



NEVADA FIREARMS COALITION

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RE: AB 153

Steve Yeager, Chair
Assembly Judiciary Committee
Nevada State Assembly

Dear Chair Yeager,

The Nevada Firearms Coalition respectfully submits the following comments regarding Assembly Bill 153 “provisions governing the storage of firearms.”

Proposed changes to NRS 202.300 are the addition of the following:

5. Unless a greater penalty is provided pursuant to subsection 2, a person is guilty of a misdemeanor who:

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

(a) Negligently stores or leaves a firearm at a location under his or her control

- The intention is vague in that it doesn’t define “negligently.” It doesn’t specify whether the act of “store” or “leave” pertains to the control of the firearm or to the control of the location or both.

(b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

- “Substantial risk” is vague. Does it mean that a firearm owner is in a location where he or she knows there are children under 18 years present who might have access to a firearm? Or does it mean any area a child may access without knowledge of the firearm owner? If a home without children is subject to burglary by persons younger than 18 and the firearms are not secured, does that constitute a violation? How about adults who carry concealed with a permit. With this prohibit them from legal carry if children are present?

We respectfully submit the following changes to the proposed bill to clarify these questions...

NRS 202.300 1. Except as otherwise provided in this section, a child under the age of 18 years shall not handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, any firearm of any kind for hunting or target practice or for other purposes. A child who violates this subsection commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.

*2. A person who aids or knowingly permits or a child to violate subsection 1, **or who fails to store or secure a firearm from access by a child per section 3(a).***

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

3. A person does not aid or knowingly permit a child to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

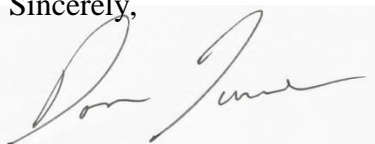
(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his or her official duties.

(e) In the case of a person authorized under Nevada law to carry a firearm concealed, if the firearms is carried concealed on the carrier's person, or otherwise in a manner which ensures that the firearm is inaccessible to a child.

According to Clark County METRO sources, burglary and theft of firearms is shown to be a significant source of illegal firearms. Suicide with firearms by at-risk persons is another issue that can be addressed by secure firearms storage. Consequently, wouldn't it make this bill more effective in solving these problems by providing incentives to persons to securely prevent access by at-risk persons including theft and suicides, and by encouraging firearms safety and suicide prevention programs in schools and state licensing programs such as Hunter Safety and Concealed Carry Firearms training?

Sincerely,



Don Turner, President

cc: Assembly Judiciary Committee

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The Nevada Firearms Coalition is dedicated to the safe use of firearms for self-defense, competition, recreation and hunting. We are the statewide Nevada grassroots organization representing the firearms owners of Nevada. Our membership includes individuals, gun clubs, community organizations, and retail firearm corporations and ranges. We are the State Association for the National Rifle Association, and a member of the National Shooting Sports Foundation, USA Shooting and the Civilian Marksman Program.