

N E L I S

**1989**AB 147 By Thompson FIREARMS

Reserves power to regulate firearms to state. (BDR 20-100)

Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

01/31 12 Read first time. Referred to Committee on Government Affairs. To printer.

02/01 13 From printer. To committee.

02/01 13 Dates discussed in committee: 4/5, 4/18, 4/19 (A&DP)

04/19 65 From committee: Amend, and do pass as amended.

04/19 65 (Amendment number 505.)

04/19 65 Placed on Second Reading File.

04/19 ✓ 65 Read second time. Amended. To printer.

04/20 66 From printer. To engrossment.

04/20 66 Engrossed. First ✓ reprint.

04/21 ✓ 67 Read third time. Lost. (21 Yeas, 20 Nays, 1 Absent, 0 Excused, 0 Not Voting.) Notice of reconsideration on next legislative day.

04/24 ✓ 68 Action reconsidered.

04/24 68 Taken from General File. Placed on Chief Clerk's desk.

05/04 76 (Amendment number 535.)

05/09 79 Taken from Chief Clerk's desk. Placed on General File.

05/09 ✓ 79 Read third time. Passed, as amended. Title approved. (23 Yeas, 19 Nays, 0 Absent, 0 Excused, 0 Not Voting.) To Senate.

05/09 79 In Senate.

05/09 79 Read first time. Referred to Committee on Govt Affairs. To committee.

05/09 79 Dates discussed in Committee: 5/31, 6/2 (DP)

06/03 98 From committee: Do pass.

06/03 98 Declared an emergency measure under the Constitution and placed on General File for next legislative day.

06/05 ✓ 99 Read third time. Passed. Title approved. (20 Yeas, 0 Nays, 1 Absent, 0 Excused, 0 Not Voting.) To Assembly.

06/06 100 In Assembly.

06/06 100 To enrollment.

06/08 102 Enrolled and delivered to Governor.

06/13 106 Approved by the Governor.

06/14 107 Chapter 308.

Effective June 13, 1989.

(\* = instrument from prior session)

✓ A.B. 147 (chapter 308)

Assembly Bill 147 reserves the power to regulate firearms to the state. The measure specifies, however, that the local governments may proscribe by ordinance or regulation the unsafe discharge of firearms.

The bill indicates that its provisions only limit local ordinances or regulations adopted on or after its effective date, and the measure becomes effective upon passage and approval.

1989 Summary of Legislation

ASSEMBLY BILL NO. 147--ASSEMBLYMEN THOMPSON, DINI, NEVIN  
AND BERGEVIN

JANUARY 31, 1989

Referred to Committee on Government Affairs

SUMMARY--Reserves power to regulate firearms to state. (BDR 20-100)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.



EXPLANATION--Matter in italics is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to firearms; reserving the power to regulate firearms to the state; providing certain exceptions; and providing other matters properly relating thereto.

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

1 Section 1. Chapter 244 of NRS is hereby amended by adding thereto a  
2 new section to read as follows:

3 1. *Except as otherwise provided by specific statute, the legislature*  
4 *reserves for itself such rights and powers as are necessary to regulate the*  
5 *transfer, sale, purchase, possession, ownership, transportation, registration*  
6 *and licensing of firearms and ammunition in Nevada, and no county may*  
7 *infringe upon those rights and powers.*

8 2. *A board of county commissioners may proscribe by ordinance or regu-*  
9 *lation the unsafe discharge of firearms.*

10 3. *As used in this section, "firearm" means any weapon from which a*  
11 *projectile is discharged by means of an explosive, spring, gas, air or other*  
12 *force.*

13 Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new  
14 section to read as follows:

15 1. *Except as otherwise provided by specific statute, the legislature*  
16 *reserves for itself such rights and powers as are necessary to regulate the*  
17 *transfer, sale, purchase, possession, ownership, transportation, registration*  
18 *and licensing of firearms and ammunition in Nevada, and no city may infringe*  
19 *upon those rights and powers.*

20 2. *The governing body of a city may proscribe by ordinance or regulation*  
21 *the unsafe discharge of firearms.*

22 3. *As used in this section, "firearm" means any weapon from which a*  
23 *projectile is discharged by means of an explosive, spring, gas, air or other*  
24 *force.*

25 Sec. 3. Chapter 269 of NRS is hereby amended by adding thereto a new  
26 section to read as follows:

- 1     1. Except as otherwise provided by specific statute, the legislature  
2 reserves for itself such rights and powers as are necessary to regulate the  
3 transfer, sale, purchase, possession, ownership, transportation, registration  
4 and licensing of firearms and ammunition in Nevada, and no town may  
5 infringe upon those rights and powers.
- 6     2. A town board may proscribe by ordinance or regulation the unsafe  
7 discharge of firearms.
- 8     3. As used in this section, "firearm" means any weapon from which a  
9 projectile is discharged by means of an explosive, spring, gas, air or other  
10 force.

**MINUTES OF MEETING  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Sixty-Fifth Session  
APRIL 5, 1989**

The Assembly Committee on Government Affairs was called to order by Chairman Danny L. Thompson at 8:17 a.m., Wednesday, April 5, 1989 in Room 214 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda, Exhibit B is the Attendance Roster.

**MEMBERS PRESENT:**

Chairman Danny L. Thompson  
Vice Chairman Val Z. Garner  
Mr. Ernest E. Adler  
Mr. James J. Banner  
Mr. Bruce R. Bogaert  
Mrs. Eileen B. Brookman  
Mr. Robert W. Fay  
Mrs. Vivian L. Freeman  
Mrs. Joan A. Lambert  
Mr. James W. McGaughey  
Mr. Leonard V. Nevin  
Mr. James Schofield  
Mr. Gary A. Sheerin

**MEMBERS ABSENT:**

Mr. Louis W. Bergevin (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Joseph E. Dini, Jr.

**STAFF MEMBERS PRESENT:**

Mr. Fred Welden

**OTHERS PRESENT:**

See Attached Guest List/Attendance Roster (Exhibit B)

ASSEMBLY BILL NO. 147 -

Reserves power to regulate firearms  
to state.

Assemblyman Danny Thompson, District 21, Clark County, sponsor of A.B. 147, read testimony from prepared text (EXHIBIT C). Mr. Thompson asked that the committee listen carefully, ask questions and examine the issue and not be swayed by pre-publicity of the bill and inaccurate information. Mr. Thompson stated A.B. 147 was a good bill for Nevada and he urged the committee's support.

Mr. Robert Dowlut, Deputy General Counsel of the National Rifle Association, spoke in support of A.B. 147. Mr. Dowlut explained there were at least 29 states with a statutory provision which provided for preemption. Mr. Dowlut pointed out, in analyzing the ordinances of Clark County, Las Vegas, North Las Vegas and Henderson, he found, with the exception of Henderson, there was a 72 hour waiting period which applied only to dealers. The registration provision applied to everyone. With the exception of Henderson, there was a 24 hour period in which to register. The Henderson provision was unique because there was no grace period. He brought to the committee's attention in the case of *Leary v. The United States*, which was reported in 395US on page 6, Leary was charged with violating a federal marijuana law which, at that time, required registration. The offense occurred in Texas. If Mr. Leary had registered as possessing marijuana, in compliance with the federal statute, he would have waved a red flag at Texas authorities that he was in violation of Texas law. The court devised a test. They said if the danger of self-incrimination was real and not fanciful, it must be addressed. In Leary's case they overturned the conviction. Mr. Dowlut explained a person was required to register, however, if under Nevada law he was a convicted felon, he would be exposing himself to prosecution. In addition, federal law had 7 prohibited which were much broader than Nevada law and would also expose a person to self-incrimination. He commented other statutes had avoided this by inserting a use immunity provision. Mr. Dowlut requested, because of those defects, the committee give A.B. 147 favorable support.

Mr. William H. Glaze, Vice President of the Nevada State Rifle and Pistol Association, testified in support of A.B. 147. Mr. Glaze read from prepared testimony (EXHIBIT D). Mr. Glaze mentioned 3 acquaintances, Mr. Lloyd Lummans, Mr. Irwin Rowe and Mr. David McGonegle, who had the opportunity to verify the registration of guns they had registered with Metro. They found there was no record of the registration and no explanation as to what had happened to the records. He stated, on a personal note,

a friend, who had done considerable work on the downtown computer, remarked the computer records were in disarray. He stated when he moved to the Las Vegas area, in 1974, the handguns he possessed were not subject to registration. He reiterated, currently, there was not a 24 hour grace period in Las Vegas. He insisted A.B. 147 would not effect the discharge laws. He emphasized supporters of A.B. 147 did not want people shooting guns in public and they would not argue for a law that would permit such a thing. Mr Glaze stated counsel for the state, up to and including Brian McKay, had said this would not happen. Mr. Glaze explained the 3 day waiting period was widely believed to be a period in which the police department could investigate the background of a potential buyer of a handgun, however, gun dealers in Las Vegas had told him they did not transmit the paper work of the sale until the gun went out the front door.

Mrs. Brookman asked if Mr. Glaze had proof from the firearms sellers that the paper work was not transmitted until after the purchaser was in possession of the gun. Mr. Glaze responded he would furnish the committee with the names of the dealers from whom he obtained the information. Mrs. Brookman asked if the gun dealers did any investigation. Mr. Glaze said he believed most dealers were unaware of what happened to the paper work after it left their shop.

Mr. Fay asked Mr. Glaze, as an airline pilot, how he felt about gun control with regard to the airlines. Mr. Glaze replied he was heavily involved in airline firearms security and felt pistols and handguns, with respect to airline safety, were a very miniscule threat. He stated there were far more serious threats to airport security than pistols. He commented the FAA had stated up to 15 percent of handguns, that went through the magnetomic x-ray machines, were not detected. He said based on that estimate, it was obvious that 15 percent of the flights had not been hijacked and he questioned what happened to those guns. He said he knew of persons who, unaware they were carrying a gun in their bag, went through 2 detection units and were not detected. He clarified gun control on airlines was merely one issue to be addressed with regard to airline security.

Assemblyman Joseph E. Dini, Jr., Assembly District 38, testified in support of A.B. 147. Mr. Dini read from prepared text (EXHIBIT E). Mr. Dini urged the committee to pass A.B. 147.

Mr. Harry Pappas, a member of the Board of Directors of the Nevada State Rifle and Pistol Association, spoke in favor of A.B. 147. Mr. Pappas testified from prepared text (EXHIBIT F). Mr. Pappas urged the committee's unanimous vote for A.B. 147.

Mr. Homer Thomas, a lifetime member of the National Rifle Association, expressed support for A.B. 147. Mr. Thomas commented the city of Los Angeles was a nightmare because of semiautomatic rifles. He predicted the same situation could occur in the state of Nevada without the passage of A.B. 147. Mr. Thomas said he could envision a time, in the future of Nevada, when he would not be able to cross the county line from Lyon County to Washoe County to use the shooting facility because of an ordinance that Washoe County might pass.

Mr. Thomas Kempley, member of the board of directors of the Nevada Rifle and Pistol Association, explained he testified as a private citizen with a special interest in A.B. 147. Mr. Kempley expressed support of A.B. 147. He read from prepared testimony (EXHIBIT G). Mr. Kempley stated he did not want unknowing, honest people to be made criminals. He pointed out, with regard to record keeping, gun control ordinances on the state level were much easier to keep and would be more useful to law enforcement. Mr. Kempley commented when a constitutional right was made a privilege, unfortunately, the privilege tended to be abused by the people who controlled the power. Mr. Kempley felt the right to bear firearms was not a privilege, it was a right. He stated he was the father of 2 children and sought the rights and freedom for his children that he had enjoyed.

Mr. Fay commented those supporting the passage of A.B. 147 wished to place their lives, fortunes and the right to bear arms in the hands of legislators, as opposed to the people who live in their own community. He stated it was an all pervasive issue and could be more harmful than any local ordinance. Mr. Fay asked Mr. Kempley to explain that. Mr. Kempley replied, within the state system, he would like to think the legislators were representing their constituencies. He stated when he voted for his representative it was not at the local or county level. He stated he wanted to give the responsibility and his trust to the assemblyman he voted for.

Mr. Nevin questioned Mr. Kempley's statement regarding the conflict of laws between the city of Reno and Washoe county. He stated he was not aware of any conflict in laws. Mr. Kempley acknowledged he had not researched the issue, however, it was his belief that within the city of Reno and Washoe county there was a conflict in the laws regarding the carrying of firearms in a vehicle. Mr. Nevin informed Mr. Kempley it was illegal to carry loaded shotguns or rifle in a vehicle but not a handgun.

Mr. Nevin commented, it appeared, in reviewing A.B. 147, most of



the direction taken was focused on the law in the Las Vegas area. Mr. Kempley responded he felt A.B. 147 would unify the rights throughout the state and, unfortunately, Las Vegas had ineffective and non-working ordinances. Mr. Nevin asked if Mr. Kempley registered his handguns in Reno. Mr. Kempley replied there was not a requirement to register handguns in Reno nor was there a waiting period. Mr. Nevin explained that was why he felt A.B. 147 was directed toward Las Vegas with regard to registration and waiting periods. Mr. Kempley agreed it would have more of an effect on Las Vegas, and the citizens of Las Vegas and Clark County would have a more fair system if A.B. 147 was passed.

Mr. Schofield asked Mr. Kempley if he would object if the legislature, assuming A.B. 147 passed, decided to accept some of the regulations throughout the local jurisdictions and pass it as a uniform state law. Mr. Kempley felt compromise was a loss, however, if laws were enacted which affected criminals and the illegal use of handguns, he would be in agreement. Mr. Kempley stated gun control would only work against the honest citizen who wished to use guns in an honest way. Mr. Schofield said he believed what Mr. Kempley referred to as gun control was meant to be a protective measure, however, it was not intended to be directed toward the common hunting enthusiast, the gun collector, or a person who wished to possess a gun for protection in his home. He felt the bill removed the right, other than the discharge of firearms regulatory measures by local governments, counties, cities and town boards, and placed the same authority in legislative hands to do whatever the legislators felt would be a protective measure in the thrust against unlawful use of firearms. Mr. Schofield said he agreed with Mr. Kempley in that everyone should have the right under the constitution to bear arms, however, he felt most persons would not object to the requirement of registration for control. Mr. Schofield stated he had a problem with giving the legislature the authority to regulate in lieu of local jurisdiction. Mr. Kempley responded, with regard to the waiting period and the so called "cooling off period", research had consistently shown there was no difference in crime reduction or crimes of passion. Mr. Kempley believed, in reality, waiting periods legislated and jurisdictioned against honest citizens.

Mrs. Brookman asked if Mr. Kempley had proof that the waiting period had not been effective in Las Vegas. Mr. Kempley answered, unfortunately, he did not bring evidence, however, he could provide ample statistics from many other cities across the nation. Mrs. Brookman replied she was interested in evidence that would indicated the effect on Las Vegas and not on other

cities across the nation. Mr. Kempley answered he did not have facts regarding Las Vegas.

Mr. John W. Riggs, Sr., a lifetime member of both the National Rifle Association and the Nevada State Rifle and Pistol Association, stated he contributed to Gun Owners of America, Citizens Committee for the Right to Keep and Bear Arms and the Second Amendment Foundation. Mr. Riggs stated the Gun Control Act of 1968 was one of the most controlling purposes of gun control in the country. He said the purpose stated, "The Congress hereby declares if the purpose of this title is to provide support to federal, state and local law enforcement officials, in their fight against crime and violence, and it is not the purpose of this title to place any undo or unnecessary federal restrictions or burdens on law abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection or any other lawful activity and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law abiding citizens for lawful purposes or provide for the imposition by federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title." Mr. Riggs explained it was called, under the short title, the Firearm Owners Protection Act. Mr. Riggs stated many had heard there was no such thing as a state militia yet on page 17, under the regulation regarding available prohibitions, it stated, "This act recognizes and names as such to the officers of the Army, Navy, Air Force, Coast Guard, Marine Corps or organized Reserve Corps, to officers of the National Guard or Militia of the State". Mr. Riggs stated, based on the regulation, the state militia was also recognized. He felt a uniform law throughout the state was an excellent idea. Mr. Riggs explained he was a hunter and went to various counties to hunt. Without uniform laws throughout the state, Mr. Riggs indicated he might be in violation of law simply by traveling to a neighboring county while carrying a firearm for hunting purposes. He believed varying county law was a penalty on the private citizen who wished to travel throughout the state. Mr. Riggs stated if a person felt he needed a gun for protection, he should have that right. He cited the example of a deputy sheriff in Elko County who owed his life to the fact that 2 campers, carrying arms, saved his life in a struggle with an unstable individual. Mr. Riggs stated if the entire nation was stripped of guns, within one hour, someone living on a border would have a gun and people would be vulnerable to attack. Mr. Riggs concluded A.B. 147 was a common sense law that said the state of Nevada would have uniform arms laws.

Mr. Fay asked Mr. Riggs if he was aware that in attempting to create a totalitarian state one of the firsts acts was to create uniformity. He commented it was ironic those who wanted their independence would proclaim uniformity because they were falling prey to those wishing to restrict rights through the guise of uniformity. Mr. Riggs responded the ability to have that difference of opinion was the make-up of a great country.

Mr. Francis Gillings, a resident of Carson City, testified in support of A.B. 147. Mr. Gillings expressed amazement for the testimony he had heard. He stated there was a misunderstanding as to who was suppose to control the laws. He said it was forbidden, in the United States, to enact law that took away one of his God given rights. He said the ten amendments were not rights given to him, but prohibitions the government dared not ever impose upon him. He felt the state was in need of an educational system that provided students with knowledge of the Constitution of the United States and the Constitution of the State of Nevada.

Mr. Edward Buehring, resident of Carson City, explained he was a new resident of Nevada. Mr. Buehring stated he became aware, while listening to the testimony, the guns he had in his car were illegal because he had crossed county lines. Mr. Buehring expressed support for A.B. 147.

Mr. Edward F. Bruce, member of the board of directors for the National Rifle Association, stated the National Rifle Association was comprised of law-abiding citizens who supported law enforcement 100 percent. He explained he was also the Legislative Affairs Director for the Nevada State Rifle and Pistol Association. Mr. Bruce read from prepared testimony (EXHIBIT H). Mr. Bruce urged the committee's passage of A.B. 147. Mr. Bruce provided the committee with a package consisting of legislative correspondence regarding A.B. 147 (EXHIBIT I).

Mrs. Brookman stated she was raised in the West and her family had a heritage of hunting, fishing, and owning guns. Mrs. Brookman read a prepared statement (EXHIBIT J). Mrs. Brookman asked Mr. Bruce to respond to her statement. Mr. Bruce responded, under the Supreme Court's decree, if there was preemption in Nevada, the state could grant any local control it felt necessary. Mr. Bruce stated he agreed with Mrs. Brookman in that there was a big difference between hunting in a secluded part of the state and carrying a handgun on a city street. He also agreed the growing problem of gangs in the cities was reason enough to allow local control of firearms, however, under the preemption law the state

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could give the cities the control. He stressed the Supreme Court did not give that control to the cities, it gave it to the state. He also agreed that local regulation was not a violation of any constitutional right, however, he felt there might be instances such as the cases of Leary, the Hanes decision and Miller versus Texas, where constitutional privileges might be overstepped and certainly there was redress of the courts for those cases. Mr. Bruce disagreed that reasonable regulation would only ensure it was not too easy for a person to get a gun. He explained it was possible to attend the DEA show and auction, bid on a gun and walk out with a gun and without a waiting period or background check. He stressed any criminal could get a gun if they wanted one. He felt everytime a ban was placed on a gun, it was driven underground, a black market was created and the criminal flourished. Mr. Bruce felt the argument that local regulation of firearms would reduce the number of homicides and suicides was an emotional question. He stated there was not a way to measure how many lives could be saved with a three day waiting period.

Assemblyman Bruce Bogaert, Lifetime Member of the National Rifle Association, former hunter safety instructor and originator and first chairman of a national shooting competition held in state of Nevada, said he wished to respond to questions asked by several committee members regarding local control. Mr. Bogaert stressed he was a firm believer in local government. He stated whenever the state could do it, the federal government should not and whenever local government could do it, the state should not, however, he felt the area of gun control was a different matter. He acknowledged guns were not a necessity of life to the average person, however, they were necessary to those who used them for hunting, sporting, competition, or self-protection purposes.

Mr. Bogaert stated he was the co-founder and past president of the Reno/Tahoe Winter Games, the Olympic Organizing Committee, and active with the National and International Olympic Movement. He informed the committee the United States, although not a glamorous sport for television coverage, did better in the medal count in the shooting sports, of which there were many, in national competition of the Olympics than any other nation. Historically, the United States was among the top of all nations. He attributed this to the fact that everyone in the country had the opportunity to shoot and shoot competitively. He stressed it was one of the oldest, most organized and best funded sports of the Olympic movement in the country. He indicated it was one of the things the Olympic movement was proudest of because of the ability to have competitions on the local, state, national and international level.

Mr. Fay asked if the Clark County ordinance had affected the Olympic teams. Mr. Bogaert responded the potential was there because the mechanism now existed in the local ordinance. He stated it would be very difficult to hold competitions.

Mr. Eric S. Cooper, Under Sheriff for the Las Vegas Metropolitan Police Department, stated there had been a tremendous amount of misinformation given and felt he, along with his colleagues could clear up the misconceptions. He indicated the Nevada State Rifle and Pistol Association had sent a flier to all members, which was enclosed in the Metropolitan Police Department's position paper (EXHIBIT K). He explained the flier stated A.B. 147 would safeguard the hunter's and traveler's rights. Mr. Cooper stated he knew of no hunter or innocent traveler who had been arrested or sited since 1965 when the laws went into effect in Clark County. Mr. Cooper pointed out the matrix in EXHIBIT K, which indicated the Clark County and City of Las Vegas ordinances that would be eliminated if A.B. 147 passed. He said the ordinances in jeopardy of elimination, should A.B. 147 pass, ran the gamut from registration of firearms capable of being concealed, condition of pistols sold to prohibiting the display of pistols and ammunition in store windows, the sale of homemade pistols, to the sale of foreign made pistols without appropriate ammunition, loitering while carrying a concealed pistol, fighting or disorderly conduct while possessing a pistol and age restrictions on possession of concealed handguns. He stressed every one of those ordinances would be totally eliminated the moment A.B. 147 took effect. He asked the committee to consider it would be 2 years before the Metropolitan Police Department could go before the legislature and request any of those ordinances be enacted as state statutes. He commented that would be a long period of time to be without the ability to have those regulations on the city and county code books.

Mr. Cooper stated, in response to prior testimony, the state constitution prohibited them from passing ordinances from banning firearms. He pointed out a copy of the state constitution, Article 1, Section 11, was contained in the package he distributed (EXHIBIT K). He stressed there was no possibility the city of Las Vegas or Clark County could ban firearms possession on the part of the average citizen, based on the state constitution. He stated in a flier dated March 15, 1989, the NSRPA stated they were the primary force behind the introduction into law that would not allow local government to ban gun ownership as happened in Morton Grove, Illinois. Mr. Copper felt the statement was designed to inflate emotions of those who owned firearms. He stated he was a firearms owner and possessed

a federal firearms license to deal in firearms and he did not support a gun ban. He did not believe any individual in law enforcement would be in support of a gun ban.

Mr. Cooper indicated Sheriff John Moran, of the Las Vegas Metropolitan Police Department and a lifetime member of the NRA, was adamantly opposed to A.B. 147 and also adamantly opposed to banning firearms in the state of Nevada, Clark County or the city of Las Vegas. A.B. 147 presumed every local jurisdiction was similar in the state of Nevada, which was not the case. He explained Clark County would top 1 million population by the year 2000 and 4000 people moved into Clark County every month. He continued there were over 500,000 handguns registered in Clark County. Las Vegas was becoming a major city with major city problems, therefore, Las Vegas could not be compared to the remainder of the state. One broad statute could not address all of the local problems regarding handguns. Mr. Cooper emphasized Clark County did not want to impose their system on the remainder of the state, nor did they presume to say that Winnemucca, Elko, Ely or any of the other cities or counties of the state were like Clark County. He stressed they simply did not want to impose their regulations on local areas.

