Act of 1955. Whether sales tax will be applied to private sales will be based on how many sales the FFL dealer has made in the previous 12 months. This is considered an occasional



sale which is exempt from the sales tax unless the FFL dealer has done more than two sales in a year. For example, if you sell more than 2 vehicles in 12 months, under the Sales and Use Tax Act, you are deemed to be retailing the vehicle and must pay the tax.

Now with interstate sales, when you buy a gun from, say, a Utah FFL dealer, and want to bring it to Nevada, federal law requires the Utah dealer to ship it to a Nevada FFL dealer who will facilitate the sale. The Department ruled that because of the portion of the transaction done by the Nevada dealer, sales tax applied. That is not the case with private party gun sales, [Exhibit O](#).

ASSEMBLYMAN WATTS:

If there is more than an occasional sale, would the sales tax responsibility be on the seller, not the dealer facilitating the background check?

MS. ERDOES:

Yes.

SENATOR HANSEN:

Section 5, subsection 7 of [S.B. 143](#) says, "A licensed dealer may charge a reasonable fee for conducting a background check and facilitating a firearm transfer between unlicensed persons." Tax Bulletin SUT-15-001, "Taxation of Interstate Retail Sales of Firearms" ([Exhibit P](#)) states:

... a fee or service charge assessed by the FFL or the out of state dealer to cover costs ... is subject to sales tax because "sales price" includes the cost of materials used, labor or service cost.

While the transaction between the private parties is not considered a sale, any charges under section 5, subsection 7 would be taxed. Is that correct?

MS. ERDOES:

The amount you pay for the gun is not taxable, but what you pay to the FFL dealer may be. Generally, services are not taxable, only tangible, physical property.

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SENATOR HANSEN:

[Exhibit P](#) clearly states service or fee charges incurred during interstate sales are taxable, and that FFL dealers have to pay sales tax.

BRYAN FERNLEY (Senior Principal Deputy Legislative Counsel):

If a firearm is being transferred from a person in another state to Nevada, that is a taxable sale by the FFL dealer. The fees associated with that sale are also taxable. However, as per [Exhibit O](#), there will not be a taxable sale by the FFL dealer, so the fees associated with it are not taxed.

SENATOR HANSEN:

[Exhibit P](#) does not deal exclusively with interstate sales; it is about the background check fee. Section 5, subsection 3 of S.B. 143 states:

A licensed dealer who agrees to conduct a background check pursuant to this section shall comply with all 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.

By law, is this not describing a transfer of "inventory" and a taxable, sellable item under all NRS?

MS. ERDOES:

No. You have to read that subsection in the context of its language, not NRS. The Department does not have a direct determination on the sale you are describing.

SENATOR HANSEN:

What does "but not limited to" mean? That is totally open-ended. It says "all," yet seems to apply exclusively to the recordkeeping aspect. If that is "not limited to," what is it limited to? The FFL dealer has an inventory, yet the firearm is not considered inventory, whereas normally his or her inventory would engender a sales tax. Now, NRS tells me in this particular transaction that there is no sales tax. Where is the clarity in the law?

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Ms. ERDOES:

The bill says the FFL dealer must go through all the same procedures as if it were regular inventory, but it is not.

SENATOR HANSEN:

Are you saying there will be no sales tax on any transactions conducted by a FFL dealer between private parties? My thinking was there were possible taxes levied on fees the parties were charged. Are you saying there will be no taxes on those fees?

Ms. ERDOES:

If it qualifies as an occasional sale as defined by [Exhibit O](#), then that is true. Nevada's sales and use tax is applied by the Department because the tax is on tangible personal property; however, when you have service and other charges, they are lumped in with the sale and are taxed. In the FFL example, there is no tangible personal property that is the point of the sale, so there is no tax.

ASSEMBLYWOMAN TOLLES:

There has been a lot of discussion today about the mechanism by which background checks are conducted by the FBI, DPS, Repository and NICS. Could someone summarize the differences between those systems and what Question No. 1 and [S.B. 143](#) stipulate? One system looks like a registry is being kept, and the other does not.

