



NEVADA FIREARMS COALITION

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RE: SB 261

Nicole Cannizzaro, Chair
Senate Judiciary Committee
Nevada State Senate

Dear Chair Cannizzaro,

The Nevada Firearms **Strongly Opposes SB 261** for the following reasons:

The federal government has already classified these devices as “machine guns.” NRS 202.350 states:

1. *Except as otherwise provided in this section and [NRS 202.3653](#) to [202.369](#), inclusive, a person within this State shall not:*

(b) Manufacture or cause to be manufactured, or import into the State, or keep, offer or expose for sale, or give, lend, possess or use a machine gun or a silencer, unless authorized by federal law;

2. *Except as otherwise provided in [NRS 202.275](#) and [212.185](#), a person who violates any of the provisions of:*

(b) Paragraph (b)..... of subsection 1 is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

In addition SB 261 has textual ambiguities that are unenforceable such as:

(1)(a)(1) “Materially Increases” is an incredibly broad and vague term. This is effectively unenforceable as it covers ANY device, including a factory or aftermarket trigger.

(1)(a)(2) “Approximates the action or rate of fire of a machine gun.” This is again extremely vague as “approximates” is left wide open for interpretation. Someone who can fire a semi-auto quickly with their finger can easily approximate an automatic rate of fire. A belt loop or a string can also be used to approximate that type of rate of fire. This proposed statute creates absurd results.

(1)(c) Same problems as above. This language is far too vague and potentially any firearm owner in Nevada will instantly become a felon if passed.

Article I, Section 9 and Article I, Section 10, Clause 1 of the Constitution of the United States prohibit any *ex post facto* laws. This proposed law is a clear violation of both clauses. Any owners of offending “devices” once this becomes law are immediate felons pursuant to Section 2 (category D felony). There is no grace period or grandfather clause included.

There is no language regarding what those currently in possession must do with property subject to this bill. Must they surrender or destroy what they currently own? If so, is the state willing to compensate those thereby deprived of their property? Again, this appears to be a clear violation of the Fifth Amendment of the Constitution as due process and just compensation are required for seizures by the government.

This proposed law also violates the *Nevada* State Constitution:

Section 8(3). Just compensation for the taking of private property.

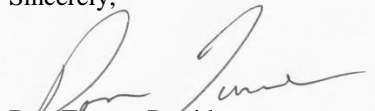
Section 11. Right to keep and bear arms.

Section 15. No *ex post facto* laws.

This proposed ban violates not only Nevada’s constitution, but also the U.S. Constitution. Couple that with the incredibly vague, undefined terms and this proposed law is an affront to civil rights,

In conclusion, our position is that the intent of this proposed bill is already codified in NRS 202.350, and any additional language is unnecessary.

Sincerely,



Don Turner, President

cc: Senate Judiciary Committee

Dallas Harris

James Ohrenschall

Marilyn Dondero Loop

Melanie Scheible

Scott Hammond

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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.