Mr. Cooper stated registration helped the gun owner and did not hinder him. He pointed out, in the first quarter of 1988, the Metropolitan Police Department returned 274 guns to the rightful owners because they were registered. In the first quarter of 1989, they returned 445 guns and since June of 1987 they had returned 2,360 guns. He emphasized since June of 1989 they were unable to enter 746 stolen guns into the national crime information computer because they were not registered and the owners did not know the serial numbers.

Mr. Cooper declared registration helped to prevent prohibited persons from obtaining firearms. He indicated in the first quarter of 1988 they intercepted 21 ex-felons attempting to possess handguns and in the first quarter of 1989 they intercepted 37 ex-felons. Since June of 1987 they had intercepted 223 ex-felons attempting to purchase handguns due to the laws in Clark County. He stated the 3 day waiting period, in Clark County, was not unreasonable. He mentioned some jurisdictions in the country required a license prior to purchasing a handgun and some required up to a 14 day waiting period. He clarified Clark County law only applied to the first purchase of a handgun. If a person presently owned a handgun, and could provide documentation in the form of a registration card, he could purchase a firearm and walk out with it the same day. Mr. Cooper commented it was impossible to know how many lives had

been saved because of the 3 day waiting period but he would hate to find out by eliminating it. However they did know how many convicted criminals had been prevented from possessing handguns in Clark County.

Mr. Cooper informed the committee, on September 14, 1987, the Florida Legislature passed a pre-emption law similar to A.B. 147. He explained statistics obtained from the Metro Dade Police Department in Florida indicated, from January 1, 1987 thru September 14, 1987, when the law took effect, there were 137 homicides in Dade County, however, from January 1, 1988 thru September 14, 1988 there were 214 homicides, which was a 33 percent increase in handgun deaths. Mr. Cooper commented the correlation was too coincidental to be ignored. He said he had spoken to Florida law enforcement officers who had expressed their extreme dislike for the preemption law.

Mr. Cooper stated the Metropolitan Police Department supported the NRA, however, they did not support what was referred to as the preemption law. He reiterated Metro simply wanted their ordinances to remain intact. He acknowledged they pertained only to Clark County and would not be effective in other jurisdictions within the state and would be totally rejected as state statutes. He asked the committee not to be misled by the rhetoric of those who said A.B. 147 was the only way to prevent a gun grab. He further asked the committee not to be intimidated by the letter writing and telephone campaign generated by the NRA each time legislation, such as A.B. 147, was an issue. Mr. Cooper informed the committee there were perhaps 19,000 NRA members in the state of Nevada, but there were almost 1 million uncounted citizens who had not contacted them.

Mr. Cooper read a letter received by Sheriff Moran which stated "I am an avid supporter of the second amendment and also a member of state, local and national associations which lobby to preserve our rights under the Constitution. However, like yourself, I think Las Vegas is a very unique city and requires gun regulations that would be impractical in rural areas. I am sure the Legislature's efforts are being focused in the right direction but they must realize that Las Vegas is unlike any other city in the world. This is the first time I have ever been against easing gun regulations but there comes a time when even I have to interpret the Constitution as I see fit, in order to provide for the common defense and promote the general welfare. I have always been a strong supporter of you and your administration and in no way do I mean to imply that I am in favor of any further gun restrictions. As the old saying goes, however, if its not broke don't try to fix it."

Mr. McGaughey cited the example of a resident who knew his own jurisdiction but traveled into another jurisdiction while carrying a firearm. He asked if that situation would not speak for some form of uniformity of regulations. Mr. Cooper responded, with regard to handguns, conceivably there could be a problem. Within his jurisdiction, if a person came to the attention of a police officer with an unregistered firearm, without having committed another crime such as robbery, prowling, battery or assault, the officer would not arrest the individual but he would advise him to go immediately to the police station and register the firearm. Mr. McGaughey acknowledged that was Metro's policy, however, earlier testimony indicated Henderson would arrest the individual. Mr. McGaughey expressed concern that a person stopped for a traffic citation, in possession of a gun, would be arrested because he was not in compliance with an unfamiliar local ordinance. Mr. Cooper responded the Henderson representative should advise Mr. McGaughey about that particular misinformation. Mr. Cooper stated the incident referred to did not occur. Mr. McGaughey asked if Mr. Cooper felt uniformity in a Metro area would be better. Mr. Cooper replied he believed they were fairly uniform with the exception that Henderson did not require a waiting period. He commented it would be quite simple to compare ordinance by ordinance and determine where there was a difference. Mr. McGaughey commented, on important issues heard by the Government Affairs Committee, elected officials such as the Mayors, City Council Members and County Commissioners appeared regularly, however, he did not believe he had ever seen Sheriff Moran appear before the committee in the three terms he had served in the legislature. Mr. McGaughey asked why he was unable appear before the committee. Mr. Cooper replied Sheriff Morgan's hands were full with the activities in Las Vegas. He indicated there was a tremendous amount of law enforcement problems. He said Las Vegas was becoming a focal point for many individuals with a cause. He said there were 12,000 anti-nuclear demonstrators arriving in town next week who intended to make citizen arrests on Department of Energy officials. He explained they had the anti-abortion protester and the pro-abortion protesters, the skin heads and the Jewish Defense Organization. He stated, frankly, they were extremely busy, therefore, the Sheriff preferred Mr. Cooper represent him before the committee.

Mr. Bogaert remarked it seemed the communities with the biggest crime problems had the local gun control ordinances. He questioned if it was intentional. Mr. Cooper replied he did not believe there was a correlation. Mr. Bogaert asked how many



persons registered per month in Las Vegas. Mr. Cooper responded he did not have that statistic available, however, he could obtain it. Mr. Bogaert commented it would be an interesting statistic due to the fact there were 4,000 persons moving into the city of Las Vegas each month. Mr. Bogaert asked Mr. Cooper if the estimate of 7,000 new residents in the County each month would be a fair assumption. Mr. Cooper said when he stated there were 4,000 new residents he was referring to the Clark County area. Mr. Bogaert stated he would assume that approximately 1,000 of those new residents possessed a handgun. He commented it would be interesting to know what percentage of the new residents had registered their guns. He asked that Mr. Cooper research those statistics. He stated he would like to know how many new citizens would actually register and how many would perhaps break the law without their knowledge. Mr. Bogaert stated he was encouraged by the statistics regarding the return of stolen weapons. He felt individuals should keep records of their valuables including the serial numbers of guns, however, that would not require a law. Mr. Cooper commented, in his experience as a law enforcement officer, a large number of citizens had no idea as to their firearms serial numbers. He reiterated registration would take care of that problem.

Mr. Sheerin asked Mr. Cooper if he had stated that no individual had been arrested for the possession of an unregistered handgun. Mr. Cooper clarified nobody had been arrested, to his knowledge, who was an innocent traveler passing through the area, for possession of unregistered firearms, however, a tremendous number of persons had been arrested for possession of unregistered firearms in connection with other crimes such as battery, felonious assault, robbery and burglary. He stated the arrest of a citizen simply on an unregistered firearm charge, with no other extenuating circumstances, to his knowledge had never occurred. Mr. Sheerin asked if it was a legal possibility. Mr. Cooper answered it was legally possible. Mr. Sheerin asked Mr. Cooper to reiterate the reasons a handgun law was used. Mr. Cooper responded a handgun law was used to intercept prohibited persons from possessing firearms and to facilitate the return of firearms to the owner. In addition, the information was maintained in the computer files so that when a car was dispatched to a call where violence may have occurred, they were able to advise the officer of handguns registered at the residence.

Mr. McGaughey pointed out earlier testimony indicated, with regard to the 72 hour waiting period, there was no screening done on the individual purchasing the gun. He asked Mr. Cooper to elaborate on the reasons for the 72 hour waiting period and how

effective it actually was. Mr. Cooper responded it was designed as a cooling off period. He explained the philosophy was if a person already owned a handgun and they were contemplating committing a violent act, they would have the handgun in possession. He explained that was the basis for requiring the waiting period only for the first purchase of a handgun. He said the 72 hours gave the police department a head start. He acknowledged they were unable to do a background check if they did not get the paperwork, however, often when a firearm was sold to an individual on Monday, they had the paperwork by Tuesday or Wednesday and were able to begin the background check. He stressed the primary reason was the cooling off period. Mr. McGaughey asked what procedure was followed once the paperwork was received. Mr. Cooper explained first they would run the individual on the computer to determine if there was a local arrest record and on NCIC to determine if he was wanted in any other jurisdiction in the United States. Mr. McGaughey asked Mr. Cooper how many individuals, intending to commit crimes, would register their gun. Mr. Cooper replied probably none. Mr. McGaughey asked how would the registration inhibit criminal activity. Mr. Cooper explained many ex-felons believed law enforcement did not have access to the information that they were ex-felons, which was how they were intercepted. Many ex-felons were not aware there was a registration requirement. He said the ex-felon would buy a firearm from a gun dealer who would complete the paper work and send it to the law enforcement agency at which time it would be discovered the purchaser was an ex-felon. He stated often the ex-felon obtained the firearm before they were able to run the check, such as when the sale occurred on a Friday and they did not receive the paperwork until Monday. He said a police officer was dispatched immediately and the firearm was confiscated and returned to the gun dealer. Mr. McGaughey asked if most people involved in criminal activity would obtain their guns in a clandestine manner, which would defeat the purpose of registration. Mr. Cooper stated it was less expensive and less of a risk to purchase a firearm rather than to purchase the firearm from a fence or to steal the firearm. Mr. McGaughey asked if there were a number of people who used false names when purchasing a firearm. Mr. Cooper responded not to his knowledge. He stated firearm dealers were required by federal law to view positive identification such as a drivers license or passport.

Mrs. Lambert pointed out there was a state law which stated an ex-felon could not possess a firearm, in addition to the local ordinance in Las Vegas. She asked if the fines paid by an ex-felon would go to the local entity or to the state. Mr. Cooper stated it would depend on whether the person was arrested on a city ordinance or the officer charged the individual under the

state statute.

Mr. Schofield asked if there had been any additions or changes to the registration or 3 day waiting period regulation since 1965. Mr. Cooper replied there had not been any changes. Mr. Schofield asked Mr. Cooper, if A.B. 147 passed, would it be acceptable to adopt the current local ordinances in conjunction with A.B. 147. Mr. Cooper responded if the 3 day waiting period and the registration requirements were maintained in Clark County, it would be acceptable, however, he could not speak for the city and county fathers who had passed the 21 other ordinances which would be totally eliminated if A.B. 147 passed.

Lt. Randy Oaks, representing the Las Vegas Metropolitan Police Department, spoke in opposition to A.B. 147. Lt. Oaks stated some literature, in addition to statements made today, indicated A.B. 147 gave law enforcement the upper hand when enforcing gun laws. Lt. Oaks indicated this was not true. He said he did not follow the logic that removing local ordinances which control gun laws would give law enforcement the upper hand. He referred to Mr. Dini's statement that A.B. 147 would prohibit panic legislation which occurred in local jurisdictions. Mr. Oaks acknowledged this had been the case in other states, however, Clark County had established a track record of being extremely responsible. As indicated, the main ordinances such as the waiting period and gun registration had been on the books since 1965. He pointed out Clark County had not overreacted to the hysteria that had swept California with regard to semiautomatic weapons. Mr. Oaks informed the committee the Nevada Constitution had already been amended to guarantee the right to possess firearms. He stated several individuals had cited the disparity in ordinances from city to city and county to county. He pointed out the disparity in traffic laws and commented the argument could be carried a long way beyond gun control.

Mr. Oaks stated, in Washington, D.C., the NRA told the national lawmakers that gun control was a local issue and to leave it alone, and yet, they testified before the committee they wanted uniformity. He asked, if they wanted uniformity, why did they not want it across all of the states. He noted there had been considerable concern expressed over the possibility of arrest while traveling out of their jurisdiction, yet he had not heard of anyone victimized in Clark County by their reasonable ordinances. He commented it was quite unusual for both Las Vegas newspapers to editorialize and take the same side in an issue and yet they did so on this issue. He felt it was also unusual for a newspaper to editorialize on behalf of something that was the

infringement of anyone's rights and yet they supported Clark Counties reasonable and, as they called it, mild ordinances on gun control. He firmly believed the people at large in Clark County overwhelmingly supported the existing ordinances.

Mr. Oaks said it appeared A.B. 147 was strictly special interest legislation. He stated all but two of those who testified in support of A.B. 147 also proclaimed their membership in the NRA. The NRA claimed to represent over 19,000 people in Nevada but there was almost 1 million people in the state of Nevada who had not been heard. He believed local government must retain the right to enact reasonable ordinances to properly address local crime problems and for that reason and reasons previously stated he urged the committee to defeat A.B. 147.

Mr. Ron Lusch, Assistant Chief of Police of the North Las Vegas Police Department, spoke in opposition to A.B. 147. Mr. Lusch stated the North Las Vegas Police Department shared and echoed the concerns of their colleague, Under Sheriff Cooper of the Metropolitan Police Department. He indicated they wished to go on record as opposing the passage of A.B. 147. Mr. Lusch said they believed there were enough stumbling blocks in the paths of law enforcement without the removal of some of the methods they had for local enforcement.

Mr. Bogaert asked how close North Las Vegas Police Department's laws were to Las Vegas. Mr. Lusch replied the only glaring difference would be the 24 hour grace period North Las Vegas had to allow a person to register a weapon within the police department.

Mr. Fay asked if North Las Vegas had the 72 hour waiting period. Mr. Lusch replied they did.

Mr. McGaughey asked if there was a screening process during the 72 hour waiting period. Mr. Lusch replied there was a separate ordinance that required the gun dealer to furnish to the police department, within 24 hours, the receipt of sale. He stated the information was filed in the computer system and then forwarded to the Clark County Sheriff's department where a master file was kept.

Mr. Kip Botkin, Assistant Chief of Police of Henderson, spoke in opposition to A.B. 147. Mr. Botkin read from prepared text (EXHIBIT L). Mr. Botkin stated prior testimony by Mr. William Glaze, which indicated an individual passing through Henderson and found to be in possession of a handgun would be automatically arrested, was untrue. Mr. Botkin said he had been with the

department for 20 years and the incident had not occurred. He stated it was not the intent of the ordinance and he had never known it to be used in that way. Mr. Botkin stated, regarding the subject of uniformity, Henderson's ordinance defined a concealable firearm as anything with a barrel length under 14 inches and Clark County's ordinance stated anything under 12 inches, however, that was the only difference.

Mr. McGaughey asked, with regard to 5b on the checklist used to "profile a subject", why it would be significant if the subject was a Vietnam Veteran. Mr. Botkin stated there had been incidences of persons on controlled substances and there have been flash backs. He said they had found, when going into a specific situation, all the information that could be obtained was advantageous to the officers. In response to Mr. McGaughey's question, he indicated agent orange was the specific concern. Mr. McGaughey asked if Vietnam Veterans were treated differently than other military persons. Mr. Botkin explained it was necessary to determine if the person, because of his apparently abnormal activities, had been exposed to something during the Vietnam era.


Mr. Bogaert stated he was upset that the Vietnam Veteran was singled out. He asked why the profile requested information regarding injury. Mr. Botkin reiterated all information that could be obtained was advantageous to the officer. He pointed out the profile was applicable when a violent crime was in progress or a barricaded subject was encountered.

Mr. Nevin commented, as a retired police officer of 23 years, if he had an armed, barricaded subject, he would want to find out all that he could about that person. For example, a Vietnam Veteran might require someone from the Veteran's Association who would possibly be able to communicate with him and bring him out.

Vice Chairman Garner announced, due to lack of time, another hearing would be scheduled for those who had not had the opportunity to testify.

There being no further business, the meeting was adjourned at 11:01 a.m.

RESPECTFULLY SUBMITTED,

  
Laura Pabon, Secretary

TESTIMONY ON AB 147  
FIREARMS PRE-EMPTION BILL

I FIND MYSELF IN A UNIQUE POSITION TODAY, OPENING WITH TESTIMONY ABOUT A BILL THAT HAS ALREADY HAD MORE WRITTEN ABOUT IT THAN ALMOST ANY OTHER BILL THIS SESSION.

UNFORTUNATELY, MOST OF THE COMMENTS HAVE BEEN BASED ON MISCONCEPTIONS, HALF-TRUTHS AND ASSUMPTIONS. SO TO BEGIN, LET ME TELL YOU A LITTLE BIT ABOUT ASSEMBLY BILL 147.

- I HAD THIS BILL DRAFTED DURING THE 1987 SESSION AT THE REQUEST OF A CONSTITUENT, NOT A GUN GROUP, AND NOT THE NRA.

- MY CONSITTUENT CAME TO ME AND SAID, "LOOK WHAT'S GOING ON HERE. CLARK COUNTY HAS ONE SET OF RULES ABOUT BUYING AND REQISTERING GUNS, HENDERSON ANOTHER ONE. EVENTUALLY THERE ARE GOING TO BE 100 DIFFERENT LAWS IN THE STATE, EVERY CITY AND EVERY COUNTY IS GOING TO HAVE THEIR OWN LAW, WITH THEIR OWN LITTLE QUIRKS, AND PRETTY SOON NOBODY IS GOING TO BE ABLE TO FIGURE OUT WHAT THEY HAVE TO DO TO BUY OR OWN A GUN, AND WHETHER OR NOT THEY ARE IN VIOLATION OF ONE OR ANOTHER LAW EVERY TIME THEY CROSS A COUNTY OR CITY BORDER. IT'S GUYS LIKE ME WHO ARE GOING TO BE LABELED CRIMINALS JUST BECAUSE WE WANT TO HAVE A GUN." AND THAT IS WHY I REQUESTED THAT THIS BILL BE DRAFTED.

- NOW THE NRA, THE NEVADA RIFLE AND PISTOL ASSOCIATION AND ALOT OF OTHER ORGANIZATIONS AND PRIVATE CITIZENS SUPPORT THIS BILL. THAT IS THEIR RIGHT.

- THE POINT IS, AB 147 IS NOT PART OF SOME NEFARIOUS PLOT, OR SECRET SCHEME.

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EXHIBIT C

- I REQUESTED THIS BILL BE DRAFTED SO THAT THE ORDINARY LAW-ABIDING CITIZENS OF THIS STATE CAN PURCHASE AND OWN GUNS, A RIGHT GUARANTEED IN THE NEVADA STATE CONSITITUTION.

- THE NEVADA STATE CONSTITUTION RECOGNIZES AND I QUOTE, "THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS FOR SECURITY AND DEFENSE, FOR LAWFUL HUNTING AND RECREATIONAL USE AND FOR OTHER LAWFUL PURPOSES."

- THE EXISTING SITUATION IN NEVADA, WHEREBY CONFLICTING AND RESTRICTIVE ORDINANCES ENACTED BY VARIOUS GOVERNMENTAL ENTITIES, HAVE RESULTED IN A CONFUSING MAZE. THIS, IT SEEMS TO ME, INHIBITS AND INTIMIDATES OUR CITIZENS, PREVENTING THEM FROM ENJOYING THEIR RIGHTS.

- LET ME GIVE YOU AN EXAMPLE:

- IN NORTH LAS VEGAS, (CITY ORDINANCE 7.23.100) THERE IS A 72 HOUR WAITING PERIOD, ANY PERSON WHO RECEIVES TITLE TO A PISTOL HAS 24 HOURS IN WHICH TO GO TO THE POLICE STATION TO REGISTER THEIR GUN.

- IN THE CITY OF LAS VEGAS, THE SAME PERIOD, BUT THE PERSON HAS TO GO TO THE SHERIFF, AND IN ONE SECTION, IT SAYS 'IMMEDIATELY' UPON RECEIPT, AND IN ANOTHER, IT SAYS, IF A PERSON IS APPREHENDED WITH AN UNREGISTERED GUN THAT "HE CAN PROVE HE PURCHASED WITHIN THE LAST 24 HOURS HE WILL NOT BE CITED." WHAT EVER HAPPENED TO "INNOCENT UNTIL PROVEN GUILTY?"

- NOW, IF YOU LIVE IN HENDERSON, THERE IS NO WAITING PERIOD, BUT THE ACCORDING TO 8.98.040 OF THE CITY ORDINANCES, THE SELLER MUST REGISTER TO WHOM HE IS SELLING THE GUN, BEFORE THE TITLE CHANGES HANDS. OH, AND THAT IS WITH THE HENDERSON CHIEF OF POLICE.

- JUST FOLLOW ALONG HERE.... IF YOU BUY A GUN IN LAS VEGAS, AND LIVE IN HENDERSON, WHO DO YOU INFORM..... AND DOES THE SELLER HAVE TO GO TO THE HENDERSON POLICE DEPARTMENT? AND FURTHER MORE, WHAT IF THE SELLER IS A PRIVATE PARTY..... ARE THEY GOING TO GO TO HENDERSON AND FIND THE POLICE DEPARTMENT AND REGISTER THE TRANSFER BEFORE THEY SELL THE GUN TO YOU? AND WHAT ABOUT AN OUT OF TOWN DEALER AT A GUN SHOW IN DOWNTOWN LAS VEGAS???

- OF COURSE THE UNINCORPORATED AREAS ARE AN ENTIRELY DIFFERENT STORY WITH THEIR ORDINANCE.

- I THINK YOU GET THE IDEA. NOW MULTIPLY THAT SITUATION BY EVERY LOCAL GOVERNMENTAL ENTITY IN NEVADA WHICH HAS THE RIGHT TO MAKE THEIR OWN ORDINANCES. MASS CONFUSION..... LAW-ABIDING CITIZENS ARE UNDERSTANDABLY CONFUSED,..... AND WOULD BE "UP IN ARMS", PARDON THE PUN.... IF THEY COULD JUST FIGURE OUT HOW TO BUY THEM.

- AB 147 WOULD GIVE NEVADA UNIFORMITY IN REGULATIONS, ELIMINATING CONFUSION AND ENHANCING ENFORCEMENT OF ANY STATUTES THE LEGISLATURE ENACTS.

**THERE IS A SECOND ISSUE I WOULD LIKE TO ADDRESS:** SOME LAW ENFORCEMENT AGENCIES ARE INSISTING THAT THEY NEED THESE REGISTRATION ORDINANCES TO APPREHEND CRIMINALS. THEY MAINTAIN THAT THEY CAN APPREHEND AND CONNECT CRIMINALS TO BURGLARIES BY TRACING SERIAL #S ON GUNS.

THE FACTS ARE:

- GANGS AND PROFESSIONAL CRIMINALS OFTEN FILE SERIAL #'S OFF OF GUNS, OR OTHERWISE ALTER THE NUMBERS.



- REGISTRATION LAWS MAY INHIBIT THE CITIZEN FROM REPORTING STOLEN GUNS, ESPECIALLY IF THEY ARE NEW TO THE AREA, UNFAMILIAR WITH THE REGISTRATION LAWS, AND THEN FIND OUT THAT THE STOLEN GUNS SHOULD HAVE BEEN REGISTERED. WHO WILL AGREE TO REPORT THE GUNS STOLEN, IF IT RESULTS IN SELF-INCRIMINATION.

**FINALLY:**

- I HAVE IN MY POSSESSION, A POSITION STATEMENT FROM SHERIFF MORAN CONCERNING AB 147, AND AB 288 OF THE 64TH SESSION. THEY ARE THE SAME BILLS.

- ON PAGE # 4, THERE IS A HEARTWARMING STORY ABOUT A GUN DEALER WHO WAS GRATEFUL FOR THE 72 HOUR WAITING PERIOD BECAUSE THEN HE COULD REFUSE TO SELL A GUN TO A LADY WHO TOLD HIM SHE WANTED TO USE IT TO KILL HER HUSBAND. FIRST OF ALL, IT SEEMS TO ME THAT ANYONE WITH GOOD SENSE COULD REFUSE TO SELL A GUN WHEN THEY KNOW ITS GOING TO BE USED TO COMMIT A CRIME. THERE DOES NOT NEED TO BE AN ORDINANCE TO PREVENT SOMEONE FROM DOING THAT.

- NOW ON PAGE #5 IT STATES THAT A FIRE-ARMS PRE-EMPTION BILL WOULD ALLOW JUVENILES OVER THE AGE OF FOURTEEN TO TO LEGALLY POSSESS HANDGUNS. UNDER FEDERAL LAW, JUVENILES MUST BE 18 TO BUY LONG GUNS AND AMMUNITION AND

21 TO BUY HANDGUNS AND AMMUNITION.

- IT ALSO STATES THAT THIS BILL WOULD ALLOW THE DISCHARGE OF FIREARMS IN CONGESTED AREA. THAT AGAIN IS SIMPLY NOT TRUE. ACCORDING TO AN OPINION ANALYSIS BY THE ATTORNEY GENERAL OF THE STATE OF NEVADA, THE ENACTING OF DISCHARGE ORDINANCES IS A POWER GIVEN TO THE LOCAL GOVERNMENTAL ENTITIES BY THE STATE, AND AS SUCH IS NOT AFFECTED BY THIS LEGISLATION.