MINDY MCKAY (Acting Division Administrator, Records, Communications and Compliance Division, Department of Public Safety):

The difference between what the FBI and Nevada, as a point-of-contact state, do is: the FBI checks NICS, not State files. For example, the State has access to—but the FBI does not—domestic violence protection orders, CCW permits issued, the Las Vegas Metropolitan Police Department Shared Computer Operations for Protection and Enforcement (SCOPE) system and the Dangerous Offender Notification System. The latter contains information on people supervised by the Division of Parole and Probation. The SCOPE records system is local and mainly used by Clark County. State warrants are not entered into the national warrant system. Nevada's mental health adjudications are entered into NICS.

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ASSEMBLYWOMAN TOLLES:

Is there a difference between what is tracked for recordkeeping in the State and national systems?

Ms. MCKAY:

We follow federal guidelines about which background check records are kept and for how long.

SENATOR PICKARD:

Senate Bill 143 includes gifted firearms in noncash transfers. How then will FFL dealers handle the tax? Are they completely exempt because there is no underlying consideration being exchanged?

Ms. ERDOES:

There would be no tax incident for the FFL dealer because all the Department can tax is tangible personal property or service charges related to sales. Transfers or gifts would not change that analysis.

ASSEMBLYMAN ROBERTS:

When FFL dealers facilitate out-of-state transactions, how will the Department differentiate between which sales should be taxed? Could a dealer somehow hide the fact that a transfer is from out of state?

Ms. ERDOES:

[Exhibit P](#) outlines for FFL dealers what they need to do for interstate sales. [Exhibit O](#) explains how there is no tax on background checks conducted by FFL dealers. There are unique tax-auditing procedures for gun dealers.

SENATOR ATKINSON:

My cousin in the military watched today's hearing and texted me that when she has been on her several deployments, she takes every precaution to safely secure weapons she leaves behind in her house with roommates. Sometimes, those secure locations are designated by the military. There is plenty of time for personnel to discharge their firearms before deployment.

The bill does not intend for family members to circumvent the law when transferring weapons between each other. We want to ensure all family members get background checks, a process that takes mere minutes. We heard

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today about a culture of loaning guns to family members and claims the bill will complicate that. I have weapons but have never loaned them to family members as that makes me uneasy. Instead, I encourage them to get background checks and obtain their own weapons.

Question No. 1 read:

Shall Chapter 202 of the *Nevada Revised Statutes* be amended to prohibit, except in certain circumstances, a person from selling or transferring a firearm to another person unless a federally-licensed dealer first conducts a federal background check on the potential buyer or transferee?

Given that description, does anyone here think the election result would have been different? Absolutely not.

I requested Bill Draft Request 15-755 on December 12, 2018, so Senate Bill 143 has been out there for quite some time. In his State of the State Address on January 7, Governor Sisolak indicated he wanted something done about background checks. Legislators have been very transparent about our desire to fix the loopholes this Session. If this was a secret, it has been the worst-ever, best-kept secret.

No one has indicated S.B. 143 will fix everything. We suggest it will make communities safer. It does not matter by what percentage voters approved Question No. 1, and overwhelmingly in Clark County. We have demonstrated that, statistically, background checks do save lives. As Assemblyman Frierson and Senator Cancela said, there are senseless killing every day by people who should not have guns. If the bill saves a just a few lives a year, our communities are made safer.

We heard from a woman who only found out she had a felony on her record when she got a background check. That supports our case, because we can assume a family member has not had a check but finds out later he or she has.

I know of no Legislator who paid for a testifier to be here today, as several opponents have alleged. Others alleged Committee members received campaign contributions from Bloomberg L.P. If that is the litmus test, so are the millions of

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dollars dished out to the other side by the NRA. Respect the will of the voters and pass this bill so we can begin making our communities safer.

CHAIR CANNIZZARO:

We will close the hearing on S.B. 143. Does anyone wish to make a public comment?

ADAM BERGER:

I am a Clark County School District educator. We have a systemic crisis in the District. Adequately funding public education by increasing school funding is needed. We ask lawmakers to work in a bipartisan manner to fund educators' and staff salaries with adequate wages, make sure funding follows each student and ensure funding goes to special programs such as special education, English Language Learners and Gifted and Talented Education. Benjamin Franklin said, "An investment in knowledge pays the best interest." Legislators need to think of funding the District as an investment, not an expense. Teachers have waited too long for action. As evidenced by the recent Denver teachers' strike, the waiting is over.

