

ASSEMBLY BILL NO. 238—ASSEMBLYMAN ROBERTS

MARCH 11, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to concealed firearms. (BDR 15-149)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to concealed firearms; revising the requirements pertaining to demonstrating competence with handguns for an active peace officer who applies for a permit to carry a concealed firearm; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires an applicant for a permit to carry a concealed firearm to  
2 demonstrate competence with handguns by presenting a certificate or other  
3 documentation to the sheriff which shows that the applicant: (1) successfully  
4 completed a course in firearm safety approved by a sheriff in this State; or (2)  
5 successfully completed a course in firearm safety offered by a federal, state or local  
6 law enforcement agency, community college, university or national organization  
7 that certifies instructors in firearm safety. Such a course must include instruction in  
8 the use of handguns and in the laws of this State relating to the use of a firearm.  
9 (NRS 202.3657) This bill authorizes an active peace officer to demonstrate  
10 competence with handguns by presenting a certificate or other documentation to the  
11 sheriff which shows that the peace officer is currently employed by a law  
12 enforcement agency, is in good standing and has completed all training required by  
13 the law enforcement agency relating to the use of firearms.

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

1 **Section 1.** NRS 202.3657 is hereby amended to read as  
2 follows:

3 202.3657 1. Any person who is a resident of this State may  
4 apply to the sheriff of the county in which he or she resides for a



1 permit on a form prescribed by regulation of the Department. Any  
2 person who is not a resident of this State may apply to the sheriff of  
3 any county in this State for a permit on a form prescribed by  
4 regulation of the Department. Application forms for permits must be  
5 furnished by the sheriff of each county upon request.

6 2. A person applying for a permit may submit one application  
7 and obtain one permit to carry all handguns owned by the person.  
8 The person must not be required to list and identify on the  
9 application each handgun owned by the person. A permit is valid for  
10 any handgun which is owned or thereafter obtained by the person to  
11 whom the permit is issued.

12 3. Except as otherwise provided in this section, the sheriff shall  
13 issue a permit to any person who is qualified to possess a handgun  
14 under state and federal law, who submits an application in  
15 accordance with the provisions of this section and who:

16 (a) Is:

17 (1) Twenty-one years of age or older; or

18 (2) At least 18 years of age but less than 21 years of age if  
19 the person:

20 (I) Is a member of the Armed Forces of the United States,  
21 a reserve component thereof or the National Guard; or

22 (II) Was discharged or released from service in the  
23 Armed Forces of the United States, a reserve component thereof or  
24 the National Guard under honorable conditions;

25 (b) Is not prohibited from possessing a firearm pursuant to NRS  
26 202.360; and

27 (c) Demonstrates competence with handguns by presenting a  
28 certificate or other documentation to the sheriff which shows that  
29 the applicant:

30 (1) Successfully completed a course in firearm safety  
31 approved by a sheriff in this State; ~~or~~

32 (2) Successfully completed a course in firearm safety offered  
33 by a federal, state or local law enforcement agency, community  
34 college, university or national organization that certifies instructors  
35 in firearm safety ~~or~~; or

36 (3) *Is an active peace officer who is currently employed by*  
37 *a law enforcement agency, who is in good standing and who has*  
38 *completed all training required by the law enforcement agency*  
39 *relating to the use of firearms. For the purposes of this*  
40 *subparagraph, a peace officer shall be deemed to be in good*  
41 *standing if the peace officer is not currently suspended without*  
42 *pay. As used in this subparagraph, "peace officer" means any*  
43 *person upon whom some or all of the powers of a peace officer are*  
44 *conferred pursuant to NRS 289.150 to 289.360, inclusive.*



1 ↪ ~~[Such a]~~ A course *in firearm safety described in subparagraph*  
2 *(1) or (2)* must include instruction in the use of handguns and in the  
3 laws of this State relating to the use of a firearm. A sheriff may not  
4 approve a course in firearm safety pursuant to subparagraph (1)  
5 unless the sheriff determines that the course meets any standards  
6 that are established by the Nevada Sheriffs' and Chiefs' Association  
7 or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist,  
8 its legal successor.

