



## NEVADA FIREARMS COALITION

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June 12, 2015

Steve Wolfson  
Clark County District Attorney  
200 Lewis Avenue  
Las Vegas, Nevada 89101

Dear District Attorney Wolfson:

On June 2, 2015, Nevada Governor Sandoval signed into law amendments to Section 8 NRS 244.364 (SB 175) which became effective immediately.

Significant provisions in this statute immediately apply to Clark County Codes which were in existence prior to 1989. We have attached a copy of the current codes with annotations of which codes have been nullified by this law. This law also nullifies the Clark County handgun registration program maintained by METRO for Clark County, Henderson, Las Vegas and North Las Vegas.

After October 1, 2015 county residents have been given civil authority to move forward with civil actions against the county if the prohibited statutes and programs are still being enforced.

We are requesting that your office immediately inform all enforcement agencies and officers in Clark County to suspend enforcement of these codes, and to begin action with the Board of Clark County Commission to repeal those codes that are now in violation of Sec 8. NRS 244.364.

Sincerely,

Don Turner, President  
Nevada Firearms Coalition.

Sec. 8. NRS 244.364 is hereby amended to read as follows:

244.364

1. The Legislature hereby declares that:

(a) The purpose of this section is **to establish state control** over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

**(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.**

**(c) This section must be liberally construed to effectuate its purpose.**

2. 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, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. **No county may infringe upon those rights and powers.**

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State **is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.**

5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed

6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation.

Sec. 12.5. Records relating to the registration of any firearm capable of being concealed pursuant to any ordinance or regulation adopted by a political subdivision before June 13, 1989, must be destroyed within 1 year after the effective date of this act.

**Sec. 14. This act becomes effective upon passage and approval.**

## CLARK COUNTY CODES

CODES EFFECTED BY NRS 244.364 ARE HIGHLIGHTED IN **RED**

### Chapter 12.04 - FIREARMS AND AIR GUNS

#### **Sections:**

12.04.010 - Definitions.

**12.04.020 - Dealing in pistols without permit unlawful.**

**12.04.030 - Business to which pistol permits may be issued.**

**12.04.040 - Application and investigation.**

**12.04.050 - Persons prohibited from purchasing or owning pistols.**

**12.04.060 - Prohibited sales and transfer of a pistol.**

**12.04.070 - Certain persons prohibited from purchasing or owning pistols.**

**12.04.080 - Time between sale and delivery of pistol.**

**12.04.090 - Exceptions to Section 12.**

**12.04.100 - Sheriff to be notified.**

12.04.110 - Registration of pistols within seventy-two hours.

**12.04.120 - Sale or possession of certain pistols prohibited.**

**12.04.130 - Window displays of pistols and ammunition prohibited.**

**12.04.140 - Sale of foreign made pistols with ammunition restricted.**

**12.04.150 - Sale of homemade pistols prohibited.**

**12.04.160 - Condition of pistols sold.**

**12.04.170 - Unlawful to permit persons under eighteen years to have possession or control of pistol.**

**12.04.180 - Concealed weapons prohibited without permit.**

12.04.185 - Possession of bludgeoning device unlawful.

12.04.190 - Law enforcement officer excepted.

**12.04.200 - Registration of firearms capable of being concealed.**

**12.04.210 - Unlawful transfer of firearms capable of being concealed.**

12.04.220 - Penalty for violation of Sections 12.

12.04.230 - Discharging unlawful—Exceptions.

12.04.240 - Populated area designated.

12.04.250 - Penalty for violation of Section 12.04.230.

12.04.260 - Unlawful use of electronic stun device.

12.04.270 - Investigation and permit fee.

**19.04.060 - Establishment, posting of rules and regulations.**

**12.04.010 - Definitions.**

**In this chapter, unless the context clearly requires otherwise, the following definitions shall apply and be effective:**

- (1) Dealer means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.**
- (2) "Firearm capable of being concealed" includes all firearms having a barrel less than twelve inches in length.**
- (3) "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.**
- (4) "Manager" means the natural person authorized by a dealer to approve and finalize all pistol sales, purchases or pledges and the person whose signature is required on all documents in connection therewith.**
- (5) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.**

*(Ord. 3571 § 1, 2007; Ord. 1139 § 1, 1989; Ord. 242 § 1, 1965)*

**12.04.020 - Dealing in pistols without permit unlawful.**

**(A) It is unlawful within the unincorporated area of Clark County, for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.**

**(B) Each natural person authorized or employed as a manager to buy, sell or accept pledges of pistols as security for loans must apply for and receive such pistol permit.**

*(Ord. 1139 § 2, 1989; Ord. 242 § 2, 1965)*

**12.04.030 - Business to which pistol permits may be issued.**

**Applications for pistol permits to buy, sell or accept pistols as security for loans under this chapter, shall be accepted only from hardware stores, gunsmith shops, sporting goods stores, antique gun dealers and pawn shops, licensed by Clark County.**