PLEASE LISTEN CAREFULLY. ASK QUESTIONS AND EXAMINE THIS ISSUE.  
DO NOT BE SWAYED BY PRE-PUBLICITY AND INACCURATE INFORMATION.

THIS IS A GOOD BILL FOR ALL NEVADANS. THANK YOU.

Testimony of

BILL GLAZE

AB 147 (Firearms Preemption)

Assembly Government Affairs Committee

Wednesday, April 5, 1989

Carson City, Nevada

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EXHIBIT D

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Good morning, Mr. Chairman and Members of the Committee. My name is Bill Glaze. I am from Las Vegas, Nevada, and I'm First Vice President of the Nevada State Rifle and Pistol Association. I welcome the opportunity to testify in support of AB 147, firearms preemption legislation, and I respectfully urge you to support it.

AB 147 will establish a statewide system of uniform firearms laws that will protect the rights of legitimate sportsmen and give Nevada's law enforcement the upper hand in enforcing the state's firearms laws. Essentially, AB 147 will eliminate the variance of confusing local firearms laws that merely makes unwitting criminals out of law-abiding citizens. The benefits of such legislation are universal -- law-abiding citizens will not be punished for unknowingly violating the law and law enforcement will not be forced to interpret and enforce an array of confusing local firearms laws.

Perhaps the best example of the type of overly-restrictive local ordinances that AB 147 will prohibit is the registration ordinance of Clark County. The Clark County ordinance requires a 72-hour waiting period for first-time buyers of firearms. The Clark County sheriff is of the belief that such a delay will curtail violent criminal acts. Yet the Clark County registration ordinance defies all available U.S. Department of Justice studies and related scholarly studies. Indeed, the studies provide irrefutable evidence that firearms registration is absolutely useless in curtailing crime and only places unnecessary burdens on legitimate gun owners. Even the National Coalition to Ban Handguns, an anti-gun group based in Washington, D.C., has said that "criminals do not leave their guns behind to be traced, nor would they register them in the first place." Furthermore, a U.S. Department of Justice-funded study revealed that 88 percent of the prisoners surveyed agreed that "a criminal who wants a handgun is going to get one, no matter

how much it costs." Equally chilling is that 82 percent of the prisoners surveyed felt that "gun laws only affect law-abiding citizens; criminals will always be able to get guns." Clearly, restrictive "gun control" in general and handgun registration in particular merely jeopardize the rights of law-abiding gun owners and do nothing to solve firearm-related crime.

The objective of the Clark County registration ordinance seems to be stopping violent criminals from acquiring firearms. Yet felons are constitutionally exempt from the registration requirement. According to a U.S. Supreme Court decision, since a felon is prohibited from possessing a firearm, forcing him to register a firearm would violate the Fifth Amendment provision against self-incrimination. Clearly, the Clark County registration ordinance merely penalizes law-abiding citizens without addressing the tough issues -- keeping illegally-owned firearms out of the hands of violent criminals.

The sheriff of Clark County lauds the registration ordinance as a "cooling off period" to eliminate crimes of passion and other nefarious incidents. Again, all available evidence defies the sheriff's erroneous claims. Indeed, the vast majority of murders are committed by persons with long-established patterns of criminal behavior; 70 percent of suspected murderers have criminal careers of long standing -- as do nearly half of their victims. According to a U.S. Department of Justice-funded study, so-called "crimes of passion" are an illusion. ~~This is what one of the authors of the study had to say:~~

90% of <sup>SPOUSE</sup> ~~GUNS~~ SLAYINGS - AT LEAST 1 PREVIOUS CALL  
50% - POLICE CALLED FIDE TINES  
ONLY 2.1% OF CRIMINALS USE HANDGUNS TRACED TO  
ALL CRIMES ARE LESS THAN 1 MONTH OLD

"The common pattern, the more common pattern, is for wives to shoot their husbands. Proportionately, men kill their women by other means, more brutal means, more degrading means. To deny that woman the right to own the firearm is in some sense to guarantee in perpetuity to her husband the right to beat her at will."

Mr. Chairman and Members of the Committee. I think it's time to START protecting the rights of legitimate sportsmen and STOP coddling criminals. AB 147 is the first step to safeguard the rights of law-abiding citizens. I respectfully urge you to vote unanimously in support of AB 147. Thank you.

HENDERSON - NO WAITING PERIOD  
IMMEDIATE ARREST - EVEN FOR TOURISTS  
BOULDER - NO WAIT OR REGISTRATION

LYND LULLMANS, IRWIN ROWE, DAVID MCGONZLE  
"DISARMED" - DAVE SMITH

NO REQUIREMENT TO REGISTER WHEN BRINGING IN  
GUNS

NORTHTOWN - 24 HOURS GRACE  
L.V. IMMEDIATE REGISTRATION

WILL NOT AFFECT DISCHARGE LAWS

LEGISLATIVE COUNSEL - BRIAN MCKAY  
MR. MALKIEWICZ

TESTIMONY: MR. SPEAKER

AB 147

- GOOD MORNING - I AM HERE TODAY, BECAUSE AS A SPORTSMAN WHO HAS ENJOYED HUNTING AND SHOOTING, AND AS A LEGISLATOR I AM CONCERNED ABOUT THE RECENT PUSH TO ENACT RESTRICTIVE ORDINANCES AGAINST FOLKS LIKE MYSELF. CITIZENS WHO ARE LAW-ABIDING, AND WHO LIKE TO OWN AND COLLECT GUNS ARE BECOMING SECOND-CLASS CITIZENS. THEY ARE VICTIMS OF ILL CONCEIVED AND "PANIC" LEGISLATION THAT DISCRIMINATES AGAINST US AND OUR RIGHTS AS SET FORTH IN THE CONSTITUTION AND I DON'T LIKE IT.

- I HAVE HAD SOME RESEARCH DONE ON AB 147, AND ASKED FOR SEVERAL LEGAL OPINIONS CONCERNING SOME ISSUES THAT HAD BEEN RAISED.

- I WANT TO MAKE IT CLEAR, THAT THOSE WHO ARE TRYING TO FRIGHTEN YOU WITH MISSTATEMENTS ARE NOT GOING TO SUCCEED.

- THIS BILL WILL NOT, ACCORDING TO A LEGAL OPINION BY THE ATTORNEY GENERAL, AT MY REQUEST, INVALIDATE THE LOCAL GOVERNMENT'S RIGHT TO ISSUE CONCEALED WEAPONS PERMITS. THAT IS A POWER GIVEN TO THEM BY THE LEGISLATURE. AND I QUOTE "THE AUTHORITY OF THE SHERIFFS WOULD NOT BE AFFECTED BY THE PASSAGE OF AB 147."

- IT WILL NOT INVALIDATE DISCHARGE ORDINANCES.

AS YOU WILL HEAR THIS MORNING, IT WILL NOT VISIT HOARDS OF TERRORS ON THE CITIZENS OF THIS STATE.

- WHAT IT WILL DO.... AND THIS IS IMPORTANT....IT WILL GUARENTEE THAT THE PROVISION OF THE NEVADA STATE CONSTITUTION WHICH GUARANTEES THE RIGHTS OF ORDINARY CITIZENS TO OWN FIREARMS WILL BE PRESERVED FOR OUR CHILDREN AND GRANDCHILDREN.

Testimony of

HARRY PAPPAS

AB 147 (Firearms Preemption)

Assembly Government Affairs Committee

Wednesday, April 5, 1989

Carson City, Nevada

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EXHIBIT F



Good morning, Mr. Chairman and Members of the Committee. I am Harry Pappas and I am a member of the Board of Directors of the Nevada State Rifle and Pistol Association. I'm from Las Vegas. I am pleased to testify today in support of Assembly Bill 147, which will standardize Nevada's firearms laws and enable law enforcement to enforce firearms laws with equal fairness for all sportsmen.

AB 147 can be called a "Firearms Owners' Bill of Rights." Quite simply, AB 147 will create a network of uniform state firearms laws that will protect the rights of legitimate sportsmen without undermining any local jurisdiction's ability to strictly regulate the criminal or reckless misuse of firearms. As you may know, 35 states currently have preemption laws similar to that which would be created by AB 147. I believe it's time for Nevada to become the 36th state!

AB 147 will safeguard the fundamental rights of legitimate sportsmen and prevent the passage of restrictive firearms laws on the local level that serve only to gut the Second Amendment. Perhaps the best example of the most onerous action that AB 147 will prohibit is a ban on firearms. In 1981, the trustees of Morton Grove, Illinois, a Chicago suburb, enacted an ordinance banning the private possession of handguns in that village. Public officials in Morton Grove admitted they were not acting to control crime, which was negligible in the village, but rather to gain media attention and to create an atmosphere to bolster harassment of individual firearms owners. Since that time, many localities across the country have considered ordinances similar to Morton Grove's, and some regrettably have adopted such proposals.

A ban on lawfully-owned firearms results in the worst nightmare for law-abiding citizens. Given that the courts have ruled consistently that law enforcement has no official responsibility to protect individual citizens from violent criminals, law-abiding citizens are forced to defend themselves. And they are doing so in record numbers. According to a Florida State University criminologist, law-abiding persons successfully defend themselves over 1 million times each and every year with lawfully-owned firearms -- 650,000 of which cases involve lawfully-owned handguns. In addition to being an effective deterrent to violent crime, lawful firearms ownership provides an opportunity for recreational activity that invariably contributes to the quality of life. Yet current Nevada law permits local jurisdictions to enact laws that could restrict Nevada's rich sporting tradition.

AB 147 will in no way weaken or otherwise undermine current federal or state firearms laws. In fact, local jurisdictions will have the power to regulate firearms misuse and enact ordinances to assist in local law enforcement efforts. Uppermost in your minds, I'm sure, is the question of how AB 147 will affect the issue of felons and firearms. Quite simply, AB 147 will not weaken current federal or state law which prohibits felons from owning firearms. On the contrary, AB 147 will extend to Nevada's law-abiding firearms owners the same fundamental safeguards that sportsmen in 35 other states already have.

Finally, AB 147 will permit the "uniform application of laws" and guarantee "equal protection under the law" for all law-abiding firearms owners in Nevada. Currently, local jurisdictions may enact a variance of firearms laws that are the antithesis of laws in neighboring jurisdictions. The result is law-abiding

sportsmen unknowingly violate the law. Clearly, punishing law-abiding firearms owners is not the intent of current law. Yet, unless AB 147 is enacted, the possibility for such a nightmare becoming reality is quite real.

In closing, I respectfully urge you to pass AB 147 and bring Nevada's firearms laws in line with those in 35 other states across America. I thank you, Mr. Chairman and Members of the Committee, for this opportunity to testify today and urge a unanimous vote of approval for AB 147.

Testimony of

TOM KEMPLEY

AB 147 (Firearms Preemption)

Assembly Government Affairs Committee

Wednesday, April 5, 1989

Carson City, Nevada

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EXHIBIT G

Mr. Chairman and Members of the Committee, my name is Tom Kempley and I'm from Reno. I'm a member of the Board of Directors of the Nevada Rifle and Pistol Association. I am pleased to testify in support of Assembly Bill 147, which I respectfully urge you to support.

Assembly Bill 147 is appropriately dubbed the Firearms Owners' Bill of Rights. It will extend to Nevada's law-abiding firearms owners the same protections that millions of sportsmen in 35 other states already enjoy. In fact, all of Nevada's neighbors -- Arizona, California, New Mexico, Utah, and Idaho -- have preemption laws. These laws provide for a network of uniform state firearms laws that protect the rights of legitimate firearms owners without compromising the ability of law enforcement to regulate the criminal and reckless misuse of firearms.

AB 147 will prohibit local "gun control" ordinances and "outright" local firearms bans and ensure that Nevada's firearms laws will be enforced uniformly and consistently throughout the state. Indeed, in passing AB 147, you as state legislators will fulfill your constitutional duty to protect the rights of all citizens by expressly preventing local jurisdictions from arbitrarily infringing upon the rights of citizens and effectively eliminating the need for those citizens to undertake costly litigation that could arise to protect their fundamental rights.

Equally important, and of great concern to law enforcement, is that AB 147 will in no way weaken current federal or state firearms laws. Law enforcement will be empowered with the necessary and appropriate authority to regulate the criminal and reckless misuse of firearms. Local jurisdictions will

still have the power to enact ordinances to regulate the illegal discharge of firearms within their jurisdictions. The legislation will also permit localities to write local ordinances that conform with Nevada's firearms statutes to aid in law enforcement efforts.

Inconsistent local firearms ordinances serve only to create a "hodgepodge" of varying laws within a state. Currently, sportsmen are forced to know the firearms laws of each city and county they travel through on their way to hunting areas or to shooting matches. Law-abiding gun owners now risk arrest, prosecution, and confiscation of personal property for unwitting violation of local laws by merely transporting firearms for sporting purposes across city limits or county lines.

The first firearms preemption laws were passed in the late 1960's when, in response to the assassinations and urban rioting of that time, localities passed "gun control" ordinances. Recognizing that these local ordinances were an emotional response rather than a logical effort to control crime, legislators in California and Pennsylvania led the way by enacting firearms preemption statutes. Today, 35 states have preemption laws!

The importance of preemption legislation is self-evident. AB 147 will create a network of uniform and consistent firearms laws that will in no way weaken current federal and state firearms laws. The risk that law-abiding sportsmen face for unwitting violation of local firearms ordinances will be

eliminated. At the same time, local jurisdictions will be permitted to write ordinances that strengthen current Nevada statutes to aid in local law enforcement efforts.

In closing, I wish to thank you, Mr. Chairman, and Members of the Committee for this opportunity to testify in support of AB 147. I urge you to vote "yes" for this vitally important legislation, the Firearms Owners' Bill of Rights. Thank you!

Testimony of Edward F. Bruce

Re: A.B. 147

Before the Assembly Committee on Government Affairs

Carson City, Nevada - April 5, 1989

Mr. Chairman and honorable Members of the Assembly Committee on Government Affairs. My name is Edward F. Bruce. I reside in Sparks, Nevada in Assemblyman Len Nevin's district and Senator Mello's. I am the Legislative Affairs Director for the Nevada State Rifle and Pistol Association.

My role today is to provide wrap-up and highlight portions of materials and testimony already provided. First, permit me to inform you that A.B. 147 is a result of a constituent's request to Assemblyman Danny Thompson. It is fully supportable by the NSRPA, the NRA, as well as thousands of firearms owner/users in Nevada.

The framers of A.B. 147 consisted of Mr. Thompson, Assemblyman Lou Bergevin, Speaker Joe Dini, Jr., Senate Majority Leader Bill Raggio, Senator Ray Rawson, Senate President Pro Tempore Lawrence Jacobsen, with assistance from Attorney General Brian McKay.

Now, for a brief overview of firearms pre-emption for our state. In 1987, Mr. Thompson introduced A.B. 288, a statute similar to A.B. 147. A.B. 288 received a DO PASS from Government Affairs, and the Assembly passed it on to the Senate side by a vote of 41 to 1. In the Senate side it passed out of their Government Affairs Committee with a DO PASS. In the waning days of the 1987 session, it was amended by Clark County Senator Nick Horn at the request of Sheriff Moran of Clark County to grandfather in the Clark County ordinances. One ordinance deals with a three-day waiting period, the other a handgun registration ordinance. Agreement was not reached on the amendment, so the bill was sent to a conference committee. The conference committee also could not agree after two meetings, so the bill was then declared dead for the 1987 session.



Following the demise of A.B. 288, in 1987-1988 NSRPA began considering other avenues to ensure passage of a firearms pre-emption measure. We then focused briefly on the referendum process, filed necessary papers with the Secretary of State, circulated petitions in a number of counties, and received a sufficiency in five of the 17, including Clark County. The referendum process in Nevada takes far too long and is very costly. This is the reason that venture was terminated and our attentions were redirected towards introducing a new statute for this 1989 session.

It was clear to us that we must rely on the State Legislature to assume its rightful place in the regulating of firearms in keeping with the U.S. Supreme Court's decree that "firearms regulations are vested in the individual states..." there now being more than 35 other states which have pre-emption that protects the firearms owner/user. So A.B. 147 was introduced as you see it today.

(For the attorneys on the Committee, this reference is made in Miller vs Texas, and may be found in the U.S. Code 153-595 an 1894 decision.)

(In the matter of self-incrimination of criminals, this is called the Haynes decision and is noted as Haynes vs the U.S., 390 U.S. 85-1968, and Leary vs U.S. in 395 US 6 - 1969.)

There was a lot of soulsearching in seeking A.B. 147's language, as we desired to draft a near-perfect bill that not only would help firearms owners, but most importantly would not hinder or hamper law enforcement. This was an absolute requirement by the Attorney General which had to be met. When A.B. 147 had been polished with all gliches removed, each of the framers then passed on it. So we asked Mr. Thompson to introduce our bill. He agreed.

Upon introduction, it immediately drew fire from a number of places. We knew it would. The bill says in effect that the State's power to regulate firearms shall not be infringed by any county, city, or political subdivision, but shall not interfere with their rights to regulate discharge ordinances in the interest of public safety, and the County Sheriff's jurisdiction to regulate the carrying of concealed weapons is not impacted. Nonetheless, opposition appeared from Clark County, and Sheriff Moran sent out a letter over his signature attacking the statute and assailing the NRA membership.

Those who oppose A.B. 147 do so out of fear. They are not as trustful of our State's form of government as we are. They believe that County or Local government can best regulate firearms. We hold no fear that when our State Legislators propose legislation that we will have opportunity in providing input as an organization or individually for or against any specific measure, as is our constitutional right! You are the elected state representatives of the people, and the Supreme Court has delegated you this specific responsibility. We trust that you will accept. Thirty-five other states already have.

Recently I requested that a letter be directed, citing facts and circumstances of A.B. 147 so that all members of NSRP, NRA, subscribers of Shotgun News, and thousands of sportsmen and firearms owner/users in Nevada would know we were going to post A.B. 147, and to provide them opportunity in addressing Members of this Committee with their personal views.

It was difficult for individuals contacting you to be from your respective districts because of Zip Code overlapping. Thus, their calling or writing you is from one Nevadan to another serving as a State Legislator. If you pick only those from your district, then you are missing the point. What you have is a representative sampling. Most people prefer to use their franchise, their vote, to inform you of their desires on issues such as firearms regulation and gun control.

You have opportunity today (see your information packet containing letters and analyses) in evaluating the Opinion Analyses as to what does A.B. 147 do? These analyses also address various constitutional points raised. I am convinced in my own mind that you will know more about this one matter after reading these legal opinions than you will have on most issues which confront you during a constantly shifting legislative session.

Now, a brief word about Gun Control specifics. Gun Control, Mr. Chairman, is a highly emotional issue. More often what emerges from Gun Control issues are the attendant questions raised on citizens' rights not to be subjected to laws that at best may be constitutionally suspect.

Gun Control is not a panacea for criminal control! Only laws that will work, are enforceable, and have teeth in them are! As a team, we require putting the criminal out of business, but in that process we must not intrude on the constitutional rights of the law abiding.

A.B. 147 does provide this Legislature and all future Legislatures with the vehicle to protect the citizen gun owner and to get at the criminal's misuse of firearms as opposed to a hodgepodge of local ordinances that vary from county to city. We don't need that. We need uniformity.

Now a brief word about the economics involved. In 1987, I assisted the NRA to bring to Reno their 116th annual convention. Thirty-five thousand people responded and filled to capacity every available room from Reno to Incline and south to Carson City. The Reno-Sparks Convention and Visitors Authority tells me in a recent letter that the economic benefit to the business industry was \$16,400,000 in that short period. NRA members would like to come back to Nevada, and thought is being generated in that direction. I have an official invitation by the City of Las Vegas, the Chamber of Commerce, and the resort industry association, plus others.

In a separate packet are letters from major organizations like the SHOT Show, Shotgun News Show, Soldier of Fortune Show, and others. They each have one concern, and that is the absolute need for our state to have firearms pre-emption which affords each equal protection under the law. Most conventions come to Nevada (Las Vegas and/or Reno) because of opportunity here for such shows and conventions. Our people are friendly and open minded. These shows and conventions attract large crowds from neighboring California. We require keeping them coming. It is good for our tourism industry and gaming industry upon which our state must continue to depend for the bulk of our tax base. This would be severely impacted if many of these shows and conventions should move because Nevada has become hostile towards firearms owners and users.

In closing, I'd like to thank each member of this Committee considering the merits of A.B. 147. A very special thank-you goes to A.B. 147's author, Mr. Danny Thompson, and Mr. Speaker, Joe Dini, Jr. They are true Nevadans and representative of the finest in sportsmen anywhere. Our thanks, too, to Brian McKay, A.G., for his input, and Lorne Malkiewich of the Legislative Council Bureau for his many fine efforts. Ladies and Gentlemen of this Committee, I thank you, and I urge you to pass A.B. 147.

\* \* \*

**ASSEMBLY BILL 147**  
(Danny Thompson)

**FIREARMS PREEMPTION BILL**

Assembly Government Affairs Committee

Wednesday, April 5, 1989

Carson City, Nevada

JOSEPH E. DINI, JR.  
Assemblyman  
District No. 38

104 N. Mountain View  
Yerington, Nevada 89447  
Office 463-2868  
Home 463-2669



SPEAKER OF THE ASSEMBLY

# Nevada Legislature

SIXTY-FIFTH SESSION

February 10, 1989

Mr. Lorne Malkiewich  
Legislative Counsel Bureau  
State Capitol Complex  
Carson City, NV 89710

Hand Delivered

Dear Mr. Malkiewich:

Provided herewith is a copy of A.B. 147, a bill to establish uniform firearms laws statewide. This is a preemption statute that provides the legislature with the right to regulate firearms, but not take away powers of local control, discharge, and concealed weapons in the interest of public safety.

This bill is authored by Assemblyman Thompson, Bergevin, Nevin, and myself. It has been assigned to the Assembly Committee on Governmental Affairs, and as yet, no hearing has been scheduled.

There has been much comment made about the bill from the media, and spokespersons for the Clark County Sheriff and Metropolitan Police departments. Each profess a measure of understanding from their points of view as to what this statute would do.

In the interest of seeking the truth, I request your formal reply to each question I pose, and as well to provide me with an opinion analysis. The latter will serve as a working tool for legislators, thus removing emotionalism.

As follows:

1. Would A.B. 147 repeal or make ineffective local discharge ordinances?
2. Repeal, or make ineffective any hunting regulations?

3. Repeal, or make ineffective any law prohibiting possession of firearms by felons, mental incompetents and other prohibited individuals.
4. Repeal, or make ineffective laws which govern the carrying of concealed weapons.
5. Repeal, or make ineffective any laws which regulate loaded firearms.
6. Does A.B. 147 provide to the elected legislators the right to regulate firearms under the provisions of the bill?
7. Does the bill provide that no local political subdivision may enact laws or ordinances more stringent than that in which the State Legislature reserves for itself.
8. Does the bill, if enacted, wipe out county or local ordinances; and, does the bill provide that the Legislature may enact similar legislation, if warranted?
9. Does A.B. 147 provide for uniformity in keeping with the Supreme Court's decision "that regulation of firearms under article 2 of the U.S. Constitution is vested with the individual states", there being at present 35 states which have adopted preemption statutes similar, or like A.B. 147.
10. Does this bill, if passed, restrict, or impair law enforcement from performing their jobs?
11. Finally, did not the Supreme Court rule in the "Haynes Decision", that a criminal, felon, and certain others who are not legally entitled to own or possess firearms, are not required to register under any registration act, or ordinance as per the Clark County Handgun Ordinance; as to do so would be a violation of

Lorne Malkiewich  
Legislative Counsel


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February 10, 1989

their Fifth Amendment rights against self-  
incrimination.

Thank you for a prompt reply.

Sincerely,

  
Joseph E. Dini, Jr.  
Speaker

cc: Danny Thompson, Chairman  
Assembly Government Affairs Cte.



STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
CAPITOL COMPLEX  
CARSON CITY, NEVADA 89710



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February 21, 1989

Assemblyman Joseph E. Dini, Jr.  
Assembly Chambers

Dear Mr. Dini:

You have asked this office a number of questions regarding Assembly Bill No. 147 of this session. For the purpose of clarity, our response to your request has been structured in a question and answer format.

1. Would Assembly Bill No. 147 repeal or make ineffective local discharge ordinances?

No. Subsection 2 of each section of the bill authorizes the governing body of each county, city or town to "proscribe by ordinance or regulation the unsafe discharge of firearms." Therefore, local ordinances regulating the discharge of firearms would not be preempted by the bill. The governing body of a political subdivision would have the authority to regulate, on public safety grounds, the discharge of firearms.

2. [Would Assembly Bill No. 147] Repeal or make ineffective any hunting regulations?

No. The bill does not reserve exclusively to the state the power to regulate the use of firearms. Therefore, hunting regulations that mandate the particular type of firearm or ammunition that may be used to hunt will not be affected. Of course, if the legislature prohibits the ownership, possession or transportation of certain firearms, present hunting regulations will be rendered void to the extent they permit use of such prohibited weapons.

Assemblyman Joseph E. Dini, Jr.  
February 21, 1989  
Page 2

Furthermore, if a local ordinance is adopted that is less restrictive than state statutes governing hunting (Title 45 of NRS), state statutes will control.

3. [Would Assembly Bill No. 147] Repeal or make ineffective any law prohibiting possession of firearms by felons, mental incompetents and other prohibited individuals?

Not laws, but perhaps ordinances. To the extent that the legislature does not specifically prohibit by statute the possession of firearms by any such persons, a local government ordinance that does prohibit possession by such persons would be void. For example, Nevada statutory law does not specifically prohibit a person lacking mental capacity from possessing a firearm. A provision in a local ordinance that prohibited such a person from possessing a firearm would be void. For the purposes of comparison, NRS 202.360 specifically prohibits a convicted felon from possessing a firearm. That provision would not be affected by the bill.

In those instances where an ordinance of a local government is the only regulation of a matter relating to firearms and the ordinance is rendered void by the preemptive effect of Assembly Bill No. 147, the legislature may enact a statute to address the lack of regulation. Such a statute may either set forth a regulatory scheme to be enforced exclusively at the state level, or may authorize local governments to take part in the regulation of the matter. Thus, if the legislature deemed it necessary to prohibit the possession of firearms by mental incompetents, it could enact a statute to that effect. If it deemed regulation of the matter by the local government an appropriate manner to address the situation, it could give local governments regulatory authority over the subject.

4. [Would Assembly Bill No. 147] Repeal or make ineffective any laws which govern the carrying of concealed weapons?

Assemblyman Joseph E. Dini, Jr.  
February 21, 1989  
Page 3

No. NRS 202.350 specifically prohibits the carrying of concealed weapons. That statute would not be affected by the bill. Furthermore, subsection 4 of NRS 202.350 authorizes the sheriff of a county to issue permits to certain persons to carry concealed weapons. Therefore, a county ordinance that authorizes a county sheriff to issue permits to carry concealed weapons is not preempted by the bill because it is authorized by specific statute.

5. [Would Assembly Bill No. 147] Repeal or make ineffective any laws which regulate loaded firearms?

No. A specific statute enacted by the legislature is an exception to the preemptive effect of the bill. Therefore, any statute that regulates loaded firearms would not be affected by Assembly Bill No. 147. For example, NRS 503.165, which states when it is unlawful to carry a loaded shotgun or rifle in a vehicle, is not affected by the bill. However, any ordinance enacted by a local government regulating loaded firearms would have to be specifically authorized by statute or it would be rendered void by Assembly Bill No. 147.

6. Does Assembly Bill No. 147 provide to the elected legislators the right to regulate firearms under the provisions of the bill?

Yes. The purpose and effect of the bill is to reserve to the members of the state legislature the exclusive right to regulate "the transport, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition" in the state. No existing power to legislate is taken away from the legislature. Instead, the legislature has manifested its intention to assume exclusive jurisdiction over the regulation of certain matters relating to firearms. Unless specifically authorized by statute, any ordinance enacted by a local government regarding those matters is void, regardless of whether the law conflicts with an existing state statute.

Assemblyman Joseph E. Dini, Jr.  
February 21, 1989  
Page 4

7. Does the bill No. 147 provide that no local political subdivision may enact laws or ordinances more stringent than that in which the State Legislature reserves for itself?

Yes. In most cases, political subdivisions of the state would be prohibited from enacting laws relating to firearms that are more stringent than those enacted by the legislature. More specifically, a local government would not be permitted to enact any law regarding the "transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition," unless specifically authorized by state statute. That is, a local government has no right to interfere with or complement the legislation of the state by prescribing additional regulations or auxiliary provisions for the same purpose. As an example, since Assembly Bill No. 147 authorizes local governments to regulate the unsafe discharge of firearms, local ordinances may be more stringent than state laws regulating the discharge of firearms. However, if a local government enacted an ordinance requiring the licensing of all handguns, such an ordinance would invade the exclusive province of the legislature and would be void unless specifically authorized by state statute.

8. Does the bill, if enacted, wipe out county or local ordinances; and, does the bill provide that the Legislature may enact similar legislation, if warranted?

Yes to both questions. Any local ordinance that regulates the transfer, sale, purchase, possession, ownership, transportation, registration, or licensing of firearms and ammunition would be rendered void by the bill, unless such an ordinance was specifically authorized by state statute. For example, two Clark County ordinances (Sections 200 and 210 of chapter 4 of title 12 of the Clark County Code) regulating the possession and transfer of firearms capable of being concealed, would be rendered void by Assembly Bill No. 147. They touch upon the subjects that the legislature has reserved for itself exclusively.

The legislature may enact legislation to take the place of any local ordinance rendered void by the preemptive nature of Assembly Bill No. 147 or it may specifically authorize local governments to adopt the ordinances rendered void by the bill. Assembly Bill No. 147 does not in any way constrain the legislature's prerogative to legislate upon the subject of firearms. Instead, it constrains the legislative autonomy of the political subdivisions of the state to regulate independently certain matters relating to firearms.

9. Does Assembly Bill No. 147 provide for uniformity in keeping with the Supreme Court's decision "that regulation of firearms under article 2 of the U.S. Constitution is vested with the individual states", there being at present 35 states which have adopted preemption statutes similar, or like Assembly Bill No. 147?

The Second Amendment to the Constitution of the United States prohibits the Federal Government from infringing upon the rights of the people to bear arms. However, this guarantee is not applied to the states through the Fourteenth Amendment. Therefore, each state has authority to regulate firearms as it deems appropriate. Section 11 of article 1 of the Nevada constitution limits the state's power to regulate firearms. As provided by that provision, "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes." The state may reserve to itself the determination of the lawful use of firearms, and placing the authority to regulate firearms exclusively in the state legislature is not constitutionally offensive. Furthermore, there is no constitutional requirement that the political subdivisions of a state must be granted autonomy to regulate firearms.

10. Does this bill, if passed, restrict, or impair law enforcement from performing their jobs?

This question requires an interpretation of the practical consequences of vesting all regulatory authority over firearms in the state legislature. Assembly Bill No.

Assemblyman Joseph E. Dini, Jr.  
February 21, 1989  
Page 6

147 would not erect any legal impediments to the enforcement of any laws.

11. Finally, did not the Supreme Court rule in the "Haynes Decision", that a criminal, felon, and certain others who are not legally entitled to own or possess firearms, are not required to register under any registration act, or ordinance as per the Clark County Handgun Ordinance; as to do so would be a violation of their Fifth Amendment rights against self-incrimination?

We are unaware of the case to which you refer. We will respond to your specific question if you can provide a citation to the case. However, Federal case law clearly indicates that the reporting requirements of the National Firearms Act (26 U.S.C. § 5801 et seq.), a Federal law that governs the registration and transfer of firearms, do not violate a person's privilege against self-incrimination under the Fifth Amendment to the United States Constitution. The Federal courts base their rulings on the fact that the National Firearms Act requires that no information provided in compliance with the provisions of the act may be used as evidence in a prosecution of the person applying for registration under the act. By analogy, a state or local law that required certain information of an applicant as a condition of registration of a firearm would not violate the applicant's privilege against self-incrimination if the registration provisions prohibited use of the required information in a prosecution of the applicant.

There is a string of precedent from individual states upholding the validity of laws regulating the acquisition or possession of firearms against the contention that such laws unconstitutionally require applicants to incriminate themselves. These cases emphasize that the statutes are regulatory rather than prohibitory in nature and have disclosure requirements designed to keep firearms out of the hands of the unfit, not to enmesh them in criminal prosecutions. Therefore, Nevada statutes or ordinances written and enforced similarly are likely to withstand constitutional challenge on the ground that they violate an applicant's privilege against self-incrimination.

Assemblyman Joseph E. Dini, Jr.  
February 21, 1989  
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Please contact our office if we can be of further assistance.

Very truly yours,



Lorne J. Malkiewich  
Legislative Counsel

DANNY L. THOMPSON  
Assemblyman  
Clark District No. 21  
(702) 454-8227



COMMITTEES  
Chairman  
Government Affairs  
Vice Chairman  
Labor and Management  
Member  
Commerce

# Nevada Legislature

SIXTY-FIFTH SESSION

March 17, 1989

Mr. Lorne Malkiewich  
Legislative Counsel Bureau  
Legislative Chambers  
State Capitol Complex  
Carson City, Nevada 89701

Via Hand Delivered

Dear Mr. Malkiewich:

I would appreciate your providing me with an opinion analysis as to the effect my bill A.B. 147 might have on the Handgun Registration ordinance, and the three-day waiting period for handgun purchase in Clark County, and Las Vegas.

Please respond with regard to specifics of those two ordinances as to whether or not it affects the following cited circumstances.

1. Would a non-resident of Clark County, but a resident of this state, or a non-resident of some other state, who is lawfully in possession of a handgun, be required under the ordinance to register that handgun either while traveling through Clark County, and/or being in Clark County for several days under temporary residence?
2. Under the provisions of the Handgun Ordinance must handguns brought into Clark County and remaining there for a period exceeding 24 hours be registered with the Sheriff, whether solely in the possession of one person controlling them, or several as a unit/group?
3. Does the three-day waiting period required for the purchase of any handgun in Clark County apply to purchasers attending gun shows in convention at any of the hotel sites in Clark County?
4. Would handgun registration be required of all handguns brought into Clark County by participants of a pistol match extending over a 24-hour period?
5. Are there any exceptions to the Handgun Registration ordinance in the case of civilians, or just law enforcement?

(continued on page 2)



Mr. Lorne Malkiewich  
March 17, 1989  
Page 2

6. May the three-day waiting period under the language of the ordinance be amended to include 10, 15, or 30-day waiting periods?
7. Do the two Clark County ordinances appear constitutional in every detail under the Nevada Constitution?
8. Are both ordinances constitutional under the U.S. Constitution, as firearms regulation is vested with the state per Supreme Court decree?
9. Should a resident of Clark County having a previously registered handgun run afoul of the law and then convicted as a felon, would this by virtue of his/her response on the forms used for registration and three-day waiting period, be a consideration of their rights under the Fifth Amendment against self-incrimination.
10. Can the Handgun Ordinance be amended to include prohibitions concerning sporting firearms, i.e., shotguns, rifles, and others?

Sincerely,



Danny L. Thompson  
Assemblyman  
Clark, District 21

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
CAPITOL COMPLEX  
CARSON CITY, NEVADA 89710



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March 22, 1989

Assemblyman Danny L. Thompson  
Assembly Chambers

Dear Mr. Thompson:

You have asked our office to respond to various questions concerning two ordinances in effect in Clark County, one concerning the registration of pistols and the other requiring a 3-day waiting period before the purchase of a pistol. You have also asked what effect Assembly Bill No. 147 would have upon these ordinances if it is passed. The questions are addressed individually. Most of the questions involve the meaning of a county ordinance, a matter that will be determined by the county district attorney and the courts. Perhaps the District Attorney of Clark County would be willing to answer these questions; certainly his response will give you a better idea of how the ordinance will be enforced than will mine. In the absence of such a response, I will attempt to interpret the ordinance based upon general principles of statutory construction.

**1. Would a non-resident of Clark County, but a resident of this state, or a non-resident of some other state, who is lawfully in possession of a handgun, be required under the ordinance to register that handgun either while traveling through Clark County, and/or being in Clark County for several days under temporary residence?**

No. Section 12.04.110 of the Clark County Code states that a person "receiving title to a pistol...shall, within twenty-four hours of such receipt" appear at the sheriff's office to register the pistol. By its terms, the ordinance is limited to the receipt of title to a pistol. A person who already owns a pistol when he enters Clark County is not required by the terms of the ordinance to register the pistol.

**2. Under the provisions of the Handgun Ordinance must handguns brought into Clark County and remaining there for a period exceeding 24 hours be registered with the Sheriff, whether solely in the possession of one person controlling them, or several as a unit/group?**

No. The analysis is the same as the analysis of question 1.

**3. Does the three-day waiting period required for the purchase of any handgun in Clark County apply to purchasers attending gun shows in convention at any of the hotel sites in Clark County?**

It appears to. Section 12.04.80 of the Clark County Code requires a 72-hour waiting period between the sale of a pistol by a dealer and the delivery of the pistol to the purchaser. A person is required to obtain a license as a dealer "to engage in the business of buying or selling pistols at retail or wholesale." The nature of the gun show and the persons selling at the show may effect the determination of whether they are "in the business" of selling pistols. If they are, licensing is required, as is the 3-day waiting period. Finally, the ordinance applies only to the unincorporated area of Clark County--hotels in Las Vegas and other cities in Clark County are not affected.

**4. Would handgun registration be required of all handguns brought into Clark County by participants of a pistol match extending over a 24-hour period?**

No. The analysis is the same as the analysis of question 1.

**5. Are there any exceptions to the Handgun Registration ordinance in the case of civilians, or just law enforcement?**

Law enforcement officers are exempt from the 72-hour waiting period. It does not appear that there are any exceptions to the registration requirement. Any person receiving title to a pistol is required to register the pistol within 24 hours.

**6. May the three-day waiting period under the language of the ordinance be amended to include 10, 15 or 30-day waiting periods?**

The period may be amended, but extending the period to an unreasonable length may violate the constitutional right to bear arms. (See response to question 7).

**7. Do the two Clark County ordinances appear constitutional in every detail under the Nevada Constitution?**

The primary challenge to such an ordinance would be that it violates the provision in the Nevada constitution granting citizens "the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes." (Article 1, § 11). The provision was adopted in 1982 and has not, to our knowledge been judicially construed. A comparable provision of the United States Constitution ("the right of the people to keep and bear Arms, shall not be infringed") applies only to Congress. The federal constitutional provision has been held not to prohibit federal regulation of possession of firearms or licensing requirements. Under the Nevada constitution, if an ordinance infringes too significantly on the right to bear arms, the ordinance would be

unconstitutional. It is the opinion of this office that the ordinances in question do not violate section 11 of article 1 of the Nevada constitution because they do not significantly infringe upon the right to bear arms. However, as there is no case law interpreting the constitutional provision, we can only speculate as to its interpretation.

**8. Are both ordinances constitutional under the U. S. Constitution, as firearms regulation is vested with the state per Supreme Court decree?**

As indicated in the answer to question 7, the U. S. Constitution has not been interpreted to prohibit local regulation. Rather, it is a limitation on the power of Congress.

**9. Should a resident of Clark County having a previously registered handgun run afoul of the law and then convicted as a felon, would this by virtue of his/her response on the forms used for registration and three-day waiting period, be a consideration of their rights under the Fifth Amendment against self-incrimination.**

The privilege against self-incrimination does not constitute a defense to a crime committed after registering the gun, and does not prevent use of the registration against the defendant. The registration is evidence of ownership of the gun, and is admissible in the same manner as other documents that are relevant to the charge against the defendant.

However, the privilege against self-incrimination would constitute a defense to an action to enforce the registration requirement if the information provided in the course of registration could be used against the registrant in a prosecution for a prior or concurrent offense. In other words, you cannot force a person to register a gun if to do so would amount to testimony against himself as an "ex-felon with a gun" unless use of the information obtained through registration cannot be used in the prosecution for unlawful possession by an ex-felon.

**10. Can the Handgun Ordinance be amended to include prohibitions concerning sporting firearms, i.e., shotguns, rifles and others?**

Yes. However, the limitations upon the extent of the permissible regulation is a question for the Nevada supreme court in construing the state constitutional provision granting the right to bear arms. That provision makes specific mention of lawful hunting and recreational use. Any ordinance that significantly infringes upon that right would be constitutionally suspect.

**Effect of Assembly Bill No. 147.**

If Assembly Bill No. 147 is passed, the ordinances in question would be preempted by state law. The legislature reserves power over the "transfer, sale, purchase, possession, ownership, transportation, registration and licensing of

Assemblyman Danny L. Thompson  
March 22, 1989  
Page 4

firearms" in that bill. The ordinances in question clearly fall within the scope of the exclusive state jurisdiction proposed by this legislation.

Very truly yours,



Lorne J. Malkiewich  
Legislative Counsel

JOSEPH E. DINI, JR.  
Assemblyman  
District No. 38

104 N. Mountain View  
Yerington, Nevada 89447  
Office 463-2868  
Home 463-2669



SPEAKER OF THE ASSEMBLY

# Nevada Legislature

SIXTY-FIFTH SESSION

February 9, 1989

The Honorable Brian McKay  
Attorney General  
State of Nevada  
Capitol Complex  
Carson City, NV 89710

Dear Mr. McKay:

Provided herewith is a copy of A.B.147 to establish uniform firearms laws statewide.

This bill is authored by Assemblymen Thompson, Bergevin, Nevin and myself. It has been assigned to the Assembly Government Affairs committee, and as yet, no hearing has been scheduled.

A lot of comment has been made by media representatives, and spokespersons for the Clark County Sheriff and Metropolitan Police departments. Each profess a high measure of understanding from their respective points of view as to what this statute, if passed, would do.

In the interest of seeking the truth, I request your formal reply (ASAP) to the questions posed and also an opinion analysis to provide a working tool for the Legislature, as follows:

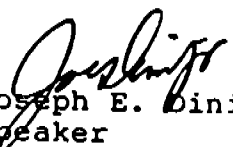
1. Would A.B.147 repeal or make ineffective local discharge ordinances?
2. Repeal or make ineffective any hunting regulations?
3. Repeal or make ineffective laws prohibiting possession of firearms by felons, mental incompetents and other prohibited individuals?

February 9, 1989

4. Repeal or make ineffective laws governing the carrying of concealed weapons?
5. Repeal or make ineffective any laws regulating loaded firearms?
6. Does A.B.147 provide to the Legislators the right to regulate firearms under the provisions of the bill?
7. Does the bill provide that no local political subdivision may enact laws or ordinances more stringent than the Legislature reserves for itself?
8. Does the bill, if enacted, wipe out all county or local ordinances; and, does the bill provide that the Legislators may enact similar legislation, if found warranted?
9. Does A.B.147 provide for uniformity in keeping with the Supreme Court's decision "that the regulation of firearms under Article 2 of the Constitution is vested with the individual states"?
10. Does this bill, if passed, impair law enforcement in doing their job?
11. Finally, do comment on the Haynes decision of the Supreme Court that a criminal, felon, is not required to register his/her firearms as to do so would be a violation of their fifth amendment rights against self-incrimination:

Thank you for your prompt reply.

Sincerely,

  
Joseph E. Dini, Jr.  
Speaker

JED /bd

cc: Danny Thompson, Chrmn  
Government Affairs



State of Nevada  
Office of the Attorney General  
Carson City, Nevada 89710  
February 17, 1989

BRIAN MCKAY  
ATTORNEY GENERAL

HAND DELIVERED

The Honorable Joseph Dini  
Speaker of the Assembly  
Legislative Building  
Capitol Complex  
Carson City, Nevada 89710

Dear Speaker Dini:

In your letter of February 9, 1989, you set forth a series of questions regarding the potential effects of A.B. 147 if the same is enacted into law by the 1989 legislature. We are pleased to provide the following answers to each of your questions. With respect to said answers, we are using the word "local" to mean and include city, county, and town governments.

In Nevada, all local governments are creatures of the state legislature created through legislative enactments. As a general rule, the state legislature may, within constitutional limits, give local governments any powers the legislature considers appropriate for them, and it may likewise deny them any such powers.

Question 1: Would A.B. 147 repeal or make ineffective local discharge ordinances?

Answer: A.B. 147 would enact three new provisions of NRS in chapters 244, 268, and 269 respectively. For cities, counties, and towns A.B. 147 provides that except as otherwise provided by specific statute, the legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no city, county, or town may infringe upon those rights and powers. This statute would preempt for state regulation all forms of governmental regulation involving firearms and ammunition in Nevada, with one exception. That exception allows cities, counties, and town to prescribe by ordinance or regulation the unsafe discharge of firearms. We understand this to mean that cities, counties, and towns could continue to enact ordinances or regulations which would prohibit discharging firearms on the public streets or other public places, in urbanized areas, or into structures,



vehicles, aircraft, or watercraft. Such unlawful discharge ordinances would be the only type of local ordinance or regulation permitted if A.B. 147 becomes law. Therefore, the answer to your question is A.B. 147 would not repeal or make ineffective local unlawful discharge ordinances of the type described herein.

Question 2: Would A.B. 147 repeal or make ineffective any hunting regulations?

Answer: A.B. 147 would not repeal any existing state statutes which regulate hunting. To the extent any particular state agency has been specifically granted, by statute, powers to regulate hunting, such regulations would remain in effect. However, where such powers have not been specifically granted to an agency of local government by a state statute, such regulations would not be valid if A.B. 147 becomes law.

Question 3: Would A.B. 147 repeal or make ineffective laws prohibiting possession of firearms by felons, mental incompetents, and other prohibited individuals?

Answer: A.B. 147 would not repeal or make ineffective any state statutes, but would invalidate any local ordinances or regulations on these subjects, since A.B. 147 preempts for state regulation only the question of possession of firearms and ammunition in Nevada.

Question 4: Would A.B. 147 repeal or make ineffective laws governing the carrying of concealed weapons?

Answer: A.B. 147 would not repeal or make ineffective any state statutes, but would invalidate any local ordinances or regulations on this subject since all aspects of the possession of firearms and ammunition in Nevada would be preempted for state regulation if A.B. 147 becomes law. However, a state statute, NRS 202.350, currently authorizes county sheriffs to issue permits for concealed weapons, and this state statute would not be affected by passage of A.B. 147, nor would the authority of county sheriffs to act under said state statute be affected.

Question 5: Would A.B. 147 repeal or make ineffective any law regulating loaded firearms?

Answer: A.B. 147 would not repeal or make ineffective any state statutes, but would invalidate all local ordinances or regulations concerned with the possession or transportation of firearms and ammunition which appear to include laws regulating loaded firearms.

Question 6: Does A.B. 147 provide to the legislature the right to regulate firearms under the provisions of the bill?

Answer: A.B. 147 does not appear to restrict the ability of the legislature to enact any laws it deems appropriate concerning the regulation of firearms. Indeed, the intent behind A.B. 147 appears to be to the contrary, i.e., A.B. 147 would reserve to the legislature alone the power to enact laws concerning firearms and ammunition, with the single exception of local ordinances and regulations for the unsafe discharge of firearms. The only limits upon legislative authority would be those found within the United States Constitution or the Nevada Constitution.

Question 7: Does A.B. 147 provide that no local political subdivision may enact laws or ordinances more stringent than the legislature reserves for itself?

Answer: With the one exception of allowing local ordinances and regulations controlling the unsafe discharge of firearms, A.B. 147 prohibits all local governments in Nevada from enacting any laws or ordinances, regardless of how stringent or lenient they may be, relating to firearms and ammunition. All local ordinances regarding such firearms and ammunition are prohibited by A.B. 147, since the mere existence of a local ordinance may tend to infringe upon the rights and powers reserved by A.B. 147 for the legislature itself.

Question 8: Does A.B. 147, if enacted, wipe out all county or local ordinances; and, does the bill provide that the legislature may enact similar legislation, if found warranted?