LISA COOPER:

I am tired of the will of the voters being circumvented by Republicans. Question No. 1 was passed, the Democratic-controlled Legislators of the Seventy-seventh Session passed it and Governor Sandoval vetoed it. The people worked to get the votes, and Question No. 1 passed. Governor Sandoval and Attorney General Laxalt circumvented Nevadans' will and blocked it. I do not want my children to put down their lives for Second Amendment rights.

CHAIR CANNIZZARO:

I will open the work session.

SENATOR HARRIS MOVED TO DO PASS S.B. 143.

SENATOR SCHEIBLE SECONDED THE MOTION.

SENATOR PICKARD:

Normally, we have days, if not weeks, to consider the language of bills and hear from experts on their topics. In the theater of the Committee hearing, it is hard to vet details. Given repeated inconsistencies in the testimony and the

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ambiguities and internal conflicts in its language referring to other State and federal statues, we should wait to vote on the bill. Therefore, I will vote no.

SENATOR HANSEN:

Chair Cannizzaro, are you not open to amendments to S.B. 143?

CHAIR CANNIZZARO:

No amendments have been submitted.

SENATOR HAMMOND:

I was given the bill's language at 11 a.m. yesterday. The necessary 24 hours required to submit amendments were not provided. Did anyone get the bill before 11 a.m. yesterday?

CHAIR CANNIZZARO:

The bill's language is identical to that in Question No. 1, except which entity will do the background checks.

SENATOR HAMMOND:

The preamble is also different.

CHAIR CANNIZZARO:

With respect to the bill's actual language, there were conversations between Senator Atkinson and other Senate leaders on possible amendments, of which there were none.

SENATOR HANSEN:

I also did not see the bill until after 11 a.m. yesterday. We should have had the opportunity to vet and possibly amend the bill in a normal time frame, but that did not happen.

CHAIR CANNIZZARO:

There were no discussions with bill sponsor Senator Atkinson on proposed amendments.

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THE MOTION CARRIED. (SENATORS HANSEN, HAMMOND AND  
PICKARD VOTED NO.)

\* \* \* \* \*

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CHAIR CANNIZZARO:

Seeing no more business before the joint meeting of the Senate Committee on Judiciary and the Assembly Committee on Judiciary, this meeting is adjourned at 5:17 p.m.

RESPECTFULLY SUBMITTED:

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Pat Devereux,  
Committee Secretary

APPROVED BY:

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Senator Nicole J. Cannizzaro, Chair

DATE: \_\_\_\_\_

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Assemblyman Steve Yeager, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	62		Attendance Roster
S.B. 143	C	4	Senator Kelvin Atkinson	Testimony
S.B. 143	D	2	Attorney General Aaron Ford	
S.B. 143	E	1	Gwen Hunter	Testimony
S.B. 143	F	2	Christiane Brown / Brady Campaign to Prevent Gun Violence Northern Nevada	Testimony
S.B. 143	G	2	Serena Evans / Nevada Coalition to End Domestic and Sexual Violence	Testimony
S.B. 143	H	1	David Hatton	Testimony
S.B. 143	I	1	Casey Balkenbush	Letter of Opposition
S.B. 143	J	1	Linda Buckardt / Nevadans Citizens Action Network	Letter of Opposition
S.B. 143	K	1	Juanita Cox	Testimony
S.B. 143	L	1	James F. Falk	Testimony; "Psychiatric Meds: Prescription for Murder?"; "Stephen Paddock: Another Mass Shooter on Psychiatric Meds"; "MK Ultra Mind Control: The Government's Voices of God Weapon"
S.B. 143	M	15	Jim Sallee	Letter of Opposition
S.B. 143	N	2	Benjamin Auer	Letter of Opposition
S.B. 143	O	2	Brenda J. Erdoes	Tax Bulletin SUT 17-0001 "Private Party Transfers of Firearms"

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S.B. 143	P	3	Senator Ira Hansen	Tax Bulletin SUT 15-0001 "Taxation of Interstate Retail Sales of Firearms"
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