*(Ord. 242 § 3, 1965)*

**12.04.040 - Application and investigation.**

**Any person desiring a pistol permit to engage in the business of buying or selling pistols, or of accepting pledges of pistols as security for loans, in the unincorporated area of Clark County, or managing such business under the provisions of this chapter, shall first make written application to the board of county commissioners, on forms of application prescribed therefor by the office of the sheriff, setting out his name,**

address and other information required, and the business (other than dealing in pistols) intended to be carried on, and expressly requesting the issuance of a pistol permit to deal in pistols at such location. Such application will then be referred to the sheriff for investigation and recommendation, and then returned to the board of county commissioners, which may (after considering same in any manner that may appear to them proper), approve or disapprove such application. If disapproved, no pistol permit shall be issued. If approved, the office of the sheriff shall issue a pistol permit to such applicant to deal in pistols at the place named or described, and under the present business license of such applicant or applicant's employer.

*(Ord. 1139 § 3, 1989; Ord. 242 § 4, 1965)*

**12.04.050 - Persons prohibited from purchasing or owning pistols.**

It is unlawful in the unincorporated area of Clark County, for any person to receive from another by loan, gift, purchase, or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

- (a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;
- (b) Is a fugitive from justice;
- (c) Is an unlawful user or seller of narcotics;
- (d) Is a habitual drunkard;
- (e) Is a member of an organization advocating criminal syndicalism as defined in NRS 203.160 through 203.190;
- (f) Has been adjudged insane in the state or any other state and has not subsequently been adjudged sane;
- (g) Is seventeen years of age or under.

*(Ord. 1172 § 1, 1989; Ord. 242 § 5, 1965)*

**12.04.060 - Prohibited sales and transfer of a pistol.**

It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

- (a) Is under the influence of intoxicating beverages;
- (b) Is mentally ill or disturbed;
- (c) Is seventeen years of age or under;
- (d) Is a person prohibited from purchasing a pistol as provided in Section 12.04.050

*(Ord. 242 § 6, 1965)*

**12.04.070 - Certain persons prohibited from purchasing or owning pistols.**

It shall be unlawful for any person who is included in any one or more of the categories set forth in Section 12.04.050 of this chapter, to receive from another by loan, gift, purchase or in any other manner, or in any

manner whatsoever, to attempt to obtain, or have in his or her possession or control, any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession, or under his or her control, while accompanied by or under the immediate charge of his or her parent, guardian, or other responsible adult, and while engaged in hunting or target practice or other lawful purpose.

*(Ord. 242 § 7, 1965)*

**12.04.080 - Time between sale and delivery of pistol.**

When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser. When delivered, all pistols must be securely wrapped and be unloaded, and must be accompanied by a receipt signed by the dealer, setting forth the name, address, and description of the purchaser or transferee, a complete description of the pistol (including the manufacturer, model and manufacturer's serial number thereof), the date and time of sale, and the date and time of delivery, of such pistol, and advice to the purchaser or transferee if a resident of the county that the pistol must be registered with the sheriff within seventy-two hours.

*(Ord. 3571 § 2, 2007: Ord. 242 § 8, 1965)*

**12.04.090 - Exceptions to Section 12.**

04.080. The aforesaid seventy-two hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency; or a peace officer of the state of Nevada or any political subdivision thereof, regularly employed for pay by the state or such subdivision; or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County; or that the pistol is an unfinished kit which is designed to fire black powder of the cap and ball or flintlock variety. And said waiting period shall not apply to any person who requires the use of a pistol in connection with his employment, and who receives written permission from the sheriff with express waiver of the waiting period; however, all of the other provisions herein shall apply to any such sales.

*(Ord. 876 § 1, 1984: Ord. 242 § 9, 1965)*

**12.04.100 - Sheriff to be notified.**

A dealer making a sale of a pistol shall, within twenty-four hours thereof, furnish the sheriff with a duplicate copy of the receipt referred to in Section 12.04.080 of this chapter, signed by the dealer and by the purchaser or transferee of such pistol.

*(Ord. 242 § 10, 1965)*

**12.04.110 - Registration of pistols within seventy-two hours.**

**Any resident of the county receiving title to a pistol, whether by purchase, gift, or any other transfer, and whether from a dealer or from any other person, shall, within seventy-two hours of such receipt, personally appear at the county sheriff's office, together with the pistol, for the purpose of registering the same with the sheriff. It shall be the duty of the sheriff to register the pistol, and he may, and is hereby authorized to cooperate in any manner he sees fit with other law enforcement agencies, and with licensed dealers, relative to registration of pistols, so that efficient registration shall be secured at minimum cost and duplication.**

*(Ord. 3571 § 3, 2007: Ord. 242 § 11, 1965)*

**12.04.120 - Sale or possession of certain pistols prohibited.**

**It shall be unlawful to purchase, sell, or in any manner to transfer, or have in possession or control, any pistol on which the name of the manufacturer, or the model, or the manufacturer's serial number has been removed, obliterated, concealed, or altered.**

*(Ord. 242 § 12, 1965)*

**12.04.130 - Window displays of pistols and ammunition prohibited.**

**No pistols or ammunition shall be openly displayed in any store or business window, except only during such hours when said store is open for business and under the supervision of the licensee or adult authorized personnel.**