Answer: A.B. 147 would make invalid all local ordinances and regulations concerned with the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, with only those ordinances and regulations prescribing the unsafe discharge of firearms being an exception to the general rule. The legislature of Nevada, subject to any constitutional restrictions, would have full authority to enact legislation similar to any local ordinances and regulations voided by enactment of A.B. 147 into law.

Question 9: Does A.B. 147 provide for uniformity in keeping with the Supreme Court's decision "that the regulation of firearms under Article [sic] 2 of the constitution is vested with the individual states"?

Answer: We assume your question refers to the second amendment to the United States Constitution which reads as follows:

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Under Miller vs. Texas, 153 U.S. 535 (1894) the U.S. Supreme Court made it clear that the second amendment right of the people to keep and bear arms applied to the federal government only, leaving the states free to regulate in this area. A.B. 147 is not inconsistent with that concept. If A.B. 147 becomes law, presumably there would be uniformity throughout Nevada with regard to the regulation of firearms since only statewide statutes would have any application.

Question 10: Does A.B. 147, if passed, impair law enforcement in doing their job?

Answer: This office recognizes that each community in Nevada may have different needs, problems, regulations, and ordinances relating to the questions of firearms and ammunition. As a longtime and firm supporter of local law enforcement, this office must defer on this question to local enforcement officials, whose input no doubt would be valuable in the legislature's consideration of A.B. 147 and its implications for crime control within their respective jurisdictions.

Question 11: Do comment on the Haynes decision of the Supreme Court that a criminal, felon, is not required to register his/her firearms, as to do so would be a violation of their Fifth Amendments rights against self-incrimination?

Answer: The case of Haynes vs. United States, 390 U.S. 85 (1968) was decided in conjunction with two other cases, Marchetti vs. United States, 390 U.S. 39 (1968) and Grosso vs. United States, 390 U.S. 62 (1968), and dealt with the question of whether a person could be compelled to provide self-incriminating statements under statutes requiring reporting or registration in particular subject areas.

The petitioner in Haynes was convicted of violating 26 U.S.C. § 5851 of the National Firearms Act, which made it unlawful to possess certain firearms which had not been transferred or registered as required under section 5841 of the act at anytime. The court determined, based on legislative history and the types of weapons listed, that the sections were specifically aimed at those persons engaged in unlawful activities, i.e., those who required possession of the firearms without complying with the other requirements of the act.

The court noted that violation of section 5851 (and therefore 5841) created an almost certain risk of immediate criminal prosecution, not just a remote possibility. The primary reason for this cited by the court was that the information received under the registration requirements was shared with tax and other law enforcement officials. And, although other sections of the act set forth reporting and registration

The Honorable Joseph Dini  
February 17, 1989  
Page 5

requirements applicable to entities involved in primarily lawful firearms' activities, section 5851 as a practical matter would apply to only those who engaged in unlawful activity (such as the sale of unregistered weapons). Thus, it was extremely likely that the people to whom the section would apply would be incriminating themselves if they attempted to comply with the registration requirements. Since a person may not be compelled to give statements which would be self-incriminating, the court held that a properly made claim of the constitutional privilege against self-incrimination provided a full defense to criminal prosecutions for failure to comply with sections 5841 and 5851 of the National Firearms Act.

Applying the lessons of Haynes to Nevada, since possession of a firearm by a felon is a crime, the statute which requires all felons to register any firearms in their possession would require them to incriminate themselves and would therefore be unconstitutional under the Fifth Amendment. It is not entirely clear at this time whether a similar defense could be raised to a general registration law as the same might apply to a felon in possession of a firearm.

In conclusion, A.B. 147 has as its declared purpose the reservation to the state legislature alone of the power to regulate firearms and ammunitions in Nevada. The only exception to this broad statement is local ordinances and regulations which prescribe the unsafe discharge of firearms. Any efforts by a county, city, or town to enact legislation on the subject of firearms and ammunition would be subject to being declared void as infringing upon the rights and powers of the state legislature specifically reserved to the legislature by A.B. 147.

If we may be of further assistance on this or other matters of mutual concern, please advise.

Sincerely,

  
BRIAN MCKAY

BMCK/WEI/cj

LEGISLATIVE BUILDING  
CAPITOL COMPLEX  
CARSON CITY, NEVADA 89710

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February 27, 1989

Assemblyman Joseph E. Dini, Jr.  
Assembly Chambers

Dear Mr. Dini:

Our office has been provided with a citation to the "Haynes Decision" to which you referred in your previous request for an opinion of this office. The case is consistent with the general statement of the law that we made in our previous letter: if a statute of ordinance requiring registration of a firearm does not bar the use of the information obtained through registration for the prosecution of prior and concurrent offenses, a person may assert a proper claim (i.e., if registration would tend to incriminate him) of privilege against self-incrimination under the Fifth Amendment to the United States Constitution.

In Haynes v. United States, 390 U.S. 85 (1968), the United States Supreme Court ruled that a proper claim of privilege against self-incrimination provided a full defense to prosecution either for failure to register under the National Firearms Act or for possession of a firearm not registered under the provisions of the act. It appears that the Haynes decision led to a change in the federal law prohibiting the use of the information obtained through registration in other actions, as subsequent cases have upheld convictions under the act based upon that prohibition.

It is the opinion of this office that any prosecutions under a state statute or local ordinance requiring registration of handguns would be subject to the complete defense provided by a proper claim of the privilege against self-incrimination unless the statute or ordinance prohibits the use of the information obtained through registration in another action.

Very truly yours,

Lorne J. Malkiewich  
Legislative Counsel

A.B. 147 WILL LIMIT LOCAL CONTROL OF GUNS. IN A STATE LIKE NEVADA, IT IS HARD TO IMAGINE AN ISSUE THAT IS MORE APPROPRIATE FOR LOCAL CONTROL THAN THE PURCHASE AND REGISTRATION OF FIREARMS. THERE IS A BIG DIFFERENCE BETWEEN HUNTING IN A SECLUDED PART OF THE STATE AND CARRYING A HANDGUN ON A CITY STREET. THE GROWING PROBLEM WE ARE HAVING WITH GANGS IN OUR CITIES IS REASON ENOUGH TO ALLOW LOCAL CONTROL OF FIREARMS.

LOCAL REGULATION OF FIREARMS IS NOT A VIOLATION OF ANY CONSTITUTIONAL RIGHTS. PEOPLE ARE ALLOWED TO OWN GUNS AND USE THEM FOR ANY LAWFUL PURPOSE. REASONABLE REGULATION ONLY ENSURES THAT IT IS NOT TOO EASY FOR A PERSON TO GET A GUN. IF WE ALLOW LOCAL REGULATION OF FIREARMS, WE WILL REDUCE THE NUMBER OF HOMICIDES AND SUICIDES, IF ONLY FOR THOSE FEW PEOPLE WHO WOULDN'T NORMALLY COMMIT SUCH AN ACT, BUT ARE ABLE TO OBTAIN A GUN WITH NO DELAY AND NO QUESTIONS ASKED.

**LAS VEGAS  
METROPOLITAN POLICE DEPARTMENT**

**Position statement on handgun  
registration and waiting period  
in the State of Nevada.**

Sheriff John Moran, officers of the Las Vegas Metropolitan Police Department, and many citizens of our community need your support in the upcoming session of the Nevada Legislature. Once again the National Rifle Association (NRA) is expected to try and persuade you to change Nevada law to disallow local government from regulating handguns. This comes on the heels of the NRA's state-wide ballot initiative last year. Their goal was to gain sufficient signatures to have the handgun issue placed on the ballot last November. The NRA dropped the initiative, however, when it found support among Nevada voters less than enthusiastic.

Had they been successful, however, and had the initiative passed, our state constitution would have been amended to forbid local government from passing any laws regulating handguns. The constitutional amendment would have obliterated every law now on the books at the local level. These laws range from prohibiting shooting in the city limits to forbidding ex-felons from possessing firearms. Having failed at the grass roots level, the NRA is now redirecting their efforts toward the legislature where they exert considerable influence. The propaganda and proclaimed political clout of the NRA is strong, but if you take a few moments to read the "rest of the story," we feel confident you will agree with Sheriff Moran and many Clark County citizens, that the handgun laws currently in place are vital to the safety of our community.

Over the years Nevada legislators have enacted many criminal laws to ensure uniform justice throughout the state, while at the same time refraining from regulating areas such as handgun registration, which, by their very nature are the province of local government. Problems faced by rural Nevada communities are much different from those faced by the urban area of Las Vegas. Over 4,000 people move into Las Vegas each month, making it one of the fastest growing cities in the United States. Over the last ten years the population of Clark County has doubled, and by most projections, will top 1,000,000 by the turn of the century. As the largest urban area in the state, Las Vegas faces many big city problems.

Over 500,000 handguns are registered to citizens in Las Vegas. Currently, City of Las Vegas and Clark County ordinances make it unlawful to possess or own a firearm capable of being concealed unless it is registered with the sheriff. Local ordinances additionally require firearm dealers to retain a handgun they sell for 72 hours prior to the purchaser taking possession. These two laws are designed solely to protect the public--not to restrict gun ownership. Next to no registration law at all, the registration law in Clark County is one of the most permissive in the United States. Inconvenience to citizens is minimal. They fill out a short personal history card, describe the weapon they are purchasing, and return to the store any time after 72 hours to take possession. Unless the weapon is stolen or they sell it, they never hear from government again.



Research has demonstrated time and again that most Americans favor handgun registration. Researchers Wright, Rossi, and Daly reported in 1983 that the large majority of Americans believed they had the right to own guns, but favored the registration of handguns both for new purchase and for handguns presently owned. Hazel Erskine examined poll data on gun control collected for 1938 through 1972 and found that "the vast majority of Americans favored some kind of action for the control of civilian firearms for at least as long as modern policing has been in existence."<sup>1</sup> Rather than restricting handgun ownership, registration actually confers an explicit legal legitimacy on the continued ownership of a weapon by its owner.

The NRA says that registration is the first step to government confiscation, but the facts say otherwise. Article 1 section 11: Right to keep and bear arms, of the State of Nevada Constitution, was amended in 1981 and approved in the 1982 general election. This amendment guarantees the right of every citizen of this state to own and possess firearms. Since government cannot confiscate handguns, the only possible issue is that government would somehow abuse the information it has on who owns firearms. If informing police officers responding to a violent domestic dispute that there are guns registered to the parties involved is abuse, then the police are guilty. The safety of our officers is a high priority, and the knowledge of the possible involvement of handguns prior to arriving at these types of incidents is essential information. The police have not abused registration information, but have used it for the good of the community. Every day police officers recover guns that have been stolen in various crimes. Were it not for the registration laws, many of these weapons would not be returned to the rightful owners.

#### Handgun Registration

Of the half million handguns registered in the Las Vegas area, approximately 1,800 are stolen each year. Police recover about 1,400 handguns, believed to be stolen, from criminals every year. Unfortunately, only 700 of the weapons recovered can be traced to their owner through registration. When owners cannot be identified, the weapons are either destroyed or sold at auction. The evidence is clear; registration means a higher probability of having a stolen weapon returned to the rightful owner.

In the absence of registration the police must rely on gun owners for the description and serial number of their weapons. Records show that gun owners do not record such information. Every month at least 35 gun owners report weapons stolen that are neither

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<sup>1</sup> Zimring, Franklin E.,; Hawkins, Gordon. The Citizen's Guide Gun Control. (New York: Macmillian Publishing Company, 1987), p. 127

registered nor identifiable by the owner. Of those citizens who have kept their own records, many mistakenly record a model or other number in lieu of the serial number. When attempting to trace ownership, evidence shows many gun owners are not familiar enough with their weapon to know if it is a revolver or automatic, nor can they provide an accurate description, which includes the manufacturer, barrel length, model, etc.

Lacking a serial number and complete description, handguns cannot be placed into the National Crime Computer. When a police officer cannot determine if a weapon is stolen (because it is not in the computer), he must return it to the criminal. This means allowing a stolen gun to remain in the wrong hands.

Registration has another benefit many people are unaware of. Every month at least 11 ex-felons (who are forbidden by law to possess handguns) present themselves at the police department to register guns, or purchase guns at pawn shops or gun stores. As a result of the registration procedures, they are subsequently identified as ex-felons, and the police confiscate the weapons.

Handgun registration can help point detectives in the right direction during investigations. During March of 1984 for example, a Las Vegas woman was kidnapped, beaten, and sexually assaulted prior to being shot numerous times, resulting in her death. There were few leads, and although more than 50 detectives worked this case it was not solved until almost 6 months later, and then only by chance. This occurred when the killer came to the police department to file a report on a theft from his car. His attitude and demeanor aroused the suspicions of a records clerk. He made derogatory and demeaning comments about women to her. He had been the victim of numerous crimes in the past, but when the records clerk observed that he reported being kidnaped on the night and in the same part of town as a murder victim, she became concerned and notified detectives. In this case handgun registration was the link responsible for identifying this suspect.

The link came when a check of the firearm registered to this person's mother revealed that she had the same type (fairly uncommon) handgun used in the murder. A bullet comparison quickly confirmed that this was the weapon used in the crime. As it turned out, this was the one major indisputable piece of evidence that helped gain a conviction. Had the weapon not been registered, or if there had been no registration law, it is doubtful that this brutal killer would be behind bars today. Handgun registration may not, by itself, solve crimes, but it certainly has proven to facilitate the efforts of the police during the investigation.

#### 72-Hour Waiting Period

In addition to attacking registration, the NRA is also out to crush the three-day waiting period for the first purchase of a handgun

from a firearms dealer. The waiting period is designed solely to prevent a person from doing something in the heat of passion that they probably would not do if they had a few days to think about it. It has also served to provide the police time to get a head start on checking out an undesirable before he or she actually receives the weapon.

Nationwide attention was focused on Miami, Florida last October when Arthur Cain purchased a handgun and then walked into the Merrill-Lynch Stock Brokerage Firm and shot to death his stockbroker. In Las Vegas, too, there are examples of how a waiting period could have or did save a life.

In November 1987, a 45-year old woman with a history of mental illness purchased a handgun from a gun dealer just outside the Las Vegas area where there are no registration laws or waiting periods. She was reported missing from the Mental Health Center just one day before she purchased the handgun. Three days later she checked into a motel and, using the gun she had recently purchased, committed suicide. If she had been prevented from leaving the store with the gun because of a mandatory waiting period, she might have sought help rather than making the decision to end her life.

In April 1987, a local gun store owner was approached by a woman wanting to purchase a gun. The store owner, a retired policeman, asked the purpose for the purchase, and was advised that she was going to kill her husband, who was down the street in a bar. The 72-hour waiting period enabled the owner to temporarily deny the woman the handgun.

An ongoing survey of Las Vegas gun store owners concludes they prefer to have a waiting period to help them deal with questionable customers. They stated that a waiting period does not inhibit their business in any way. Those citizens who already own a registered handgun and produce their gun registration card at the time they intend to purchase another gun, do not have to wait the 72-hour period. The waiting period applies only to those persons who have not previously registered a handgun. Gun shop owners state that only about 30 percent of their customers are affected by the waiting period. Based on these facts, it is clear that the benefits of a waiting period far outweigh the inconvenience any wait may impose.

The National Rifle Association on the whole is a fine organization. They have conducted many excellent weapons safety and training programs in Nevada. Sheriff Moran is a life member, and many other police officers and citizens belong to the NRA. And although most members support a citizen's right to keep and bear arms, many, including law enforcement officials from around the country, do not support the NRA's extreme stance on this controversial issue.

Remember, during the 1987 legislative session, the NRA sponsored

Assembly Bill 288, which if passed would have effectively banned all local ordinances relating to firearms. In effect, passage would have allowed juveniles over the age of fourteen to legally possess handguns, allowed the discharge of firearms with city limits and other areas where such discharge is presently prohibited by local ordinance, and would have invalidated all local ordinances dealing with the licensing of firearms dealers.

The Clark County Senate Delegation stood its ground in spite of intense lobbying by the NRA and effectively prevented the bill from becoming law. Your help is needed again this year if we expect to keep our current laws and retain the ability to enact any future laws. Our laws have always been designed solely to protect the public, not to restrict gun ownership.

If you have any questions or desire more information on this issue, please contact Captain Paul Conner, Las Vegas Metropolitan Police Department, (702) 799-3529.

**PUBLIC SAFETY LAWS THAT WILL BE ABOLISHED  
IF AB 147 IS PASSED**

<b>DESCRIPTION</b>	<b>CLARK COUNTY CODE</b>	<b>LAS VEGAS CITY ORDINANCE</b>
Registration of firearms capable of being concealed	12.04.200 12.04.110	10.66.140
Time between sale and delivery of pistol	12.04.080 12.04.090	10.66.060
Dealers eligible to sell pistols, permit required	12.04.030	10.66.030
Sheriff to be notified by dealer selling pistol	12.04.100	10.66.070
Condition of pistols sold	12.04.160	10.66.120
Window displays of pistols and ammunition prohibited	12.04.130	10.66.090
Sale of homemade pistols prohibited	12.04.150	10.66.110
Sale of foreign made pistols with ammunition restricted	12.04.140	10.66.100
Seller required to register pistol to transferee	12.04.210	
Loitering while carrying a concealed pistol		10.70.020
Fighting or disorderly conduct while possessing a pistol		10.70.030
Unlawful to permit persons under 18 years to have possession or control of a pistol*	12.04.170	10.66.130

\*State law 202.300 provides that no person under 14 years of age may possess a concealable firearm.

Prepared by: LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT  
JOHN MORAN, SHERIFF

1015

2-9-89

# Retain county's mild handgun law

**S**heriff John Moran is a member of the National Rifle Association and, as such, we assume he supports the Second Amendment right of citizens to keep and bear arms.

Yet Moran strongly disagrees with one item that seems to be high on the NRA agenda for Nevada, and that's the attempt to eliminate Clark County's three-day "cooling off" period and registration for first-time purchasers of handguns.

Under current law, those who purchase their first handgun in Clark County must register the weapon and wait three days to pick it up, giving police a chance to check out applicants to make sure the gun is not being sold to an ex-felon, a mentally incompetent person or a drug addict. The waiting period also is designed to give people who purchase a handgun in the heat of passion — during an escalating weekend fight with a spouse, for example — time to chill out a little before taking possession of the weapon.

Under the Clark County ordinance, there is no waiting period for rifles or for subsequent handgun purchases.

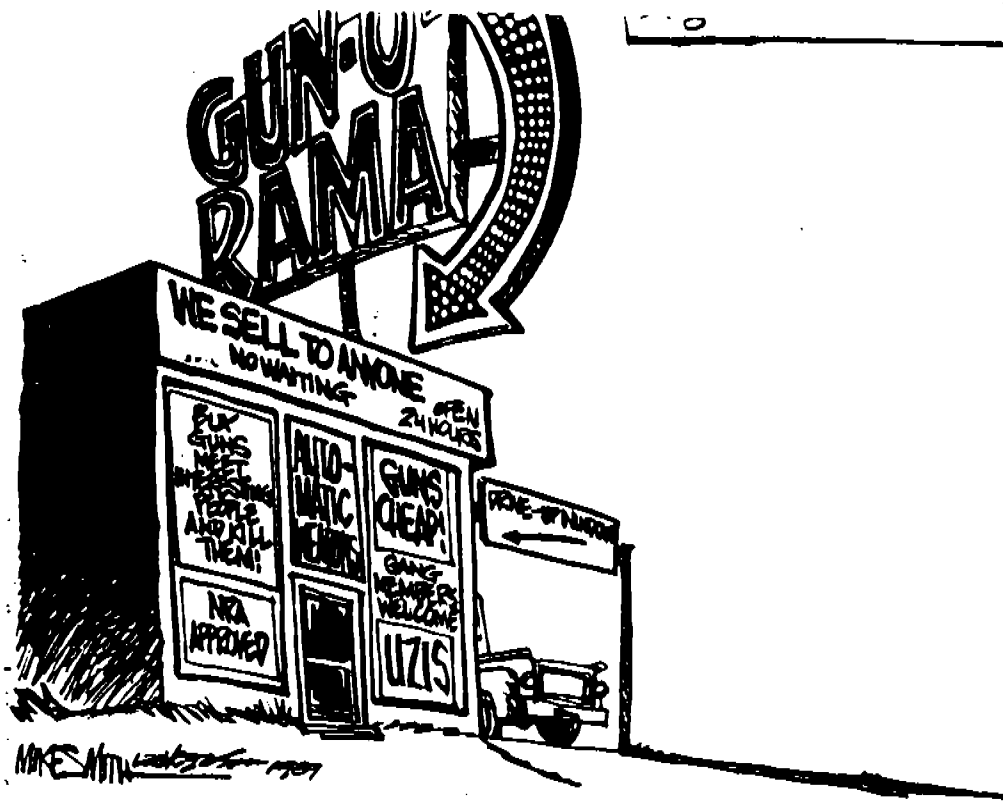
This ordinance is mild and reasonable. It would require a strained interpretation of the Second Amendment to suggest that the cooling off law in any way violates the Second Amendment freedom to keep and bear arms.

Yet the NRA is apparently behind a move to wipe out Clark County's cooling off law by stripping local governments of their power to pass gun-related ordinances. If the bill, being advanced by Henderson Assemblyman Danny Thompson, passes, Clark County's law would be effectively negated. The NRA tried this same approach two years ago, ostensibly seeking to make gun laws "uniform" throughout the state. But the real objective clearly was to kill the Clark County ordinance, because this is the only county in the state that regulates handgun purchases.

We support the Second Amendment right of individuals to keep and bear arms, and we condemn as grossly unconstitutional gun confiscation of the kind now to be visited upon law-abiding citizens in Los Angeles.

But the Clark County ordinance affects neither the right "to keep" nor the right "to bear" arms. It's still quite easy to purchase a handgun here, and guns of all kinds are readily available, legally with minimal hassle, to law-abiding citizens. The waiting period and registration not only help keep handguns out of the mitts of criminals and crazies, they actually provide a service to gun owners, allowing police to easily locate the proper owners of recovered stolen guns, and return them.

The Clark County ordinance is innocuous enough. Let it stand.



## State gun law should not weaken local regulations

**W**e're for tough, uniform gun regulation, but wonder whether Assemblyman Danny Thompson's bill, now in the legislative hopper, is the answer.

Thompson's AB 147, not yet in final form and subject to changes, would remove all gun regulation ability from cities and counties where it is now written into ordinances in Las Vegas and Clark County. It would instead place responsibility for gun control solely in the hands of the state of Nevada.

That's fine and we could support the bill if the state's law — still to be enacted — would be at least as tough as our own local ordinances.

They require that persons buying concealable weapons — in effect pistols — must:

- Fill out a personal information application and submit to a police background check.
  - Wait three days while the check is made.
  - Register the pistol with Metro, giving its serial number and pertinent information about the owner.
- Not a bad law. It red-tags and rejects would-be gun buyers who are criminals, are mentally ill or people just plain mad enough to kill someone, maybe indiscriminately.

Las Vegas and Clark County laws also give Metro the ability to track stolen guns and murder weapons. They are considered a vital law enforcement tool.

And let it be noted, Las Vegas and Clark County are the sole city and county in the state with any gun regulation at all.

North Las Vegas, Henderson and Boulder City apply the Clark County ordinance to their own code but that's as far as it goes.

There is no gun regulation at all in Reno, the

populous Washoe Valley, Carson City, Lake Tahoe, Minden, Winnemucca, Elko or Ely.

Buy a gun there, you can take possession of it immediately.

We understand the rural counties' tradition of "the less regulation the better," as far as cars, taxes, building codes and fair business rules are concerned.

But guns are a different matter, especially for the more populous urban areas such as Las Vegas.

We fear that cow county legislators, with Assemblyman Thompson's bill, will acquire a way to remove local city and county — namely Las Vegas and Clark County — gun regulation laws that provide security for our citizens.

And they will want to do it based on the tradition of the less regulation, the better. That is also the view of the National Rifle Association, which Clark County Sheriff John Moran accuses of being behind the introduction of Thompson's bill.

On Feb. 7, less than a week after the bill was thrown into the legislative hopper, an alarmed Moran called a press conference to denounce the proposed legislation, saying it would severely restrict police ability to trace guns and apprehend criminals.

"This new gun bill, if passed by the Legislature, would be a disaster for us," the sheriff declared.

We're with him. We don't want to shove our local laws down anyone else's throat or force other cities and counties to adopt our ordinances.

