

**ADOPTED REGULATION OF THE
PRIVATE INVESTIGATOR'S LICENSING BOARD**

LCB File No. R009-10

Effective August 13, 2010

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

AUTHORITY: §1, NRS 648.030 and 648.120; §§2-5, NRS 648.030.

A REGULATION relating to firearm safety; revising provisions relating to the renewal of certification as a firearms instructor; revising the fee for such renewal; revising the curriculum for a course of training in firearms safety; establishing a maximum number of training hours per day; and providing other matters properly relating thereto.

Section 1. NAC 648.345 is hereby amended to read as follows:

648.345 1. A licensee or an employee of a licensee for whom a registration fee is paid pursuant to NAC 648.340 may not carry any firearm while performing the duties for the type of business for which he is licensed or employed unless he:

- (a) Is certified by the Board as a firearms instructor pursuant to subsection 2;
- (b) Has successfully completed and received certification from a course of training approved by the Board in carrying, handling and using firearms safely; or
- (c) Has been actively employed as a peace officer and is certified by the Board pursuant to subsection 5.

2. The Board may certify a person who meets the requirements of subsection 1 of NRS 648.110 as a firearms instructor in carrying, handling and using firearms safely if the applicant:

- (a) Is at least 21 years of age;

(b) Has not been convicted of a felony or any crime involving the illegal use or possession of a firearm; and

(c) Submits a completed application with proof satisfactory to the Board of his qualifications and experience and pays a fee of \$100. The application must include:

(1) A detailed statement of the applicant's qualifications and experience in carrying, handling and using firearms;

(2) A detailed statement of the applicant's qualifications and experience in providing instruction to other persons in carrying, handling and using firearms safely; and

(3) Evidence of the applicant's successful completion of at least 40 hours of training on the instruction of peace officers or security officers in carrying, handling and using firearms safely.

3. To renew his certification as a firearms instructor, the applicant must:

(a) Submit his application for renewal to the Board on or before July 1 next following the date the certificate was issued or last renewed;

(b) Submit proof satisfactory to the Board of the completion of at least ~~4~~ 12 hours of education or training on ~~teaching a course of training~~ subjects described in NAC 648.346 ~~;~~ *within the previous 24 months*; and

(c) Pay a fee to the Board of ~~\$50.~~ \$100.

4. As evidence of a person's certification as a firearms instructor or renewal thereof, the Board will issue to the person a card which is sequentially numbered and of a size to be carried in a wallet. The card will contain the date of its issuance and expiration.

5. The Board may certify a licensee or employee who has been employed as a peace officer if he submits a completed application to the Board that is accompanied by:

(a) Proof satisfactory to the Board that the applicant was employed as a peace officer, as defined in NRS 169.125, for at least 10 years, and was employed as a peace officer during the 5 years immediately preceding the date of the application;

(b) A statement of the training and experience the applicant obtained in the use of firearms while employed as a peace officer;

(c) Proof satisfactory to the Board of the applicant's qualification through a course of fire within the 3 months immediately preceding the date of the application; and

(d) An application fee of \$10.

↪ In addition to the application fee, the applicant must pay a fee of \$10 for a card issued pursuant to NAC 648.350.

Sec. 2. NAC 648.346 is hereby amended to read as follows:

648.346 1. The *minimum* curriculum for a course of training in carrying, handling and using firearms safely that is taught for the purposes of NRS 648.030 must include instruction designed to teach:

(a) The legal ~~[, moral and ethical]~~ *and civil* responsibilities of carrying, handling and using a firearm, including:

(1) The applicable federal and state laws and regulations and local governmental ordinances related to carrying, handling and using firearms and the use of deadly force.

(2) The civil and criminal liability related to carrying, handling and using firearms and the use of deadly force.

(3) The consequences and risks related to carrying, handling and using firearms and the use of deadly force.

(4) The elements of self-defense, using a weapon in self-defense [~~techniques for retaining weapons~~] and the use of force.

(5) Recent court decisions related to carrying, handling and using firearms and the use of deadly force.

(b) The terminology related to and the maintenance of different types of firearms and their related systems, including:

(1) The operational and mechanical systems and parts of a firearm and the related terminology.

(2) The types of ammunition and their ballistic [~~data~~] *properties* and effective uses.

(3) The inspection, storage and general care of ammunition.

(4) The inspection, care, cleaning and maintenance of a firearm.

(c) Carrying, handling and using a firearm safely, including:

(1) The safe handling, use and storage of firearms when off duty.

(2) The safe transportation of a firearm.

(3) The appropriate methods of safely carrying a firearm while on duty.

(4) Safety and accessory equipment available to carry, handle and use a firearm safely.

(d) The fundamentals of [~~proper~~] *safe* handling and shooting of firearms, including:


(1) The fundamentals of operating a handgun.

(2) The general differences among handguns.

(3) The proper procedures and devices for loading, unloading and reloading a firearm.

(4) The fundamentals of shooting, such as the use of sights, sight picture and alignment, control of the trigger, breathing and firing in a single or double action.