*(Ord. 242 § 13, 1965)*

**12.04.140 - Sale of foreign made pistols with ammunition restricted.**

**No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.**

*(Ord. 242 § 14, 1965)*

**12.04.150 - Sale of homemade pistols prohibited.**

**No homemade pistols shall be bought or sold except as provided by law under the federal firearms act.**

*(Ord. 242 § 15, 1965)*

**12.04.160 - Condition of pistols sold.**

**All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.**

*(Ord. 242 § 16, 1965)*

**12.04.170 - Unlawful to permit persons under eighteen years to have possession or control of pistol.**

**It shall be unlawful within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accompanied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice or other lawful purpose.**

*(Ord. 242 § 17, 1965)*

**12.04.180 - Concealed weapons prohibited without permit.**

**It is unlawful, within the unincorporated area of Clark County, for any person to carry upon his person a concealed weapon of any description, including a knife with a blade of three inches or more, a gun, pistol, revolver or other firearm, capable of being concealed, without first having received written permission therefor from the sheriff.**

*(Ord. 242 § 18, 1965)*

**12.04.185 - Possession of bludgeoning device unlawful.**

It is unlawful, within the unincorporated area of Clark County, for any person, except a peace officer, to carry or possess any mace, numb-chuck, truncheon or other bludgeoning weapon or device capable of inflicting grievous bodily harm, without first having received written permission to possess the same from the sheriff. Such permission shall only be given upon the determination the person applying therefor is of good moral character and is a bona fide collector or exhibitor of weapons.

*(Ord. 459 § 1, 1975)*

**12.04.190 - Law enforcement officer excepted.**

Nothing in Section 12.04.180 of this chapter shall be construed to apply to any law enforcement officer in the performance of his duty. Nothing in Section 12.04.185 of this chapter shall be construed to apply to any peace officer, animal control officer or code enforcement officer possessing a collapsible baton in the performance of his duty.

*(Ord. 3327 § 1, 2005: Ord. 242 § 19, 1965)*

**12.04.200 - Registration of firearms capable of being concealed.**

**It is unlawful for any person with at least sixty days of residency in the county to own or have in his possession, within the unincorporated area of Clark County, a pistol or other firearm capable of being concealed, unless the same has first been registered with the sheriff or with a police department of any of the incorporated cities of Clark County.**



*(Ord. 3571 § 4, 2007; Ord. 242 § 20, 1965)*

**12.04.210 - Unlawful transfer of firearms capable of being concealed.**

**It is unlawful for any person to sell, give away or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferor thereof first registers, or causes the weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.**

*(Ord. 242 § 21, 1965)*

**12.04.220 - Penalty for violation of Sections 12.**

04.010—12.04.210. Any person who violates any of the provisions of Sections 12.04.010 through 12.04.210 is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine of not to exceed five hundred dollars, or by both.

*(Ord. 242 § 23, 1965)*

**12.04.230 - Discharging unlawful—Exceptions.**

It is unlawful to willfully discharge any pistol, firearm, air gun, musket or instrument of any kind, character or description which throws a bullet or missile of any kind for any distance by means of the elastic force of air or any explosive substance within that area legally described below and depicted by the shaded areas on the map labeled Attachment A, adopted herewith as signed and dated by the chairman of the board of county commissioners and available for public inspection in the commission division office of the county clerk. The areas in the county where it is unlawful to willfully discharge a firearm, excluding shooting ranges, or a sanctioned event by federal, state, county or an incorporated city currently licensed by business license, are generally located within the entire unincorporated towns of Whitney, Paradise, Spring Valley, Sunrise Manor[,] and Winchester [and Goodsprings], the urbanized areas of Lone Mountain and Enterprise, Goodsprings, Sandy Valley, Blue Diamond, Calico Basin, the area south of State Route 157 in Section 1 and all of Section 12, Township 19 South, Range 59 East, the proposed Apex Heavy Industry Zone, Las Vegas Dunes Recreation Area, the Sunrise Mountain Natural Area, Rainbow Gardens and the River Mountain area between Henderson and the Lake Mead Recreation Area north of Boulder Highway.

The specific locations where it is unlawful to willfully discharge a firearm are legally described below. In the event that the general description conflicts with the specific legal description, the legal description shall be controlling.

19.04.060 - Establishment, posting of rules and regulations. 

The board of commissioners by resolution shall adopt rules and regulations to govern the individual public parks of Clark County. The director of parks and recreation shall ensure that signs containing current rules and regulations are posted at the entrances of the appropriate public parks.

*(Ord. 3503 § 8, 2007; Ord. 3000 § 7, 2003; Ord. 1526 § 3 1993; Ord. 269 § 6, 1967)*

Prohibited:

Carrying, possessing, or discharging of any ~~firearms~~, firecrackers, rockets, torpedoes, or other fireworks, slingshots, boomerangs, or martial arts paraphernalia within any County facility or park without written approval from the Director of Parks & Recreation or designee.