We just want the right to adopt and enforce our own regulations like we've been doing, and not have to worry about a breakdown in security because of an ill-timed and ill-conceived state action.

# STREET TALK/Ken Jones

Las Vegas Sun 2/17/89

QUESTION: Should the procedure for regulating the handgun purchases be left to Metro, as it is now, or be the jurisdiction of the state Legislature?



**BOB BARIER**  
Retired

I agree with John Moran and Metro 100 percent. Control of purchasing handguns should remain as it is, with Metro. The waiting period is a good safeguard. Why anyone would want to change it?



**WAYNE ROBILLARD**  
Businessman

I wish the state government would worry about things other than local matters. Metro should continue handling this problem. It's in a position and in touch with the issues to protect Las Vegas citizens.



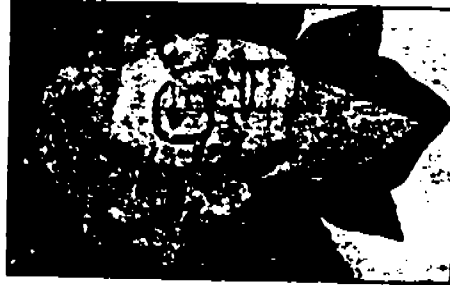
**PAT PONDER-BITTICK**  
Secretary

There should be the 72-hour wait. I don't like guns and wouldn't want one in my home. Metro should have complete control over gun purchases. If someone's that desperate to have a gun, I'd have to ask why.



**BOB WEST**  
Ex-Metro officer

This should be left in the hands of Metro. This program has been administered by the sheriff for 30 years with a great amount of success.



**RUBY DILLINGHAM**  
Clerk

Better it stays in police hands, with the 72-hour wait. The police sure know more about handling and controlling guns than the legislators. What do the legislators know about it, anyway?



**DREW OLSON**  
Businessman

Continue enforcing the 72-hour wait. I'm for Metro continuing to control it. Somebody has to control, and the Legislature's not that somebody. I really don't know what they're thinking of.







# CITY OF HENDERSON

POLICE DEPARTMENT  
243 WATER STREET  
HENDERSON, NEVADA 89015  
702/565-8933

116/dw

*Gateway to Lake Mead Resorts*

PROCEDURAL ORDER  
August 27, 1987

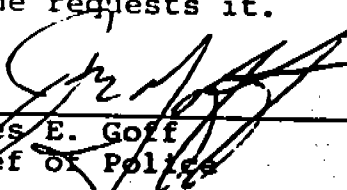
REFERENCE: PO-07-87

TO: All Personnel  
SUBJECT: SUBJECT PROFILE REQUEST

When a violent crime-in-progress or a barricaded subject call is dispatched and the name of the person(s) involved is known, the Supervisor or Senior Officer responding may request the Communications Center to "profile the subject(s)". Receiving this request, the Communications Operator will compile all available information from a checklist as follows:

1. SCOPE/NCIC check on the subject(s), including:
  - a. Physical description, moniker and any prior criminal activity
  - b. Any mentally ill notations
  - c. Any prior attempt suicides
2. Weapons registration.
3. Telephone number of address involved and utilities check on address to determine owner.
4. Any vehicle(s) registered to subject(s).
5. Any supplemental information available from the P/R;
  - a. Is subject intoxicated? If so, on what?
  - b. Is subject Vietnam Veteran?
  - c. Is subject injured or ill?
  - d. Is subject suicidal?

After compiling the above, the Communications Operator will hold the information until the Supervisor or Senior Officer at the scene requests it.

  
James E. Goff  
Chief of Police

1019

EXHIBIT L

TESTIMONY GIVEN BEFORE THE  
ASSEMBLY GOVERNMENT AFFAIRS COMMITTEE  
ON APRIL 5, 1989  
(CONCERNING A.B. 147)

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD I AM  
KIP BOTKIN, ~~REDACTED~~. I AM THE ASSISTANT  
CHIEF OF POLICE IN HENDERSON. I AM SPEAKING IN OPPOSITION OF A.B.  
147.

AS ONE OF THE POLICE AGENCIES WITHIN CLARK COUNTY WHICH  
REQUIRE THE REGISTRATION OF CONCEALABLE FIREARMS, WE HAVE FOUND  
THIS REGISTRATION PROCESS TO BE A VERY USEFUL TOOL. FOR  
CLARIFICATION THE REGISTRATION ORDINANCE DOES NOT REQUIRE THE  
REGISTRATION OF SHOTGUNS OR RIFLES. IN SUM AND SUBSTANCE THE  
ORDINANCE REQUIRES THE REGISTRATION OF HANDGUNS, I.E. AUTOMATIC  
PISTOLS AND REVOLVERS. THE BENEFITS TO LAW ENFORCEMENT OF THE  
REGISTRATION ORDINANCE ARE AS FOLLOWS:

1. FREQUENTLY THE POLICE DEPARTMENT COMES INTO POSSESSION OF  
HANDGUNS WHICH DO NOT BELONG TO THE POSSESSOR. IF THE HANDGUN IS  
REGISTERED LOCALLY, LAW ENFORCEMENT CAN CHECK THE SERIAL NUMBER AND  
ASCERTAIN THE PROPER OWNER OF THE HANDGUN. OCCASIONALLY WE HAVE  
FOUND THAT HANDGUN OWNERS WERE UNAWARE THAT THEIR GUN HAD BEEN  
STOLEN. FOR EXAMPLE, WE HAVE BEEN TOLD THAT THEY HAVE NOT FIRED OR  
SEEN THE GUN FOR SEVERAL YEARS AND TO THEIR KNOWLEDGE THE GUN WAS  
IN THEIR DRESSER DRAWER. UPON CHECKING, THEY FIND IN FACT THAT

THEIR GUN IS MISSING. THROUGH THE HANDGUN REGISTRATION FILE WE HAVE ACTUALLY RECOVERED GUNS PRIOR TO THE OWNER KNOWING THE GUN WAS STOLEN

2. ALONG SIMILAR LINES WE HAVE HAD GUNS STOLEN AND THE OWNER NOT BE ABLE TO PROVIDE THE SERIAL NUMBER. NOT ALL GUN OWNERS KEEP A SEPARATE LIST OF THE SERIAL NUMBERS OF THEIR GUNS. WE HAVE USED THE HANDGUN REGISTRATION FILE AS THE ONLY SOURCE TO OBTAIN A SERIAL NUMBER OF A STOLEN GUN. WITHOUT A SERIAL NUMBER WE ARE UNABLE TO LIST A STOLEN GUN WITH THE NATIONAL CRIME INFORMATION CENTER.

3. WHEN OUR POLICE OFFICERS ARE DISPATCHED ON CERTAIN CALLS, SUCH AS VIOLENT DOMESTIC DISPUTES, THEY REQUEST THE DISPATCH CENTER TO ASCERTAIN, VIA THE GUN REGISTRATION FILE, IF THE OCCUPANTS OF THE HOUSE HAVE ANY HANDGUNS REGISTERED. BY THIS FILE THE OFFICERS KNOW PRIOR TO ARRIVING AT THE RESIDENCE OF THE LIKELIHOOD OF HANDGUNS BEING PRESENT IN THE RESIDENCE.

4. OUR DISPATCH CENTER HAS A "PROFILE CHECK LIST" WHICH CAN BE IMPLEMENTED ON PERSONS DURING CERTAIN CRIMES. I HAVE PASSED OUT A COPY OF THIS PROCEDURE. YOUR ATTENTION IS DRAWN TO ITEM #2, "WEAPONS REGISTRATION." THIS FURTHER DEMONSTRATES OUR USE OF THE FIREARMS REGISTRATION AS A LAW ENFORCEMENT TOOL.

PROponents OF A.B. 147 MAY SAY THAT CLARK COUNTY'S CURRENT FIREARMS REGISTRATION ORDINANCE IS A STEP TOWARDS BANNING FIREARMS OR TOWARDS GOVERNMENT KNOWING THE LOCATION OF FIREARMS. I WOULD REMIND THE COMMITTEE THAT:

- A. ONLY CONCEALABLE FIREARMS ARE REGISTERED, NOT RIFLES OR SHOTGUNS; AND
- B. THE FEDERAL GOVERNMENT REQUIRES THE COMPLETION OF A FIREARMS TRANSACTION RECORD OF THE SALE OF ALL GUNS "OVER THE COUNTER." THEREFORE, THE GOVERNMENT ALREADY HAS A VEHICLE BY WHICH TO TRACK THE LOCATIONS OF FIREARMS; AND
- C. THE CURRENT LOCAL ORDINANCE REQUIRING THE REGISTRATION OF CERTAIN FIREARMS IN NO WAY INFRINGES UPON ANYONE'S 2ND AMENDMENT RIGHT TO "KEEP AND BEAR ARMS." IT MERELY REQUIRES THE REGISTRATION OF CONCEALABLE FIREARMS.

BECAUSE A STATE LAW RESTRICTING ANY REGISTRATION OF FIREARMS WOULD BURDEN LAW ENFORCEMENT, I SPEAK AGAINST A.B. 147.

I WILL ATTEMPT TO ANSWER ANY QUESTIONS MEMBERS OF THE COMMITTEE MAY HAVE.

KIP BOTKIN

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ASSEMBLYMAN SCHOFIELD MOVED FOR COMMITTEE INTRODUCTION OF  
BDR 22-786.

ASSEMBLYMAN NEVIN SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Chairman Thompson announced that Mr. Don Rhodes and Mr. Dave Whatley will soon install a speaker system which will help amplify witnesses' testimony.

Chairman Thompson stated that today's meeting is a continuation of the hearing on AB 147 since everyone did not have an opportunity to testify at the previous hearing.

ASSEMBLY BILL NO. 147 - Reserves power to regulate firearms  
to state. *EX. C*

Mr. Richard Kirkland, Assistant Chief of Police, Reno Police Department (RPD), spoke in opposition to AB 147. He said the Reno Police Department presently has several ordinances including one which regulates carrying firearms within city limits. He indicated the regulation of firearms should be a responsibility of the local community and said if AB 147 passes in its present form, local ordinances will be invalidated.

Mr. Bogaert asked Mr. Kirkland what specific ordinances in Reno would be affected by AB 147. Mr. Kirkland replied the ordinances include prohibition of carrying firearms by a number of individuals such as ex-felons. Another ordinance prohibits individuals from carrying firearms in parks, schools and casinos. He said he assumes the state will create a bureaucracy to handle those type problems which will take control away from the RPD. He cited, for example, the identification section of the RPD which presently handles registrations and control of such ordinances and, according to AB 147, would no longer take care of such matters.

Mr. Bogaert commented he does not like the idea of people carrying firearms in parks although it is legal as long as the weapon is not concealed. The RPD does not have to worry about felons since it is illegal for them to carry a firearm. He said the school issue is being addressed in another piece of legislation which would restrict individuals from carrying a loaded firearm on any public school grounds, and the RPD would be able to locally enforce this. Mr. Kirkland disagreed and

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said the language of AB 147 provides total authority to the state and prevents local entities from giving input.

Mrs. Freeman asked if present law addresses Mr. Kirkland's problem. Chairman Thompson explained it is unlawful for a felon to carry a gun and unlawful for anyone to carry a concealed gun. He remarked he was not sure what the law provides regarding carrying a gun in casinos but he would find out.

Mr. Robert Irwin, operator of two firearm stores in the City of Las Vegas and unincorporated Clark County, told the committee he sent legislators a letter expressing reasons for his opposition to AB 147. He asserted AB 147 would eliminate city and county laws in addition to the licensing of dealers. He maintained the City of Las Vegas and Clark County currently have strict requirements to obtain licensure. If those requirements are preempted, there will be no regulations until the next legislative session. He pointed out the age restriction for buyers in Clark County would be eliminated also. He indicated he anticipates a business problem if AB 147 passes. He testified there are currently 233 federal firearms license holders in southern Nevada although only approximately 50 gun shops actually sell firearms. He commented he does not know why the other gun shops have federal licenses but claimed they would immediately be able to market firearms without restriction of city or county ordinances. If that happens, he said his business would suffer a financial hardship because he would suddenly be competing with approximately 200 other businesses that would not be required to obtain licenses.

Mr. Irwin emphasized gun dealers view the three-day cooling off period, required of first-time handgun buyers, as a dealer protection. He pointed out gun dealers have a tremendous liability and are open to lawsuits if they sell a firearm which is misused. Existing ordinances are used as a way to slow down the transaction and dealers can only hope the buyer is a trustworthy individual. He stressed that no dealer wants to sell a firearm to a criminal or an underage person with fake identification.

Mrs. Brookman asked Mr. Irwin what section of the bill would cause revocation of his license. Mr. Irwin responded AB 147 provides that counties and cities cannot regulate the sale of firearms and precludes the requirement of obtaining a business license. He stressed that he wants local ordinances to remain in effect.

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Mr. Schofield asked Mr. Irwin if he represents all gun dealers in Clark County. Mr. Irwin responded he was speaking for most gun dealers in Clark County and maintained he spoke with approximately five major competitors about AB 147. He said gun dealers do not want to testify against AB 147 because they are afraid the National Rifle Association (NRA) would take steps to drive away their customers. Gun dealers are afraid to publicly express support for the three-day cooling off period even though they like the ordinance and have had no problems with it.

Mr. Schofield commented that particular ordinance was passed in 1965 and has never been changed. Mr. Irwin agreed and said he has not had a problem selling firearms to anyone. The three-day wait applies to individuals who do not already own handguns. He explained that 75 percent of his customers are "gun nuts" who buy and sell guns on a continuing basis and are not affected by the three-day period once they have purchased and registered the first gun. He reiterated his concern that there would be no laws at all for the next two years if AB 147 is adopted.

Mr. Schofield asked Mr. Irwin if he thinks AB 147 would be misunderstood by his customers. Mr. Irwin responded with a quote from information by the NRA and the Rifle and Pistol Association (RPA) which states "AB 147 will give law enforcement the upper hand in enforcing firearm laws." He further explained the NRA and RPA are telling his customers AB 147 would create statewide, uniform firearm laws and strengthen local jurisdictions' ability to punish those who criminally misuse firearms. He pointed out none of those contentions is true because AB 147 would eliminate laws and there is nothing in the bill which addresses punishment for crimes committed with firearms. When the NRA and RPA sent this information to its members, it did not include a copy of the bill. He declared his customers believe AB 147 is a pro-law enforcement bill that would stop criminal use of firearms.

In response to a question from Mr. McGaughey, Mr. Irwin replied he does nothing during the three-day waiting period to check the background of a gun buyer. He explained the registration paperwork is kept until the buyer actually picks up the firearm three days later, and at that time the registration is sent to the police department. He said customers think the three-day waiting period is used to check their personal history but it is not. If the customer inquires about the three-day waiting period, he said he explains its purpose. He added he believes the three-day waiting period prevents felons from purchasing

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guns.

Mr. McGaughey asked how the three-day period could prevent felons from buying guns if a background check is not conducted. Mr. Irwin agreed with Mr. McGaughey and commented the cooling off period basically prevents individuals from buying a firearm in the "heat of the moment" to commit suicide or shoot someone. Mr. Irwin said some of his customers tell him they want to shoot someone but he refuses to sell firearms to such customers based on moral grounds. He stated once a woman tried to purchase a silencer to kill her husband and another time a 65 year old woman wanted to purchase an AK-47 to kill her landlord. In response to Chairman Thompson's question, Mr. Irwin said he refused the sale.

In response to another question by Mr. McGaughey, Mr. Irwin replied he has never had a customer admit he or she planned to commit a robbery. He stated such individuals who plan to commit crimes and do not admit it have the three-day cooling off period which slows the transaction down and perhaps prevents some crimes.

Chairman Thompson stated that Mr. Irwin's testimony is untrue with the exception of licensing for gun dealers and he indicated AB 147 can be changed to include provisions for a state license. He asked Mr. Irwin if he had a federal license and was it difficult to obtain. Mr. Irwin said he is federally licensed and it was not a difficult procedure. The federal license requires that one has no felony record and \$30 for a three year license. In answer to another question by Chairman Thompson, Mr. Irwin replied when a person applies for a federal license, a background check is conducted only to determine whether an individual is a convicted felon.

Chairman Thompson read to the committee some titles from NRS 202 which addresses and defines dangerous weapons and firearms. He pointed out he did not see anything pertaining to licensing but acknowledged it as a valid concern. He stated licensing can be provided within the Department of Public Safety.

Mr. Irwin said he believes AB 147 is too broad and general and would create a vacuum for two years and commented he is in favor of amending AB 147 to compensate for this vacuum. He stated federal licensing is a joke but he has one because he sells machine guns. He testified he pays \$2,700 annually for license fees but indicated the federal government does not enforce licensing because it lacks sufficient personnel.



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In response to a question from Chairman Thompson, Mr. Irwin remarked he has one store in the City of Las Vegas and another in Clark County. Both stores have business licenses and firearms privilege licenses. In addition, he said he has a sporting goods license which is required to sell long guns, a separate privilege license to sell handguns and yet another separate privilege license to buy and sell used guns. In order to get these licenses, he explained he spent approximately 10 hours of paperwork and 18 trips to City Hall.

In response to a question from Mr. Bogaert, he answered he has been in the gun business since 1982. Mr. Bogaert asked if the sale of used weapons is like a pawn shop. Mr. Irwin said no and explained that a privileged license is similar to a secondhand dealer's license which permits a gun dealer to buy used firearms but money cannot be loaned on them.

Chairman Thompson explained the intent of AB 147 is to terminate licensing of guns and not to terminate licensing of firearm dealers. He commented an amendment to AB 147 would clarify the bill and a provision could be added to allow licensing by cities and counties in addition to licensing by the state.

Mr. Irwin said the statutes provide that gun dealers cannot sell firearms to someone under 18 years of age, but the statutes do not restrict the sale of a firearm by an individual to someone under 18 years of age.

Mr. Sheerin asked Mr. Irwin if his customers become upset or indignant about the three-day cooling off period. Mr. Irwin responded approximately one in 20 persons do not like it although it does not affect the vast majority of his customers. He explained the three-day period does not pertain to rifles and shotguns and affects only individuals who do not already own a handgun. He indicated if citizens of Clark County did not support the cooling off period, the county commissioners would be voted out of office.

Chairman Thompson explained AB 147 was introduced because of growing concern that local government may forbid ownership of firearms. Owning a firearm is a state privilege encompassed in the state constitution and local government does not have the right to deny it. Referring to a previous contention by Mr. Irwin regarding the sale of firearms, Chairman Thompson stated the statutes provide "Any person in this state who sells or barter to another under the age of 18 years either a pistol,

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revolver or a firearm capable of being concealed upon the person shall be guilty of a misdemeanor." He suggested there are many people who are unaware of this law. The intent of AB 147 is not to penalize local government but to protect the rights of citizens to own firearms. He pointed out local governments in other states have outlawed bullets and in effect done away with guns. He said he believes this issue is a state function and that is the only reason for the bill.

In answer to a question from Mr. Bogaert, Mr. Irwin replied the city and county provide a list of local ordinances when a business license is obtained. He explained he personally copied the list making it available to customers and said he was unaware whether other dealers made such copies available to their customers.

Mr. Fay asked Mr. Irwin if he thought there would be a public outcry by gun buyers if the three-day waiting period was changed to seven days. Mr. Irwin said no.

Chairman Thompson inquired again about the lady who wanted to purchase the AK-47 to shoot her landlord and asked Mr. Irwin how he responded to her request. Mr. Irwin said he informed her he was not interested in making the transaction and the store manager talked with her about it. He also called the police who arrived and talked with her and she decided it was not a good idea.

Chairman Thompson asked if anyone else wished to testify against AB 147. None came forward, therefore, he closed the hearing on AB 147 and opened the hearing on AB 505.

**ASSEMBLY BILL NO. 505** - Allows public employees to transfer sick, annual or compensatory leave to other employees for personal emergencies.

Assemblyman Myrna T. Williams, District 10, testified that AB 505 should have been introduced a long time ago. She stated it is a humanitarian bill and has no fiscal impact. The concept of AB 505 came to her attention when a friend's finances were devastated when she suffered a terminal illness and missed many weeks of work. This person had no savings and also had a family to support. Several co-workers indicated they were willing to donate sick leave to help this person through her crisis. Mrs. Williams testified AB 505 would allow employees to donate leave



# Las Vegas Metropolitan Police Department

400 EAST STEWART AVENUE  
LAS VEGAS, NEVADA 89101-2984  
PHONE 702/386-3111

**JOHN MORAN, Sheriff**

**ERIC S. COOPER, Undersheriff**

**DAN STOPKA,**  
Assistant Sheriff  
Line Operations

**STEVE WAUGH,**  
Assistant Sheriff  
Staff Operations

**WALTER E. MYERS,**  
Deputy Chief  
Field Services Div.

**JOHN L. SULLIVAN,**  
Deputy Chief  
Investigative Services Div.

**LARRY C. BOLDEN,**  
Deputy Chief  
Technical Services Div.

**TOM C. CRAWFORD,**  
Deputy Chief  
Administrative Services Div.

**GORDON F. YACH,**  
Director  
Detention Services Div.

**LOIS ROETHEL,**  
Business Manager  
Fiscal Affairs Bureau

April 17, 1989

Assemblyman Robert Fay  
Assembly Government Affairs Committee

Dear Assemblyman Fay:

Thank you for allowing my representatives, Undersheriff Eric Cooper and Lt. Randy Oaks, to provide testimony as to my Department's position on Local Firearms Ordinances during your recent Hearing on AB 147. As you prepare to hear the remaining testimony on this bill, I hope you will reflect upon the written and verbal information we have already provided for you.

My opposition to AB 147 is steadfast. The crime and other factors within my jurisdiction are such that reasonable firearms ordinances are absolutely essential to ensure the safety and well being of our citizens.

I ask that you very carefully evaluate the negative effects AB 147 would have on the State of Nevada, especially Clark County, if passed. Please support Nevada Law Enforcement by voting against this pre-emption bill.

Your consideration and support are deeply appreciated.

Very truly yours,

  
JOHN MORAN, SHERIFF

/kj



MINUTES OF MEETING  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS

Sixty-Fifth Session  
APRIL 19, 1989

The Assembly Committee on Government Affairs was called to order by Chairman Danny L. Thompson at 8:14 a.m., Wednesday, April 19, 1989 in Room 214 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda, Exhibit B is the Attendance Roster.

MEMBERS PRESENT:

Chairman Danny L. Thompson  
Vice Chairman Val Z. Garner  
Mr. Ernest E. Adler  
Mr. James J. Banner  
Mr. Louis W. Bergevin  
Mr. Bruce R. Bogaert  
Mrs. Eileen B. Brookman  
Mr. Robert W. Fay  
Mrs. Vivian L. Freeman  
Mrs. Joan A. Lambert  
Mr. James W. McGaughey  
Mr. Leonard V. Nevin  
Mr. James Schofield  
Mr. Gary A. Sheerin

MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Joseph E. Dini, Jr.

STAFF MEMBERS PRESENT:

Mr. Fred Welden

OTHERS PRESENT:

See Attached Guest List/Attendance Roster (Exhibit B)

be allowed the same privileged. Mr. Millerick responded he was not familiar with the other agencies' policies and did not know for a fact that postprobationary status was transferred with those employees.

Mr. Bogaert asked if it was possible A.B. 517 could be a disadvantage to some teachers because if a district might be more apt to hire a new hire right from college because they could be placed on probationary period. Mr. Millerick replied yes. Mr. Bogaert asked if a teacher could choose to go on a probationary status, although it was not required. Mr. Millierck said he did not know the answer to Mr. Bogaert's question. He commented probationary status was not an onerous situation because, as the president of the NSCA pointed out, it was an opportunity and a time when the teacher was closely observed and worked with.

Mr. Bergevin commented if a teacher had taught in a different school district each year he would hesitate to hire him and he would question why he moved so often. He felt the prerogative of the school district, not to hire the teacher, still existed.

Mr. Henry Etchemendy, Executive Director, Nevada Association of School Boards, expressed opposition to A.B. 517. Mr. Etchemendy stated, for the reasons stated by Mr. Millerick, his association had concerns with A.B. 517. He stated the local districts should retain the ability to review a new teacher for at least 1 year. He informed the committee the provision was placed into law in 1985 and had only had a short time to operate, therefore, NASB felt it was premature to eliminate it. Mr. Etchemendy pointed out, although unrelated to A.B. 517, the law indicated up to 30 days of sick leave could be transferred to another district.