(5) Proper techniques for gripping a handgun and shooting positions.

(6) Procedures for drawing and reholstering a firearm  *and techniques for retaining a firearm.*

(7) The correct positions for shooting when standing, kneeling, sitting or prone.

(8) The use of barricades or other forms of cover and alternate shooting positions.

(e) The preparation for shooting at a firing range, including:

(1) The location of the range.

(2) The equipment to be used at the range.

(3) The course of fire.

(4) Targets to be used.

(5) Commands at the range.

(6) Safety and etiquette at the range.

(f) Exercises to be used at a firing range and the practical use of a firearm at the firing range, including:

(1) The review of safety procedures and etiquette at the firing range and a safety inspection of all firearms, holsters and accessories.

(2) Practicing drawing and holstering.

(3) Dry firing, the manipulation of the trigger and follow through.

(4) The procedures for loading, unloading and reloading.

(5) Exercises for firing with live ammunition to practice proper shooting techniques while firing at targets with a firearm of the same type and caliber as the firearm the person will use while on duty.

(6) Qualifying with a course of fire established by the instructor, using a firearm of the same type and caliber as the firearm the person will use while on duty. The course of fire must

require firing at least 30 rounds of live ammunition with a passing score of 75 percent, and must include shooting 10 rounds of ammunition from a distance of 3 yards in 30 seconds, 10 rounds of ammunition from a distance of 7 yards in 30 seconds and 10 rounds of ammunition from a distance of 15 yards in 30 seconds ~~on~~ *on a full-size B27-type target.*

2. The course must consist of:

(a) Eight hours of training and instruction on carrying, handling and using a firearm safely, including the completion of a written examination with a passing score of 75 percent. The examination must consist of questions with answers that are true or false, multiple choice or fill in the blank.

(b) ~~Three~~ *Five* hours of instruction and training on a firing range during which each person must qualify using a firearm of the same type and caliber as the firearm the person will use while on duty.

3. The course must be completed within a period of 14 days. Each day of the course must consist of a number of contact hours of training. Not more than 9 contact hours of training may occur on any day.

4. If a person fails to complete the written examination with a passing score of 75 percent as specified in paragraph (a) of subsection 2 or to qualify using a firearm of the same type and caliber as the firearm the person will use while on duty as specified in subparagraph (6) of paragraph (f) of subsection 1:

(a) Except as otherwise provided in paragraph (b), the person must repeat the course in full before retaking the written examination and firearm qualification.

(b) At the discretion of the instructor, for good cause shown, the person may retake the written examination and the firearm qualification without repeating the course in full if the

person completes such remedial training as the instructor determines is appropriate, taking into account the person's performance on the previous written examination and firearm qualification. The instructor may charge an additional fee for the remedial training.

5. As used in this section, "contact hour" means 50 minutes of instruction in a period of 60 minutes.

Sec. 3. NAC 648.348 is hereby amended to read as follows:

648.348 1. A person who is certified as a firearms instructor by the Board shall not conduct a course of training in carrying, handling and using firearms safely for the purposes of NRS 648.030 unless the course ~~has been approved by the Board. Each application for such approval must be submitted to the Board in writing, at least 30 days before the meeting at which the application is to be considered, and contain:~~

~~—(a) A detailed outline of the course;~~

~~—(b) A lesson plan containing a narrative description of the specific instruction to be provided concerning the subject matter specified in the outline of the course;~~

~~—(c) A description of the course of fire to be used for qualification;~~

~~—(d) A copy of the written examination for the course with corresponding answers; and~~

~~—(e) The name of the instructor who will be teaching the course.~~

~~—2. The Board's approval of the outline, lesson plan, course of fire and examination is effective until the Board notifies the person conducting the course in writing that the approval has been withdrawn. No change may be made in an approved outline, lesson plan, course of fire or examination without the Board's approval of the proposed change.] follows the curriculum established in NAC 648.346.~~

2. A person who fails to comply with subsection 1 is subject to disciplinary action.

Sec. 4. NAC 648.350 is hereby amended to read as follows:

648.350 1. To certify a person's successful completion of the course of training in carrying, handling and using firearms safely, and his successful qualification with a firearm, a firearms instructor shall issue to the person a card furnished by the Board for that purpose. The card will be sequentially numbered and of a size to be carried in a wallet. The firearms instructor shall state on:

(a) The front of the card its date of issuance and expiration.

(b) The back of the card the date of the person's qualification and the instructor's verification of that qualification.

2. The certification card is valid for 5 years if the licensee or employee successfully qualifies every 6 months on a course of fire that is given by a certified firearms instructor and is approved by the Board. The licensee or employee must fire at least 30 rounds of ammunition with a score of at least 75 percent. If the licensee or employee fails to qualify every 6 months, the card becomes invalid and the licensee or employee shall not use a firearm in the course of his employment until he successfully qualifies.

3. If a licensee or employee fails to qualify for at least 2 successive 6-month periods or his certification card expires, he may be recertified if he presents proof satisfactory to the Board of his completion of at least 4 hours of additional training in the legal ~~[, moral and ethical]~~ *and civil* responsibilities of carrying, handling and using a firearm as set forth in paragraph (a) of subsection 1 of NAC 648.346.

