



## NEVADA FIREARMS COALITION

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Date: March 29, 2019

RE: AB 291

Steve Yeager, Chair  
Assembly Judiciary Committee  
Nevada State Assembly

Nicole Cannizzaro, Chair  
Senate Judiciary Committee  
Nevada State Senate

Dear Chairs Yeager and Cannizzaro;

The Nevada Firearms Coalition is **STRONGLY OPPOSED** to AB 291 for the following reasons:

The State of Nevada operates under “Dillion’s Rule” regarding the passage of laws, ordinances, codes and rules. In order for any county, city, or town to promulgate and enforce ordinances, codes or rules, the authority to do so must be defined by state statute.

In 1989, due to the increased mobility of Nevada Citizens and the spread of varied ordinances and codes throughout the state, the Legislature reserved for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, by the passage of AB 147 (Attachment 1) . This bill amended NRS 244 for counties, NRS 268 for cities and NRS 269 for towns. It allowed counties, cities and towns to retain ordinances or regulations adopted on or before the effective date of the act.

Since 1989, the so called “preemption” laws (which were actually a restatement of the Dillion Rule) have been amended in 2007, 2011 and 2015. All the amendments were to correct issues and conflicts arising from the “grandfathered” ordinances.

From 1989 to the 2015 passage of the current laws, Boulder City, Clark County, Henderson, North Las Vegas, Las Vegas and Mesquite all had separate firearms ordinances. Many of these were contrary to state laws passed after 1989. As an example, a North Las Vegas code prohibited the transport of loaded firearms within the city limits. As enforced, it included the prohibition of

people lawfully carrying a concealed firearm with a state issued permit to have that lawfully carried firearm loaded. There were records of law enforcement officers seizing handguns from lawful permit holders because the state law allowed them to be carried loaded, but the city code did not. Lawful residents of Nevada could actually violate eight different layers of laws and not leave Clark County; this included the six jurisdictions within Clark County with their varied codes, state law and federal law. Complaints from citizens and documented issues and circumstances resulted in the passage of the current 2015 law which made all counties, cities and towns equal in the application, and enforcement of firearms-related law. As a result state law now applies equally to all Nevada residents and visitors.

Recently there have been discussions to repeal the 2015 law and to transfer state authority to allow counties, cities and towns to pass their own firearms regulations. Proponents of this concept should be aware of the actual “Pandora’s box” they will open for the following reasons:

1. The will of the legislature to have uniform laws throughout the state will be void.
2. The ability of a law abiding citizen to possess firearms will be subject to change every time a county or municipal boundary is crossed, and they will be subject to criminal sanctions just because they crossed a boundary. This will impact the law-abiding citizen the most, as criminals do not care about laws.
3. It is estimated that 47% of the residents of Clark County alone own firearms. The rate is probably higher in other counties. Eliminating one set of laws for all residents to follow, will potentially criminalize a large group of Nevada voters and law abiding citizens.
4. There are 170 different state laws and codes that regulate firearms and ammunition in Nevada; these will all be subject to various ordinances and codes that may result from decentralizing law making authority. These laws range across many subject areas and may result in many unintended consequences, from child care to mental health to concealed carry permits all the way to taxation. Attachment 2 details a subject matter list of all the state laws and codes that could be modified or made null and void by decentralizing current state law.
5. There are 16 counties, 19 cities, and 14 towns in Nevada. If each of these jurisdictions made their own laws based on the 170 already in existence, there is the potential for 8,330 different ordinances and codes to be developed and imposed on the citizens and visitors to this state.
6. The delegation of this authority and the resulting confusing law, ordinances and codes will not reduce homicides, it will not reduce suicides (the two most leading factors in firearm deaths) and it will not reduce crime.

For these reasons and many others, the Nevada Firearms Coalition strongly urges that the current state laws remain in place and that the state does not delegate law-making authority for firearms and ammunition to the 16 counties, 19 cities, and 14 towns of Nevada. We need to concentrate on common sense gun safety laws that reduce homicide and promote suicide prevention. Changing preemption will not accomplish anything except to make criminals of many honest citizens.



**ATTACHMENT 1**

Assembly Bill 147

January 31, 1989

THE PEOPLE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. 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, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no county may infringe upon those rights and powers.

2. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. As used in this section, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

**Sec 2.** Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. 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, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no city may infringe upon those rights and powers.

2. The governing body of a city by ordinance or regulation the unsafe discharge of firearms.

3. As used in this section, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

**Sec 3.** Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. 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, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no town may infringe upon those rights and powers.

2. A town board county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. As used in this section, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

**Sec 4.** This act shall become effective upon passage and approval.

**Sec 5.** The provisions of this act apply only to ordinances or regulations adopted on or after the effective date of this act.