There were no others to testify. The hearing on A.B. 517 was closed.

ASSEMBLYMAN NEVIN MOVED DO PASS ON A.B. 517.

ASSEMBLYMAN SCHOFIELD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY. (ASSEMBLYMAN FAY WAS ABSENT AT THE TIME OF THE VOTE.)

\* \* \* \* \*

Chairman Thompson proposed an amendment to A.B. 147 which read, "This act only applies to ordinances adopted on or after July 1, 1989." Mrs. Brookman said the amendment did not solve her problems with A.B. 147. She stated she could not, in all honesty, vote for A.B. 147.

ASSEMBLYMAN BERGEVIN MOVED TO AMEND AND DO PASS A.B. 147.

ASSEMBLYMAN NEVIN SECONDED THE MOTION.

Mr. Bogaert stated he was still in opposition to A.B. 147. He felt the registration was a total waste of manpower, time and a total harassment of private citizens.

Mr. Garner stated he wanted to be certain of what A.B. 147 would do. He said his understanding was from July 1, 1989, no local entity would enact any gun legislation or put into place any ordinances without first coming to the state. He clarified what was currently in place would remain, however, any further development, in terms of gun regulation or ordinances, would be taken away from local governments. Mr. Thompson responded Mr. Garner's interpretation was correct. Mr. Thompson explained his only concern in introducing A.B. 147 was to preempt local government from outlawing guns from law abiding citizens. He said there had been attempts, in Nevada, by local governments, to do so. He stressed it was not his intention to allow children or ex-felons to carry guns. He felt it was necessary not to allow local government to take away the right, which was guaranteed under the Constitution of the state of Nevada, from the people of Nevada. He felt it was a function of state government and not local government. He commented in some entities, throughout the United States, local government had outlawed bullets.

Mr. Garner stated, between now and July 1, 1989, there would be 10 weeks. Mr. Thompson said it was his intention, for legislative intent, local government not add to the ordinances currently in existence. Mr. Garner suggested the bill read, "beyond passage and approval", instead of July 1st because all ordinances were in effect and it would preclude local governments from hastily putting things together which would be contrary to the intent of A.B. 147. Mr. Thompson said he would agree to that amendment (EXHIBIT C).

ASSEMBLYMAN BERGEVIN MOVED TO FURTHER AMEND A.B. 147 TO BECOME EFFECTIVE UPON PASSAGE AND APPROVAL AND DO PASS.

ASSEMBLYMAN NEVIN SECONDED THE MOTION.

Mrs. Brookman commented she did not understand why the law was not being tightened. She stated A.B. 147 was statewide and she was concerned that in the future the county would lose its control. She stated she could not, in full consciousness, consider A.B. 147, even with the suggested amendment. Chairman Thompson said he appreciated Mrs. Brookman's opinion, however, with the amendment, everything would remain in place. He stated local government was functioning fine with current ordinances but should they desire to make a change in the future, they would be able to come to the state legislature.

Mr. Garner commented he did not support A.B. 147 in its original form because in Clark County and Washoe County, where there were large concentrations of people, local government needed options. He stated he was convinced, however, given the arguments heard today, if the amendment left in place the ordinances already in place and based on testimony from Clark County stating they had not had the need to enact any further legislation for over 20 years, he had been persuaded to vote for A.B. 147. He stressed his preference, in all cases, was that local government was closer to the people and could react more quickly and he would like to preserve that.

Mr. McGaughey commented the fear of registration was a national philosophy and problem.

Mr. Schofield asked if the amendment had been discussed with the parties who were opposed to the bill. Mr. Thompson said he believed it had been seen by everyone and he had not heard any negative comments. He felt everything they were concerned about was now in place and he did not foresee any problems.

THE MOTION CARRIED. (ASSEMBLYMAN BROOKMAN WAS OPPOSED.)

\* \* \* \* \*

ASSEMBLY BILL NO. 372 - Authorizes local governments to impose impact fees.

Mr. Lawrence Canarelli, President of Merika West, testified in support of A.B. 372. Mr. Canarelli stated he was a past member of the Governor's Advisory Committee on the financing of infrastructure, which included the impact fee procedures. He said, normally, builders did not want impact fees. He felt, if analyzed, A.B. 372 was derived by recommendation of their

1989 REGULAR SESSION (65th)

**ASSEMBLY ACTION**

**SENATE ACTION**

Adopted

Lost

Date:

Initial:

Concurred in

Not concurred in

Date:

Initial:

Adopted

Lost

Date:

Initial:

Concurred in

Not concurred in

Date:

Initial:

Assembly Amendment  
to Assembly Bill No. 147  
BDR 20-100  
Proposed by Committee  
on Government Affairs

Amendment  
No. 505

Replaces Amendment No. 30.

Amend the bill as a whole by adding new sections designated sections 4 and 5,  
following sec. 3, to read as follows:

"Sec. 4. This act shall become effective upon passage and approval.

Sec. 5. The provisions of this act apply only to ordinances or regulations adopted  
on or after the effective date of this act."

*Amendment*

1518

To: E&E  
LCB File  
Journal  
Engrossment  
Bill

Drafted by: KAM:mrw

EXHIBIT C

Date: 4/19/89

34



4/19/89

Amendment No. 435.

Amend sec. 2, page 1, line 14, by deleting "1." and inserting: "*Except as to the attendance of a pupil pursuant to section 1 of this act:*  
1."

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 525.

Bill read second time, ordered engrossed and to third reading.

Senate Joint Resolution No. 6.

Resolution read second time and ordered to third reading.

Assembly Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 505.

Amend the bill as a whole by adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. This act shall become effective upon passage and approval.

Sec. 5. The provisions of this act apply only to ordinances or regulations adopted on or after the effective date of this act."

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 394.

Bill read third time.

Remarks by Assemblymen Swain and Schofeld.

Roll call on Assembly Bill No. 394:

YEAS—41.

NAYS—None.

Absent—Callister.

Assembly Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Joint Resolution No. 9:

YEAS—41.

NAYS—None.

Absent—Callister.

(REPRINTED WITH ADOPTED AMENDMENTS)  
FIRST REPRINT A.B. 147

ASSEMBLY BILL NO. 147—ASSEMBLYMEN THOMPSON, DINI, NEVIN  
AND BERGEVIN

JANUARY 31, 1989

Referred to Committee on Government Affairs

SUMMARY—Reserves power to regulate firearms to state. (BDR 20-100)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in italics is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to firearms; reserving the power to regulate firearms to the state; providing certain exceptions; and providing other matters properly relating thereto.

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

1 Section 1. Chapter 244 of NRS is hereby amended by adding thereto a  
2 new section to read as follows:

3 1. *Except as otherwise provided by specific statute, the legislature*  
4 *reserves for itself such rights and powers as are necessary to regulate the*  
5 *transfer, sale, purchase, possession, ownership, transportation, registration*  
6 *and licensing of firearms and ammunition in Nevada, and no county may*  
7 *infringe upon those rights and powers.*

8 2. *A board of county commissioners may proscribe by ordinance or regu-*  
9 *lation the unsafe discharge of firearms.*

10 3. *As used in this section, "firearm" means any weapon from which a*  
11 *projectile is discharged by means of an explosive, spring, gas, air or other*  
12 *force.*

13 Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new  
14 section to read as follows:

15 1. *Except as otherwise provided by specific statute, the legislature*  
16 *reserves for itself such rights and powers as are necessary to regulate the*  
17 *transfer, sale, purchase, possession, ownership, transportation, registration*  
18 *and licensing of firearms and ammunition in Nevada, and no city may infringe*  
19 *upon those rights and powers.*

20 2. *The governing body of a city may proscribe by ordinance or regulation*  
21 *the unsafe discharge of firearms.*

22 3. *As used in this section, "firearm" means any weapon from which a*  
23 *projectile is discharged by means of an explosive, spring, gas, air or other*  
24 *force.*

1     **Sec. 3.** Chapter 269 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3     1. *Except as otherwise provided by specific statute, the legislature*  
4 *reserves for itself such rights and powers as are necessary to regulate the*  
5 *transfer, sale, purchase, possession, ownership, transportation, registration*  
6 *and licensing of firearms and ammunition in Nevada, and no town may*  
7 *infringe upon those rights and powers.*

8     2. *A town board may proscribe by ordinance or regulation the unsafe*  
9 *discharge of firearms.*

10    3. *As used in this section, "firearm" means any weapon from which a*  
11 *projectile is discharged by means of an explosive, spring, gas, air or other*  
12 *force.*

13    **Sec. 4.** This act shall become effective upon passage and approval.

14    **Sec. 5.** The provisions of this act apply only to ordinances or regulations  
15 adopted on or after the effective date of this act.

4/21/89

Senate Bill No. 304.

Assemblyman Jeffrey moved that the bill be referred to the Committee on Judiciary.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Swain moved that Assembly Bill No. 38 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Swain.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 498 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 550.

Remarks by Assemblyman Sader.

Motion carried.

#### GENERAL FILE AND THIRD READING

##### Assembly Bill No. 147.

Bill read third time.

Remarks by Assemblymen Thompson, Fay, Brookman, Bogaert, Myrna Williams, McGaughey, Spinello, Gaston, Price, Bergevin, Adler, Evans, Regan and Callister.

Assemblymen Lambert, McGaughey and Spriggs moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 147.

Roll call on Assembly Bill No. 147:

YEAS—21.

NAYS—Brookman, Callister, Carpenter, Chowning, Diamond, DuBois, Evans, Fay, Gaston, Kissam, Porter, Price, Regan, Schofield, Sedway, Spinello, Triggs, Myrna Williams, Wendell Williams, Wisdom—20.

Absent—Banner.

Assembly Bill No. 147 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblyman DuBois.

Roll call on Assembly Bill No. 258:

YEAS—41.

NAYS—None.

Absent—Banner.

Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 378.

Bill read third time.

Roll call on Senate Joint Resolution No. 13:

YEAS—41.

NAYS—None.

Absent—Banner.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Health and Welfare, to which was referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Senate Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman gave notice that on the next legislative day she would move to reconsider the vote whereby Assembly Bill No. 425 was this day passed.

Assemblyman Sedway gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 147 was this day refused passage.

Assemblyman Jeffrey moved that the vote whereby Senate Bill No. 304 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblyman Jeffrey moved that Senate Bill No. 304 be referred to the Committee on Commerce.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:23 a.m.

#### ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

5/9/89

City the sum of \$27,000 to replace a shortfall in admissions receipts. This appropriation is supplemental to that made by section 28 of chapter 747, Statutes of Nevada 1987, at page 1842.”

Amend the title of the bill to read as follows:

“An Act making supplemental appropriations to the department of museums and history for the support of the Nevada museum and historical society in Las Vegas and the Nevada state museum in Carson City; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“Summary—Makes supplemental appropriations to department of museums and history for support of certain museums. (BDR S-2634)”

Assemblyman Sedway moved the adoption of the amendment.

Remarks by Assemblyman Sedway.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 659.

Amend sec. 2, page 1, by deleting lines 3 through 7 and inserting:

“Sec. 2. (Deleted by amendment.)”

Assemblyman Jeffrey moved the adoption of the amendment.

Remarks by Assemblyman Jeffrey.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

#### GENERAL FILE AND THIRD READING

#### Assembly Bill No. 147.

Bill read third time.

Assemblyman Brookman objected to the consideration of Assembly Bill No. 147.

The question was put: “Will the Assembly consider Assembly Bill No. 147?”

Assemblymen Jeffrey, Thompson and Sader requested a roll call on Assemblyman Brookman’s objection.

Roll call on Assemblyman Brookman’s objection:

YEAS—25.

NAYS—16.

Not voting—1.

Objection not sustained by an unrecorded roll call vote.

The following amendment was proposed by Assemblyman Sedway:

Amendment No. 535.

Amend section 1, page 1, line 7, by deleting: “*infringe upon those rights and powers.*” and inserting: “*adopt an ordinance or regulation less restrictive than any applicable statutory provision.*”

Amend sec. 2, page 1, lines 18 and 19, by deleting: "*infringe upon those rights and powers.*" and inserting: "*adopt an ordinance or regulation less restrictive than any applicable statutory provision.*"

Amend sec. 3, page 2, line 7, by deleting: "*infringe upon those rights and powers.*" and inserting: "*adopt an ordinance or regulation less restrictive than any applicable statutory provision.*"

Amend the title of the bill by deleting the first line and inserting:

"An Act relating to firearms; prohibiting less restrictive local regulation than applicable statutory provision; providing".

Assemblyman Sedway moved the adoption of the amendment.

Remarks by Assemblymen Sedway and Thompson.

Amendment lost.

Remarks by Assemblymen Thompson, Myrna Williams and Fay.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:44 a.m.

#### ASSEMBLY IN SESSION

At 11:45 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Remarks by Assemblymen Schofield, Thompson, Sedway, Price, Brookman and Bogaert.

Assemblymen Nevin, Jeffrey and Lambert moved the previous question.

Motion lost.

The question being on the passage of Assembly Bill No. 147.

Remarks by Assemblyman Dini.

Assemblymen Sader, Thompson and McGaughey moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 147.

Assemblyman Price requested that the following letters be entered in the Journal.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
400 EAST STEWART AVENUE

LAS VEGAS, NEVADA, May 3, 1989

ASSEMBLYMAN ROBERT PRICE, Legislative Building, 401 South Carson Street, Carson City, Nevada 89710

DEAR ASSEMBLYMAN PRICE:

I am very concerned about reports I have received that representatives of the National Rifle Association have misinformed some members of the Assembly regarding AB 147. I am advised that NRA spokesmen have stated that the proposed amendment to AB 147, which prohibits local government passage of any further laws regarding firearms, is supported by the Las Vegas Metropolitan Police Department.

Neither myself, Undersheriff Eric Cooper, nor Lieutenant Randy Oaks were consulted before this amendment was introduced. We do not support this amendment since it would prohibit the passage of local ordinances in an emergency situation and would require the convening of a special session of the legislature.

Additionally, NRA representatives reportedly have stated this amendment was proposed by law enforcement . . . inferring it was proposed during this session. In reality, a similar amendment was proposed by law enforcement during the 1987 session for AB 288 (similar to AB 147) on the Senate side in an attempt to kill the bill. At no time was such an amendment considered by law enforcement during the 1989 session.

My position, and that of the Las Vegas Metropolitan Police Department is, and always has been, Clark County should be excluded from any of the provisions of AB 147. My representatives stated during testimony before the Assembly Government Affairs Committee that we would not object to a Clark County exclusion, but did NOT indicate we would support restricting local government's ability to pass future ordinances regarding firearms.

Please do not be misled by others who purport to speak on my behalf. My designated representatives are clearly visible. Should you have any questions on my position on any issue, please feel free to contact me or my lobbyist, Lieutenant Randy Oaks.

JOHN MORAN, *Sheriff*

NEVADA STATE RIFLE AND PISTOL ASSOCIATION  
P. O. BOX 640, MINDEN, NEVADA 89423

May 3, 1989

ASSEMBLYMAN ROBERT PRICE, Legislative Building Room, Capitol Complex, Carson City, Nevada

DEAR ASSEMBLYMAN PRICE:

My organization and its political action committee are the primary sponsors of A.B. 147—known to us as Firearms Pre-emption. I am writing this letter in order to try to clear up some misconceptions concerning my organization and our motives in sponsoring this legislation.

The Nevada State Rifle and Pistol Association is affiliated with The National Rifle Association and the Department of the Army's Director of Civilian Marksmanship. We have been in existence since 1930 and incorporated in Nevada since 1954. We have 1,800+ paid memberships. We represent, if not directly at least philosophically, 17,340 NRA members and 47,000 hunters in our State.

My organization feels that the many gun control ordinances that speckle the Nevada landscape are onerous to all law abiding sportsmen and gunowners. These regulations do nothing to deter the criminal element in our society from obtaining firearms. Your body has seen fit to amend the original language of A.B. 147 to allow those laws to stay on the books and there is still opposition to its passage.

I urge you to support the nearly 50,000 Nevadans that hunt each year and the untold others who own guns by passing A.B. 147 with no further amendments.

Yours truly,

JAMES C. SMALLEY, LTC., USAR  
*Chairman, NSRPA-PAC*  
*President, NSRPA*

Roll call on Assembly Bill No. 147:

YEAS—23.

NAYS—Banner, Brookman, Callister, Chowning, Diamond, DuBois, Evans, Fay, Gaston, Kissam, Porter, Price, Regan, Schofield, Sedway, Spinello, Triggs, Myrna Williams, Wendell Williams—19.

Assembly Bill No. 147 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Dini moved that all rules be suspended and that Assembly Bill No. 147 be immediately transmitted to the Senate.

Motion carried unanimously.



MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS

Sixty-fifth Session  
May 31, 1989

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 2:10 p.m., on Wednesday, May 31, 1989, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman  
Senator Sue Wagner, Vice Chairman  
Senator William J. Raggio  
Senator Charles W. Joerg  
Senator Thomas J. Hickey  
Senator Nicholas J. Horn  
Senator R. Hal Smith

STAFF PRESENT:

Robert E. Erickson, Research Director  
Barbara Kightlinger, Committee Secretary

SENATE BILL 422 - Designates desert tortoise as state reptile.

Senator Hickey introduced the committee members to the fifth grade students, via telecommunications, at Tom Williams Elementary School.

Eighteen children spoke in support of S.B. 422. They indicated the desert tortoise was being destroyed due to increased construction for growth. The desert tortoise did not react to vibrations of the earth as lizards did, therefore they were being crushed by heavy machinery used for construction. They wanted the desert tortoise declared the state's reptile so other children in generations to come would be able to enjoy this harmless reptile. Exhibit C referred to the children who spoke to the bill.

Sue Alsevich, Teacher for the fifth grade at Tom Williams Elementary School, thanked the Nevada Legislature and the committee for their attention on this issue and their attempt to save the desert tortoise. She indicated the desert tortoise could grow to about 18 inches long, weigh about 4 or 5 pounds and live to be about 40 years old.

Cheryl Darnell, representing the Northern Nevada Rehabilitation Center for Tortoises associated with the Department of Wildlife, stated the desert tortoise had a personality and were enjoyable to have. The difference between a tortoise, a turtle and tarapin, was a tortoise could not go in water, like a turtle or tarapin, as it would sink. She stated the tortoise was protected in Nevada, except in Clark County.

Senator O'Connell requested a motion on S.B. 422.

SENATOR HICKEY MOVED TO DO PASS S.B. 422.

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR JOERG WAS ABSENT FOR THE VOTE.)

ASSEMBLY BILL 147 - Reserves power to regulate firearms to state.

Assemblyman Danny Thompson, Clark County Assembly District 21, stated originally A.B. 147 would have limited all local ordinances adopted by city, county or township governments. The bill was amended to do that with the exception that all existing ordinances already in place, would remain in place. Any further changes in gun control laws would have to be done at the state level. He stated under the state constitution, people had the right to keep and bear arms. He indicated there was nothing to preclude someone introducing a bill now, which could request stronger gun control. He did not have any intention of introducing a bill in the next session to that effect.

Lieutenant Colonel James Smalley, President of the Nevada State Rifle and Pistol Association, referred to Exhibit D for testimony in support of A.B. 147.

William Glaze, resident in Clark County, Nevada, referred to Exhibit E for testimony in support of A.B. 147.

Jim Carpenter, President of the National Antique Arms Association, referred to Exhibit F for testimony in support of A.B. 147. He indicated he believed Clark County had anti-gun laws and if there were an attempt to change those laws, his association would be back at the next session.

Steve Stringham, resident of Las Vegas, Nevada, referred to Exhibit G for testimony in support of A.B. 147. He indicated he was aware of one individual who was stopped and questioned about the gun which was on his car seat, but was not sure if the person was arrested.

Perry Dickerson, resident of Las Vegas, Nevada, referred to Exhibit H for testimony in support of A.B. 147.

Edward Bruce, member of the Board of Directors of the National Rifle Association of America, referred to Exhibit I for testimony in support of A.B. 147. He indicated Sheriff Vince Swinney supported A.B. 147. Mr. Bruce stated his organization did not view the ordinances in Clark County as gun control.

Eric Cooper, Undersheriff of the Las Vegas Metropolitan Police Department, introduced Lieutenant Randy Oakes, Legislative Liaison for the police department. Mr. Cooper stated the Metropolitan Police Department was not against guns and had not asked for or passed any ordinances since 1969 to regulate the possession or use of firearms. The problems the police department had with A.B. 147 were it affects local governments significantly and prohibits them from passing local regulations to regulate firearms as they see necessary. They would like to preserve Clark County's gun laws. He stated he was not aware of any gun exhibitor who had been arrested while attending a show in Clark County, as it had never been a problem.

Mr. Oakes stated local governments would have to wait 2 years before a local government could react to a situation and have passed regulations to address a particular issue in their area. Uniformity would not exist with the passage of A.B. 147 since all entities currently have different ordinances governing guns.

James Bagwell, Sheriff for Humboldt County, Nevada, and President of the Nevada Sheriffs' and Chiefs' Association, stated the members of the association opposed A.B. 147 because it was a local issue. The potential existed where an emergency condition could arise in a community that could not wait for the legislature to go into session. Only local governments could adequately address local problems.

O.C. Lee, President of the Nevada Conference of Police and Sheriffs, stated he supported the Sheriffs' and Chiefs' Association recommendation in opposing A.B. 147. They did not support eliminating weapons and indicated the bill was not needed to guarantee individuals gun rights in the state of Nevada.

Kip Botkin, Assistant Chief of Police in Henderson, Nevada, stated he opposed A.B. 147 for the reasons already enumerated.

Marvin Leavitt, representing the City of Las Vegas, stated they supported the position taken by the Las Vegas Metropolitan Police Department in opposition to A.B. 147.

Lorraine Schlicker, representing Nevada Association of Counties and Nevada League of Cities, stated they urged the committee to defeat A.B. 147 as it was a local right and would not want that right taken away.

Senate Committee on Government Affairs

Date: May 31, 1989

Page 4

There being no further discussion, Senator O'Connell closed the hearing on A.B. 147.

SENATE BILL 463 - Authorizes county fair and recreational board to promote tourism and recreational facilities by advertising gaming.

John O'Reilly, Commission Chairman of the Nevada Gaming Commission, stated support of S.B. 463. He stated the purpose of the bill was to expand the powers of the County Fair and Recreation Boards to promote and advertise gaming, directly and through grants. S.B. 463 also allowed the tax revenue they monitor to be used as they determine, within their discretion, to advertise, promote, and plan for the present and future role of gaming in the economy in Nevada. He referred to Exhibit J for proposed amendments to S.B. 463. He stated, during the 1980s, the use of slot machines as a percentage of the state's gross revenue increased from 42.8 percent to 58.9 percent. It was their intention that the individual boards of directors of the convention and visitor authorities would have the discretion to combine efforts to provide for long-range planning and do in-depth studies of games and how to deal with the expansion of gaming throughout the United States and the world.

Mr. O'Reilly stated federal legislation had limitations on what advertising could be done by the authorities. S.B. 463 did not override or supersede federal legislation. One problem they faced was legislative history, which led their counsel to conclude that without these changes, that advertising could not be done and without the changes, grants could not be given to do long-range planning or other analysis of common industry issues to prepare for the future. S.B. 463 would make existing law consistent in the statutes.

There being no further discussion, Senator O'Connell closed the hearing on S.B. 463.

SENATE BILL 485 - Authorizes employing authority of department of prisons to hire relative under certain circumstances.

George Sumner, Director of Prisons, stated S.B. 485 was requested because Ely, Nevada was a remote area and difficult to recruit help. He stated there were a number of husband/wife teams wanting to move to Ely and they had difficulty recruiting in the medical area. Often medical personnel came in pairs and Dr. George Kaiser, Medical Director with the Department of Prisons, indicated a doctor who had been recruited to be the Medical Director in Ely had a spouse in mental health and he was

MADAM CHAIRMAN AND MEMBERS OF THE  
GOVERNMENT AFFAIRS COMMITTEE.

