



## NEVADA FIREARMS COALITION

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April 5, 2013

RE: AB 232 Seizure of Firearms, Firearms not Concealed Weapons

Dear

The Nevada Firearms Coalition is dedicated to the safe use of firearms for self-defense, competition, recreation and hunting. We are a Nevada grassroots organization representing the firearms owners of Nevada. We are the State Association for the National Rifle Association, and a member of the National Shooting Sports Foundation.

We are requesting that this letter be placed in the official record as our comments on SB 232.

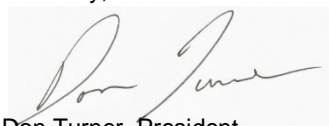
Currently NRS 202.340 allows the seizure (taken by law enforcement and "surrendered" to law enforcement agency") of any weapon (including firearms) from the possession of any person charged with the commission of any public offense or any crime ....The disposition of the weapons are by retention for law enforcement use;, sell it to another law enforcement agency; destroy it, trade it to a license dealer, donate it to National Guard or charitable or public interest. It can only be returned to the person from which it was confiscated if the person is acquitted of the public offense for which they were charged, or the legal owner if the person it was taken from did not possess it legally.

This bill refines the seizure of firearms but it repeats the abuses of the previous bill in that it allows law enforcement to seize a firearm from any person charged with the commission of any public offense or crime EVEN IF THE FIREARM WAS NOT INVOLVED IN THE CRIME. The seizure does not have to be related to the crime. There is no way to get the firearm back unless acquitted. If a person is fishing without a license (for example) and carrying a handgun in a holster, this law allows the seizure of that handgun and it does not provide any way for the citizen to get it back, unless they are acquitted of the crime of fishing without a license. Or if a citizen is charged with a crime and the firearm is seized and the crime is dismissed, there is no provision for its return.

- We recommend a change of wording of 202.340 1 to read "when any instrument or weapon described in NRS 202.350 or any firearm is taken from the possession of any person **who while using the firearm** in the commission of any public offense....."
- And add 2 (f). ***If any lawful firearm was seized pursuant to this statute and the person from whom it was seized is its lawful owner, then said firearm must be returned to the owner unless the person is found guilty or pleads guilty in court if the firearm was an instrument involved in the crime for which the owner was charged. If any firearm was seized pursuant to this statute and the person from whom it was seized was not its lawful owner, then the firearm must be returned to its lawful owner after court adjudication of the case.***
- And paragraph 5 (a) delete "which is determined to be dangerous to the safety of the public" and replace with "***which is a prohibited device.***"

With the additions of these amendments we support this legislation.

Sincerely,



Don Turner, President