



## NEVADA FIREARMS COALITION

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22 June 2014

Ms. Marilyn Kirkpatrick, Chair  
Nevada Interim Legislative Commission  
401 S. Carson Street  
Carson City, NV 89701

RE: NAC 424.600, Sec. 101 Proposed Rule Change –  
Police Exemption from Firearms Rules Regarding Child Foster Care

Dear Assemblywoman Kirkpatrick,

As written, the proposed revisions in the new Foster Care regulations Section 101 will regulate firearms by requiring firearms owners to effectively surrender their Second Amendment rights, including the right to self-defense, in order satisfy Division gun storage requirements for foster parents in the Silver State. The same rule change will allow police officers to carry firearms holstered on their persons when off-duty and in the presence of their foster children, thus creating a class of "super-citizens" for foster care purposes.

After careful research, the Nevada Firearms Coalition's position is that NRS 268.418 clearly prohibits state agencies from regulating firearms unless they have specific statutory authority from the Nevada legislature to do so. From our reading of the law, the Division of Child and Family Services does not have authority from the legislature to regulate firearms. That would make the proposed rule change regarding foster parents and firearms storage both illegal and invalid.

We see this rule change as an illegal and invalid regulation of firearms in violation of the clear wording of NRS 268.418. We asked the Division in our letter of 11 April 2014 to provide us with evidence of the statutory authorization for the Division to regulate firearms. To date, such evidence has not been forthcoming.

Aside from the question of the authority of DCFS to regulate firearms, we also take issue with the policy the Division is trying to enact regarding firearms and foster care. The NVFAC holds that law-abiding citizens, and especially concealed handgun permit holders, have the same rights as peace officers in their civilian capacity have; and that off-duty peace officers acting as foster parents have no more rights than do law-abiding citizens. If such a rule change comes to pass, we urge the Division to include concealed handgun permit holders in that exemption.

Sincerely yours,

Duncan Rand Mackie  
Vice-President, Legislative Division

The Nevada Firearms Coalition is dedicated to the safe use of firearms for self-defense, competition, recreation and hunting. We are a Nevada grass-roots 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.