I AM LTC. JAMES SMALLEY. I AM  
PRESIDENT OF THE NEVADA STATE RIFLE  
AND PISTOL ASSOCIATION AND CHAIRMAN  
OF IT'S POLITICAL ACTION COMMITTEE. I  
HAVE BEEN A NEVADA RESIDENT FOR 46  
YEARS AND PRESENTLY LIVE IN RENO--I  
AM REPRESENTED IN THE NEVADA STATE  
SENATE BY SENATOR RAGGIO. THE  
NEVADA STATE RIFLE AND PISTOL  
ASSOCIATION IS A ORGANIZATION  
COMPOSED OF NEVADA SPORTSMEN. IT WAS  
ORGANIZED IN 1934 AND HAS BEEN A  
NEVADA CORPORATION SINCE 1957. WE  
HAVE 1900+ PAID MEMBERS--THAT MAKES  
US THE LARGEST SPORTSMENS  
ORGANIZATION IN NEVADA.

I AM HERE TO TESTIFY IN FAVOR OF  
PASSAGE OF AB147.

I BELIEVE THAT I AM SPEAKING FOR  
THE MAJORITY OF NEVADANS. OVER 85%  
OF NEVADANS OWN FIREARMS AND I  
BELIEVE THAT OUR POSITION REPRESENTS  
THE OPINION OF ALL NEVADAN GUN OWNERS  
ON THIS ISSUE.

I WOULD CERTAINLY BELIEVE THAT UNIFORMITY IN ALL LAWS, IN NEVADA, SHOULD BE DESIRABLE, BUT MOST SPECIALLY, IN LAWS THAT CONCERN THOSE WHO TRAVEL THROUGHOUT NEVADA CARRYING FIREARMS FOR LEGAL PURPOSES AS DEFINED BY THE STATE CONSTITUTION.

AS A NEVADA SPORTSMAN, I AM WORRIED THAT, IF THIS BILL IS NOT PASSED OR IS WATERED DOWN, NEVADA'S FIREARMS OWNERS WILL BE AT THE MERCY OF CITY COUNCILS AND COUNTY COMMISSIONS THROUGHOUT OUR STATE.

IF THIS BILL PASSES IT WILL NOT DILUTE THE ABILITY OF THESE SMALLER LAW MAKING ORGANIZATIONS TO PASS ORDINANCES RELATING TO THE SAFETY OF IT'S CONSTITUENTS. IT WILL PUT THE REGULATIONS OF OTHER FIREARMS RELATED LAWS IN THE HANDS OF A LARGE LEGISLATIVE BODY WITH MORE OF A BENT TOWARD LOGICAL DELIBERATION AND LESS TOWARDS KNEE-JERK REACTION THAT SEEMS TO BE THE RULE AT THE LOCAL LEVEL EVERY TIME SOME SENSATIONAL NUT TAKES THE HEADLINES AND FUEL IS ADDED BY THE LIBERAL MEDIA AND ANTI-GUN GROUPS.

I URGE THIS <sup>GROUP</sup> TO SEND THE  
LEGISLATION TO THE FULL SENATE  
WITHOUT FURTHER AMENDMENT AND WITH DO  
PASS RECOMMENDATION.

WHAT ARE YOUR QUESTIONS?

Madame Chairman and Members of the Governmental Affairs Committee:

My name is William Glaze. I am, and have been for 15 years, a resident of Clark County, Nevada. I am, also, Immediate Past President and current First Vice President of the Nevada State Rifle & Pistol Association. I am here to speak in favor of A.B. 147, as amended, the Nevada Firearms Owners Protection Act of 1989.

This bill is nothing new. It is virtually the same as A.B. 288 of the 1987 session. It is nearly identical to the Pre-Emption laws enjoyed by 36 states already. In this case, law enforcement and the law abiding gun owners seem to be at odds. Therefore I want to state how, and why, this bill came into being. In 1987, while I was president of the NSRPA, our Board of Directors was asked by the membership to initiate this legislation. I was tasked by the Board to work with the proper personnel in achieving this. Needing expert advice we looked to the NRA for legal assistance, as they have had more experience in this area than any other organization. We asked the NRA only for their legal advice in this matter. In spite of what you may hear later in this hearing, the NRA has only been as involved as we wanted them to be. Senators, this is strictly a home grown bill, asked for by the citizens of this state. We are a law abiding group, over half of whom live in Clark County. That is why we come before you.

I would not presume to give this distinguished body a lesson in civics. I would, however, like to state that laws having to do with nearly every phase of our lives are made by different elected official bodies. Among these is the Office of the Clark County Commissioners. The average session at the many meetings which I have attended has included only five commissioners. Four is a quorum. In essence, this means that as few as THREE PEOPLE voting together could regulate the Second Amendment of the Constitution. The entire thrust of my being here is to try to achieve this pre-emption of that power wielded by too few.

I intend to set the record straight on this current legislation as well as to remind the Senators of the stories that were circulated regarding this legislation in the closing hours of the last session, thereby cleverly preventing our answering them. This bill will NOT affect safety laws. It will NOT affect laws regulating discharge of firearms. It will not affect local control of any laws regulating public safety, or the carrying of concealed weapons.

What it will do is to place the rights of the law-abiding public in the hands of a much more deliberative body than at present. The 41 Assemblymen and 21 Senators have shown themselves much less subject to pressure than our public officials who have only local concerns.

In two recent editorials The Las Vegas Review Journal agreed with us. They felt, as we do, that this issue is better left to the state legislature, rather than local officials. The Review-Journal also quoted a police Lieutenant as saying that "we may have to have a waiting period on rifles and shotguns." Senators, who knows what the hidden agenda for Clark

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EXHIBIT



County might be. The Review-Journal also joined us in stating this bill will be a valuable citizen's protection bill against the "knee jerk" reactions shown by some political bodies recently. And that, Senators, is why we need this bill. As a simple protection for the future--putting our futures as gun owning Nevada citizens in the hands of the people where it belongs--our State Government. I respectfully urge a "do pass" of bill A.B. 147 AS AMENDED.

Thank you.

# Shotgun News

The show for  
buying and  
selling

Trade Show Association Inc.

a division of the  
**National Antique Arms Association**

Good afternoon, I would like to introduce myself. I am Jim Carpenter, President of the National Antique Arms Association and its Shotgun News Trade Show Division. I am here to express my and our members concern about AB 147.

First I would like to tell you a little bit about our organization. We got our start right here in Carson City in 1974 as a non-profit organization raising funds for the Civil Air Patrol. After four years we outgrew Carson City and moved to Reno, changed our name and went national. We grew to over 7500 members and conduct gun shows all over the United States.

Our organization is a group of Manufacturers, Wholesalers, Dealers, Antique and Collector Dealers and Gun Collectors who meet several times a year to buy, sell, trade and collect arms. Last year, we had over 22,000 visitors through our gate at Bally's Grand Reno for our Seventh annual Shotgun News Trade and Gun Show. Often we have Collectors, Dealers and Manufacturers travel to Reno from all 50 states and many foreign countries for our shows. They all love it here in Nevada.

Since 1974, we have not had an accident of any kind at any of our shows, have never had a accidental discharge and have only had two minor thefts reported to us in all of those years. We are a responsible organization who stresses safety and responsibility in the use of firearms. We are proud of our safety and theft record. To the best of my knowledge, we have never had a firearm obtained at one of our shows involved in a crime of any kind.

Due to the anti-gun hysteria and the anti-gun laws in California, we have increased our shows from one a year in Nevada to four this year and are scheduling six in 1990 in Reno and Las Vegas. Each one of our shows has from 10 to 25 thousand visitors through the gates. This translates into considerable revenue for the concerned areas. The Visitors and Convention Bureaus translate the number of visitors into tourist revenue and it was reported to me that our last Shotgun News Trade and Gun Show resulted in a 10 to 15 million dollars for the Reno area, not including gambling revenues. If you translate our six shows in 1990 into tourist revenue, it would be a sizeable sum for Reno and Las Vegas. And if you add the revenue of the large gun conventions normally held ever few years in Reno and Las Vegas, this is a very large amount of tourist revenues.

Our members are very concerned about the rash of anti-gun legislation that spring up like weeds in the various states. Most of our members have to travel by auto to our shows in Nevada, as some of them bring one to two million dollars in arms with them. Many times, they are to

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# Shotgun News

The show for  
anything that  
shoots

Trade Show Association Inc.

a division of the  
**National Antique Arms Association**

Page Two - Jim Carpenter Testimony to the Nevada State Senate.

valuable to trust to a common carrier or so rare, that they could not be replaced if lost. In many cities, counties and states, they are subjected to arrest and jail time for driving through. In Las Vegas, they could be arrested and jailed if they choose to remain in town over 24 hours with a truck load or car load of arms on the way to a show. We feel that we must have uniform gun laws in this state. If any city, county or state can pass ordinances or laws to ban guns in violation of our 2nd Amendment rights, we cannot support that city or state with our business.

Las Vegas has been known worldwide as the home of the best Antique Gun Show in the world since about 1962. In 1990, the last Sahara Las Vegas Antique Arms show will be held. The Show Producer has reported that he will move his shows to Reno.

Mr. Fred Thames of the National Association of Gun and Knife Shows has also asked me to express his views and the views of over 400 other associations similar to ours and to ask you to help preserve the rights given to us by the Second Amendment to the U. S. Constitution to guarantee all citizens the right to Keep and Bear Arms. He has also asked me to assure you that all of us in the gun world will support those who help us keep this right.

As you may know, there is a very competitive market for the tourist dollar. Almost ever week I receive an invitation from some city to bring one of our Shotgun News Trade and Gun Shows to their city. We have always returned to the cities that have supported us, such as Reno and Miami. We have cancelled shows in Anaheim California and Cleveland Ohio because of anti-gun laws and ordinances.

The worlds largest Gun Trade Show, the Shot Show, that is held in Las Vegas ever other year or so, is also looking to you for support. As well as the NRA and many other gun associations.

In closing, I would again request your help and support for AB147, the Nevada Firearms Owners Protection Act of 1989. It means a lot to us and to Nevada in dollars in cents from tourist revenues. Nevada has been known as the last of the free states, where the laws are liberal and favor the citizen. Lets keep it that way. Thank you and I will be glad to answer any questions that you may have.

My name is Steve Stringham. I am a two year resident of Las Vegas and I currently reside at 120 E. Wigwam Ave. Before moving to Nevada I served approximately 10 years in the U.S Air Force. When I separated from the service I held the rank of Captain in a 500-man Security Police Squadron. I had 340 security officers and 110 law enforcement personnel under my command. I am currently the Nevada State Rifle and Pistol Association Secretary.

I came to testify in support of uniform gun laws via AB 147, the State's Firearm Owners Protection Act of 1989. I feel it is absolutely vital that gun laws are uniformly applied within the State to ensure the unsuspecting gun owner is not subject to a myriad of differing laws depending on the particular city or county he or she may pass thru. Last night I drove from Las Vegas to Carson City. I crossed 6 county lines and passed thru 12 municipalities of various sizes. If each of these local governments pass their own set of gun ordinances we will have a gauntlet for the gun owner to navigate thru and the unsuspecting motorist may well find himself the target of criminal prosecution. A good example of this dilemma currently exists between various States. In Alabama rifles and shotguns need not be registered to be transported, but to transport a handgun in a vehicle, a firearms permit is required. In Alaska no permit is required and firearms may be concealed in the vehicle. A loaded handgun can be kept in a locked glovebox. In Connecticut's gun code firearms and ammunition must be kept separated and handguns cannot be transported without a valid state handgun permit. In Arizona a handgun may be carried on one's person in a vehicle so long as it is in a wholly or partly visible belt holster. As you can see gun laws are as diverse as the governments that make them. I am asking you to side with the unsuspecting citizen who cannot possibly be expected to keep abreast of every county's or city's gun legislation.

The Las Vegas Review-Journal, which has probably the greatest circulation for a large newspaper in the State, recently ran an editorial in support of AB 147. They argued and I quote "If local governments choose to enact restrictive gun laws, a person traveling with a gun in his car might be a law-abiding Nevada citizen in one location but become a criminal when he crosses into another county or city. This phenomenon has occurred as local governments banned guns of different types in Illinois, California and elsewhere." I could not agree with this editorial more.

In conclusion, I ask each of you to favorably consider this important legislation thereby reducing the possible confusion and criminal prosecution we could all face as we travel through this great State. Thank you.

May 31, 1989

Mr. Chairman;

Committee members

I am Perry D. Dickerson, a 34 yr resident of Las Vegas, Clark county, Nevada.

I am a Life Member and past President of the Nevada State Rifle and Pistol Association , Life Member and past President of the Desert Sportsmans Rifle & Pistol Club of Las Vegas. Life Member of the California State Rifle & Pistol Association, Life Member and currently President of the Big Horn Rifle & Pistol Club of Nevada. and Life Member of the National Rifle Association.

I am here today to speak on behalf of Assembly Bill # 147 and the need for uniform firearm laws in the State of Nevada. As the situation exists today any county or local jurisdiction can enact their own laws pertaining to firearms. An example of the utter chaos as presented by this scenario..just imagine the seventeen counties of Nevada with different color traffic signals.

Over 35,000 hunters take to the fields during hunting season, all of them crossing many county lines, and none of them knowing when they are committing a criminal act. And all of them law-abiding citizens.

35 of our 50 States have enacted pre-emptive firearm laws. Shouldn't we, as a progressive State, follow the lead of those 35 States in protecting the rights of their citizens with just & uniform firearm laws ?

Perry D. Dickerson  
15 Diamond Cr.  
Lv, Nv. 89106

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EXHIBIT H

Testimony of Edward F. Bruce before Senate Government Affairs  
on AB 147

The Nevada Firearms Owners Protection Act of 1989  
Senate Hearing Room 131  
Carson City, Nevada - May 31, 1989

Madam Chairman and Honorable Members of the Senate Government Affairs Committee, my name is Edward F. Bruce. I am a member, Board of Directors of the National Rifle Association of America, and as well the Legislative Affairs Director of the Nevada State Rifle and Pistol Association. I reside in Sparks, Nevada in Washoe County.

The NSRPA are the proponents of AB 147, the Nevada Firearms Owners Protection Act of 1989. AB 147 as amended in the Assembly Government Affairs Committee to grandfather in all firearms ordinances statewide, is a major step in establishing uniform firearms laws throughout our great state and affords Nevada firearms owners the necessary protection which ensures their rights under the Second Amendment of the United States Constitution.

AB 147 would reserve to Nevada full authority in regulating firearms laws other than ordinances now grandfathered in, and as well those public safety discharge laws.

In passing AB 147, Nevada becomes consistent with the United States Supreme Court's decree of 1894 Miller vs Texas, which decision as rendered stated in part that "Firearms regulations are vested in the individual states."

In Nevada there is a compelling need to establish uniform firearms laws that get to the heart of disarming the criminal, but even more importantly would protect the law-abiding citizen firearm owner.

- more -

There are those who would suggest that Nevada Constitution's amendment on the "Right to Keep and Bear Arms" is protection enough for the sportsman and firearm owner-user. Article 1, section 11 of the Nevada Constitution guarantees the following: "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and other lawful purposes."

It was originally known as AJR 6, and took nearly five years to adopt a simple statement. The reason was that Clark County wanted to be sure that the amendment to the Constitution would not impact their ordinances.

This constitutional guarantee has never been interpreted by the Nevada Supreme Court. No test has ever been made. Anyone from Sheriff John Moran on down that boldly states that our Supreme Court will void a particular ordinance or statute is engaging in gross idle speculation, rather than making a statement of fact. One need only review opinions from six sister states of our union to note the fallacy of that. And I'd be delighted for your review to read those decisions which have come down.

The Nevada State Legislature, however, is a direct representative of the people and a co-equal branch of government. It often times engages in more deliberation and circumspection than does a court. So it is the State Legislature in which the people of Nevada place their trust. Checks and balances thus remain with the voter-citizen as to accountability.

There are a large number of local ordinances which are in the main supported by firearms owners, i.e., discharge ordinances and the carrying of concealed weapons; each is desirable and is not felt to be unconstitutional, and most make plainly for good public safety sense.

- more -

In the absence of pre-emption protection, localities and government entities could pass local anti-gun, harrassment statutes which may not be held unconstitutional. We have been witnessing that in the neighboring state to the West of us. Logic there has flown the coop and emotional reaction has run amuck.

The authors of AB 147 addressed the avowed concerns of several, including those of Clark County Sheriff John Moran who offered an amendment to a similar bill, AB 288, to grandfather in all of Clark County's ordinances in 1987. However, the good Sheriff opposes AB 147, preferring local entities in the control and the regulating of firearms. We don't! We view them in much the same context as those operating in an unstable atmosphere like California, dominated by emotional rhetoric produced by the act of a deranged criminal who the justice system turned loose on the victims...parole-and-plea bargaining is the guilty culprit.

We are seeking statewide uniformity for all of Nevada's firearms owners with critical decisions to be made by our elected state representatives of the people.

Thirty-six other states -- the most recent being the contiguous states of Utah and Idaho -- have adopted pre-emption protection for the firearms owners there. It works for them and will work for Nevada.

So all we have left in opposition is Sheriff Moran. When this legislation was drafted, like others, it commences with...'The people of the State of Nevada do enact as follows....' Now that's us, Senators. We're the people! 100% of us. Most of us are not Sheriffs. We are just citizens looking up to our Legislators to protect our rights, and we trust you will.

- more -



Page 4 - Testimony  
Edward F. Bruce

We hope you will treat favorably the Nevada Firearms Owners Protection Act of 1989 and vote for AB 147 to afford the more than 85% of Nevadans who own and use firearms by giving them protection by pre-emption. They deserve no less. They are good citizens, and have by their acts earned your support.

I'd be delighted to answer any question you may have, and have kept my presentation as brief as possible in the interest of your valuable time.

Thank you.

- End -

MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS

Sixty-fifth Session  
June 2, 1989

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 1:30 p.m., on Friday, June 2, 1989, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman  
Senator Sue Wagner, Vice Chairman  
Senator William J. Raggio  
Senator Charles W. Joerg  
Senator Thomas J. Hickey  
Senator Nicholas J. Horn  
Senator R. Hal Smith

STAFF PRESENT:

Robert E. Erickson, Research Director  
Barbara Kightlinger, Committee Secretary

ASSEMBLY BILL 694 - Removes certain limit on ability of counties to issue bonds for sewage and waste water projects and permits board to transfer sewage and waste water facilities to certain districts.

Robert Broadbent, representing Clark County and the Clark County Sanitation District, stated for the last 5 or 6 years Clark County had been in litigation over a major contract claim on their Advanced Waste Treatment System, (AWT). The original claim was for \$140 million, which was settled for \$16 million plus interest back to 1982. The claim was currently for more than \$28 million. Clark County had until June 20, 1989, to pay the claim or it had to produce a voluminous amount of records on everything they had done for the last 6 or 8 years. They were attempting to meet that schedule. The Legislative Commission gave them permission to sell \$14 million worth of bonds, with the requirement there had to be a 3-year call, so any money received from the Environmental Protection Agency, (EPA), be used to reduce the bond indebtedness.

Mr. Broadbent stated A,B, 694 would remove the 3-year call date

Senate Committee on Government Affairs

Date: June 2, 1989

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SENATOR HICKEY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WAGNER WAS ABSENT FOR THE VOTE.)

\* \* \* \* \*

SENATE BILL 425 - Limits exemption from state regulation for certain forms of transportation.

The committee decided to hold S.B. 425 until Monday.

\* \* \* \* \*

SENATE BILL 477 - Requires counties to provide digests to Nevada cases for courts.

Senator O'Connell requested a motion on S.B. 477.

SENATOR RAGGIO MOVED TO DO PASS S.B. 477.

SENATOR SMITH SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WAGNER WAS ABSENT FOR THE VOTE.)

\* \* \* \* \*

SENATE BILL 485 - Authorizes employing authority of department of prisons to hire relative under certain circumstances.

Senator O'Connell requested a motion on S.B. 485.

Senator Raggio requested the committee to hold S.B. 485 until Monday and request Mr. Sumner to appear before the committee to further discuss the merits of the bill.

\* \* \* \* \*

ASSEMBLY BILL 147 - Reserves power to regulate firearms to state.

Senate Committee on Government Affairs

Date: June 2, 1989

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Senator O'Connell requested a motion on A.B. 147.

SENATOR JOERG MOVED TO DO PASS A.B. 147.

SENATOR RAGGIO SECONDED THE MOTION.


THE MOTION CARRIED UNANIMOUSLY.

Senator Horn requested the record to reflect the testimony heard on A.B. 147 indicated this would be the last the legislature heard on this issue.

\* \* \* \* \*

There being no further business, Senator O'Connell adjourned the hearing at 2:45 p.m.

RESPECTFULLY SUBMITTED:

  
Barbara Kightlinger,  
Committee Secretary

APPROVED BY:

  
\_\_\_\_\_  
Senator Ann O'Connell, Chairman

Date: 6-6-89

MIN46

6/5/89

Bill read third time.

Roll call on Senate Bill No. 505:

YEAS—20.

NAYS—None.

Absent—Neal.

Senate Bill No. 505 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 147.

Bill read third time.

Roll call on Assembly Bill No. 147:

YEAS—20.

NAYS—None.

Absent—Neal.

Assembly Bill No. 147 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 285.

Bill read third time.

Remarks by Senator Raggio.

Roll call on Assembly Bill No. 285:

YEAS—19.

NAYS—Malone, O'Connell—2.

Assembly Bill No. 285 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 30.

Resolution read third time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 970.

Amend the resolution, page 1, between lines 21 and 22, by inserting:

“RESOLVED, That the Nevada Legislature urges Congress not to restrict the existing multiple uses of areas near the California National Historic Trail or the Pony Express National Historic Trail for such purposes as recreation, grazing or mining if those areas are included in the National Trails System; and be it further

RESOLVED, That if private lands are to be included in the National Trails System the Nevada Legislature urges Congress to acquire those lands at fair market value with the consent of the owners; and be it further”.

Senator Getto moved the adoption of the amendment.

Remarks by Senator Getto.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

**Sec. 8.** This act becomes effective on July 1, 1989.

Assembly Bill No. 147—Assemblymen Thompson, Dini, Nevin  
and Bergevin

CHAPTER 308

AN ACT relating to firearms; reserving the power to regulate firearms to the state; providing certain exceptions; and providing other matters properly relating thereto.

[Approved June 13, 1989]

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

**Section 1.** Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided by specific statute, the legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no county may infringe upon those rights and powers.*

2. *A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.*

3. *As used in this section, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.*

**Sec. 2.** Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided by specific statute, the legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no city may infringe upon those rights and powers.*

2. *The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.*

3. *As used in this section, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.*

**Sec. 3.** Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided by specific statute, the legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no town may infringe upon those rights and powers.*

2. *A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.*

3. As used in this section, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

Sec. 4. This act shall become effective upon passage and approval.

Sec. 5. The provisions of this act apply only to ordinances or regulations adopted on or after the effective date of this act.

Assembly Bill No. 344—Assemblymen Gibbons, Callister, DuBois, Kissam, Chowning, Myrna Williams, Gaston, Wendell Williams, Price, Garner, Regan, Carpenter, McGinness, Bogaert and Brookman

#### CHAPTER 309

AN ACT relating to dangerous weapons; prohibiting a person from possessing or using a machine gun unless permitted to do so pursuant to federal law; and providing other matters properly relating thereto.

[Approved June 13, 1989]

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

**Section 1. NRS 202.350** is hereby amended to read as follows:

202.350 1. It is unlawful for any person within this state to:

(a) Manufacture or cause to be manufactured, or import into the state, or keep, offer or expose for sale, or give, lend or possess any knife which is made an integral part of a belt buckle or any instrument or weapon of the kind commonly known as a switchblade knife, blackjack, slung shot, billy, sand-club, sandbag or metal knuckles; or

(b) Carry concealed upon his person any:

(1) Explosive substance, other than ammunition or any components thereof;

(2) Dirk, dagger or dangerous knife;

(3) Pistol, revolver or other firearm, or other dangerous or deadly weapon; or

(4) [Any knife] *Knife* which is made an integral part of a belt buckle.

2. It is unlawful for any person to [carry] *possess* or use a [nunchaku] :

(a) *Nunchaku* or trefoil with the intent to inflict harm upon the person of another [.]; or

(b) *Machine gun or a silencer.*

3. Except as provided in NRS 202.275 and 212.185, any person who violates any of the provisions of subsection 1 or 2 is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a felony, and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$5,000.

4. The sheriff of any county may, upon written application by a resident of that county showing the reason or the purpose for which a concealed weapon