4. *If a licensee or employee is also a firearm instructor who has been certified by the Board, he must qualify annually and present proof of qualification to the Board at the time of recertification.*

5. To cover the Board's administrative costs related to the certification and qualification of a person by a certified firearms instructor, the instructor shall remit to the Board \$1 for each certification card issued by the instructor pursuant to this section.

~~5.1~~ 6. The person to whom the certification card is issued shall:

- (a) Have it in his possession while carrying a firearm in the performance of his duties; and
- (b) Produce it upon the request of any peace officer or a representative of the Board.

Sec. 5. NAC 648.347 is hereby repealed.

TEXT OF REPEALED SECTION

648.347 Course of training: Time requirement for each subject. (NRS 648.030)

The following subjects must be taught in a course of training in carrying, handling and using firearms safely for the listed length of time:

1. The legal, moral and ethical responsibilities of carrying, handling and using a firearm, for 2 hours.
2. The terminology related to and the maintenance of different types of firearms and their related systems, for 1 hour.
3. Carrying, handling and using a firearm safely, for 1 1/2 hours.
4. The handling of a firearm and the fundamentals of shooting, for 1 1/2 hours.

5. Preparation for practical training at the firing range and safety and etiquette at the firing range, for 1 hour.

6. Practical training at the firing range, for 3 hours.

INFORMATIONAL STATEMENT
LCB File No. R009-10

The following is an informational statement for adoption to the Nevada Administrative Code (NAC) 648, for the Board to issue registrations for all employees who work for licensees in the industries regulated pursuant to NRS 648. The following proposed language is required to carry out the functions of the statute.

LCB File No. R-109-09 was noticed for public workshop on November 9, 2009, at the Office of the Attorney General, Mock Courtroom, 100 North Carson Street, Carson City Nevada and video-conferenced to the Attorney General's Office, 555 E. Washington Avenue Suite 4500, Las Vegas Nevada. R-109-09 was submitted to the Legislative Counsel Bureau on August 15, 2009.

At the legislative commission meeting there was concern about some of the language in the adopted language. I requested to remove the item from consideration and to amend the language based upon the members concerns. LCB File No. R-109-09 was noticed for another public workshop on February 19, 2010 at the Office of the Attorney General, Mock Courtroom, 100 North Carson Street, Carson City Nevada and video-conferenced to the Attorney General's Office, 555 E. Washington Avenue Suite 4500, Las Vegas Nevada. R-109-09 was submitted to the Legislative Counsel Bureau on August 3, 2010.

LCB File No. R-009-10 was noticed for public workshop on February 19, 2010, at the Office of the Attorney General, Mock Courtroom, 100 North Carson Street, Carson City Nevada and video-conferenced to the Attorney General's Office, 555 E. Washington Avenue Suite 4500, Las Vegas Nevada. R-009-10 was submitted to the Legislative Counsel Bureau on August 3, 2010.

The notice of hearing was posted at the following locations:

Private Investigators Licensing Board
Office of the Attorney General, Carson City
Legislature Building, Carson City Office of the Attorney General, Las Vegas
Nevada State Library, Carson City
Washoe County Library, Reno Nevada
Clark County Library, Las Vegas, Nevada
Grant Sawyer State Office Building, Las Vegas Nevada

Copies of the proposed regulations were also made available at the Private Investigators Licensing Board for inspection by the public during business hours. A public hearing was held May 11, 2010 at the Grant Sawyer State Office Building, 555 E. Washington Avenue Suite 4500, Las Vegas Nevada and video-conferenced to The Office of the Attorney General, 100 N. Carson Street, Mock Courtroom, Carson City, Nevada, in accordance with Nevada Revised Statute (NRS) 233B.

Copies of the proposed amendment were sent to those persons who are licensed and would be affected. They are licensed pursuant to NRS 648. Copies were also sent to all Nevada

County Public Libraries for compliance with NRS 233B.066. Nine individuals signed in for the Public hearing on May 11, 2010. Thirty individuals signed in for the work shop. There was public comment in favor and in opposition to the proposed regulation in Las Vegas. There was public comment in Carson City in favor of the proposed regulation.

At the public hearing there was no comment on the proposed change that would address the concerns of the commission. The Board voted unanimously to adopt the amendment to R-109-09. The Board considered each section and sub-section of R-009-10, asking for public comment of each section of the regulation. The Board considered and incorporated some of the comments from the work shop into the proposed regulation. The following proposed amendments were made at the public hearing; Section 2(3) The Board voted unanimously to adopt the regulation as amended.

Interested persons may obtain a copy of the public response and industry response by contacting the Private Investigators Licensing Board to request a copy of the minutes or visiting our website at <https://nevadapilb.glsute.us>.

It is estimated that the amendments to the regulation may have some economic impact because of the increase of hours of training.

It is estimated that the agency will be able to enforce the proposed regulations with minimal funds.

The amendment does not overlap or duplicate any other regulation of a state or government agency.