



NEVADA FIREARMS COALITION

5575 Simmons Street, Suite 1-176
North Las Vegas, Nevada 89031

702-373-5935

www.nvfac.org

www.facebook.com/nvfac

don@nvfac.org

April 1, 2013

Senator Ben Kieckhefer
Nevada State Senator
Re: SB 277

Dear Senator Kieckhefer,

The Nevada Firearms Coalition is forced to oppose SB 277 as written. As a firearms dedicated organization, ownership and safe use of firearms is our only mission and focus. This bill as written violates the provisions of the US Constitution solely on the strength of an uncontested petition filed for an involuntary mental health commitment or treatment following an emergency admission to a mental health facility, without a judicial hearing and determination of mental incapacity or danger to self or others. Our position is that such a disenfranchisement is a clear violation of the Constitutional guarantees of due process found in the Fifth and Fourteenth Amendments, as well as Section 8 of the Nevada constitution.

Our understanding is that your goal is to provide an alternative when judges don't use the involuntary commitment process, and substitute for them the judgment of psychiatric or psychological professionals. If that is indeed the case, we likely will not find common ground on this bill. If however, your intention is to streamline the process and reduce the time from detection to establishing the person as prohibited possessor, we may be able to come to an agreement.

The time between petition, commitment, judicial rulings and entry into the criminal informational system as well as into the National Criminal Information System (NCIS) can be close to 120 days. As a solution, we propose that this bill be modified to address the excessive amount of time it takes for the bureaucratic system to complete this process. With the right application of streamlining and common sense there should be a much shorter time for this to occur.

In regards to the cost to implement this reduction in reporting time, presently firearms background checks are accessed a tax of \$25.00 for each firearm transfer. This fee is paid by the customer through the dealers to the Nevada Department of Public Safety where it is used for general operations. We understand that this fund may exceed two million dollars annually. If these funds were directed to the improvement of the efficiency of the court and Department of Public Safety recording system, we believe that the lengthy delays could be significantly reduced. Although we do not have the exact language for the formulation of legal bill language amendment to do such, it does not seem that to produce such language by someone intimately familiar with current statutes would be difficult.

DEDICATED TO THE OWNERSHIP & SAFE USE OF FIREARMS FOR SELF-DEFENSE,
COMPETITION, RECREATION & HUNTING

Perhaps the text of this suggested amendment could direct affected agencies to perform an analysis of the system (from petition to entrance into NICS), implement such rules and regulations to have this new system complete the process for judicial mental health determination within 10 days from court determination to NICS entry, and utilize the current background check tax to pay for the administration of the system. The bill could also mandate that this analysis and change occur within six months from the enactment of the bill

We believe such action would result in many more people, for both mental health reasons and criminal conviction reasons, having their legal access to firearms restricted, but without the encroachment on due process rights that we find objectionable.

Sincerely,

Don Turner

Don Turner, President