## ATTACHMENT 2

### Firearms Subject Matter Topic List from Nevada State Laws and Codes

- lawsuits against manufacture
- property exempt from execution
- domestic violence
- prohibited possessor extended order of protection
- sell transfer extender order of protection
- surrender per extended order of protection
- shooting range noise
- unlawful confiscation
- use of deadly force residence, automobile
- limitation on liability
- liability for minor's negligence/willful misconduct
- use/threatened use by minor
- criminal proceedings for minor
- custody of minor
- acts involving firearms minor
- revocation and prohibition for hunting license minor
- disposition of minor case
- fingerprinting minor
- protected property
- disposal of protected property
- mental defect of ward
- temporary detention, parole, probation
- search and seizure reasonable belief
- arrested person
- insanity acquittal
- court notification domestic violence
- imposition by court domestic violence
- defendant incompetent
- Central repository
- National Crime Information Center
- National Instant Background Check
- court notification mental health
- seizure of property
- proceeds of seizure
- quarterly reports of seizure/forfeiture
- annual reports of seizure/forfeiture
- forfeiture of property
- stolen property
- order for delivery of property
- magistrate to deliver property

- court to deliver property
- notice to owner/pawnbroker disposal of property
- order sealing records
- metal penetrating bullets handgun
- additional penalties
- rescuing prisoner
- resisting public officer
- justifiable homicide
- reasonable fear for self defense
- justifiable homicide by police officer
- excusable homicide
- additional homicide
- burden of proof, mitigation
- self defense
- manufacture storage of explosives
- death from dueling
- challenges to fight
- stalking
- definitions of firearms
- background check
- spring gun, set trap
- intoxication
- possession on school property
- unlawful sale metal penetrating bullets
- short barrel rifle/shotgun
- obliterating serial number, possession
- public streets, resorts
- discharge into aircraft, vehicle, structure, watercraft
- discharge from structure, vehicle
- aiming at human, discharging, endangered
- use under 18
- sale to minors
- drawing deadly weapon
- confiscation of deadly weapons
- disposal of deadly weapons
- manufacture, import, possess deadly weapons
- concealed deadly weapon
- definitions of deadly weapons
- ownership/possession prohibited possessors
- sale or transfer to prohibited possessors
- concealed firearm definitions
- application, eligibility, denial, revocation of concealed carry permit
- investigation, issuance or denial of permit

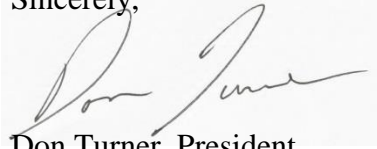
- sheriffs to issue permits
- confidentiality of permits and permittee
- judicial review for denial
- permit to carry and proper identification
- duplicate permit
- carry in public building
- application for permit, renewal, fees, standards
- application as retired officer
- fees to be deposited with county treasurer
- immunity from civil liability for local governments
- temporary permits
- approval for other state permits
- list of approved states
- regulations for permits
- definitions for permits
- public nuisance, shooting range
- dangerous exhibitions
- explosive defined
- shipment of explosives
- transport of explosives
- armed associations
- burglary
- invasion of home
- grand larceny
- unlawful trespass
- racketeering
- possession by incarcerated person
- restoration of civil right
- seizure, custody, use and sale probation officer
- limited authority to regulate firearms county, city, town 700,000 or more
- rules of behavior students, truancy
- prohibition against disciplining student for clothing, gestures, simulating
- suspension of pupil, definitions
- damage to school property, nuisance, loitering, trespass
- rules of board
- administrator penalty for violation of regulations
- promotion of practice with rifle and pistol
- firearm defined
- limitations on emergency powers
- concealed firearms foster care
- transmittal of records to central repository
- marijuana registry identification, prosecution
- property subject to forfeiture, controlled substances

- prohibition of storage of explosives in city or town
- tracer or incendiary ammunition
- explosive containers
- sale, purchase, theft, loss of explosives
- distribution of black powder
- support for rights guaranteed by Second Amendment to US, license plate
- vehicle damage
- powers and duties of game wardens, sheriffs, other peace officers
- forfeitures unlawful hunting
- refusal to exhibit license, permit, on demand/possession
- unlawful acts hunting, handguns
- loaded rifle or shotgun in vehicle
- discharging firearm from or over federal or state highways
- hunting accident
- commercial shooting preserve
- health care provider to report firearms accidents
- duty of apply for emergency admission to health care facility
- secondhand dealer
- buy or sell second hand
- record of transactions
- reports of transactions/stolen property
- retention of marked property
- written hold on property
- peace officers may carry
- foster homes
- child care facilities
- concealed firearms and permit requirements
- hunting safety course
- hunting big game
- sights on firearms
- scope limitation on muzzleloaders
- area restrictions on hunting
- hunting of migratory game birds
- hunting of wild turkey
- wildlife highway crossings
- restrictions on firearms and ammunition
- responsibilities of hunters
- areas closed to hunting
- general hunting requirements
- certifications of firearms instructors/private investigators
- course of training/ private investigators
- compliance with curriculum
- course of training, certification qualification



- duties of instructors
- use of firearms state parks
- taxes on gun clubs for clay bird use

Sincerely,



Don Turner, President

**cc: Assembly Judiciary Committee**

Lesley Cohen  
 Shea Backus  
 Skip Daly  
 Ozzie Fumo  
 Brittney Miller  
 Rochelle Nguyen  
 Sarah Peters  
 Selena Torres  
 Howard Watts  
 Chris Edwards  
 Alexis Hansen  
 Lisa Krasner  
 Tom Roberts  
 Jill Tolles

**Senate Judiciary Committee**

Dallas Harris  
 James Ohrenschall  
 Marilyn Dondero Loop  
 Melanie Scheible  
 Scott Hammond  
 Ira Hansen  
 Keith Pickard

*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.*