9 4. The sheriff shall deny an application or revoke a permit if  
10 the sheriff determines that the applicant or permittee:

11 (a) Has an outstanding warrant for his or her arrest.

12 (b) Has been judicially declared incompetent or insane.

13 (c) Has been voluntarily or involuntarily admitted to a mental  
14 health facility during the immediately preceding 5 years.

15 (d) Has habitually used intoxicating liquor or a controlled  
16 substance to the extent that his or her normal faculties are impaired.  
17 For the purposes of this paragraph, it is presumed that a person has  
18 so used intoxicating liquor or a controlled substance if, during the  
19 immediately preceding 5 years, the person has:

20 (1) Been convicted of violating the provisions of NRS  
21 484C.110; or

22 (2) Participated in a program of treatment pursuant to NRS  
23 176A.230 to 176A.245, inclusive.

24 (e) Has been convicted of a crime involving the use or  
25 threatened use of force or violence punishable as a misdemeanor  
26 under the laws of this or any other state, or a territory or possession  
27 of the United States at any time during the immediately preceding 3  
28 years.

29 (f) Has been convicted of a felony in this State or under the laws  
30 of any state, territory or possession of the United States.

31 (g) Has been convicted of a crime involving domestic violence  
32 or stalking, or is currently subject to a restraining order, injunction  
33 or other order for protection against domestic violence.

34 (h) Is currently subject to an ex parte or extended order for  
35 protection against high-risk behavior issued pursuant to NRS 33.570  
36 or 33.580.

37 (i) Is currently on parole or probation from a conviction  
38 obtained in this State or in any other state or territory or possession  
39 of the United States.

40 (j) Has, within the immediately preceding 5 years, been subject  
41 to any requirements imposed by a court of this State or of any other  
42 state or territory or possession of the United States, as a condition to  
43 the court's:

44 (1) Withholding of the entry of judgment for a conviction of  
45 a felony; or



1 (2) Suspension of sentence for the conviction of a felony.

2 (k) Has made a false statement on any application for a permit  
3 or for the renewal of a permit.

4 (l) Has been discharged or released from service in the Armed  
5 Forces of the United States, a reserve component thereof or the  
6 National Guard under conditions other than honorable conditions  
7 and is less than 21 years of age.

8 5. The sheriff may deny an application or revoke a permit if the  
9 sheriff receives a sworn affidavit stating articulable facts based upon  
10 personal knowledge from any natural person who is 18 years of age  
11 or older that the applicant or permittee has or may have committed  
12 an offense or engaged in any other activity specified in subsection 4  
13 which would preclude the issuance of a permit to the applicant or  
14 require the revocation of a permit pursuant to this section.

15 6. If the sheriff receives notification submitted by a court or  
16 law enforcement agency of this or any other state, the United States  
17 or a territory or possession of the United States that a permittee or  
18 an applicant for a permit has been charged with a crime involving  
19 the use or threatened use of force or violence, the conviction for  
20 which would require the revocation of a permit or preclude the  
21 issuance of a permit to the applicant pursuant to this section, the  
22 sheriff shall suspend the person's permit or the processing of  
23 the person's application until the final disposition of the charges  
24 against the person. If a permittee is acquitted of the charges, or if the  
25 charges are dropped, the sheriff shall restore his or her permit  
26 without imposing a fee.

27 7. An application submitted pursuant to this section must be  
28 completed and signed under oath by the applicant. The applicant's  
29 signature must be witnessed by an employee of the sheriff or  
30 notarized by a notary public. The application must include:

31 (a) The name, address, place and date of birth, social security  
32 number, occupation and employer of the applicant and any other  
33 names used by the applicant;

34 (b) A complete set of the applicant's fingerprints taken by the  
35 sheriff or his or her agent;

36 (c) A front-view colored photograph of the applicant taken by  
37 the sheriff or his or her agent;

38 (d) If the applicant is a resident of this State, the driver's license  
39 number or identification card number of the applicant issued by the  
40 Department of Motor Vehicles;

41 (e) If the applicant is not a resident of this State, the driver's  
42 license number or identification card number of the applicant issued  
43 by another state or jurisdiction;

44 (f) If the applicant is a person described in subparagraph (2) of  
45 paragraph (a) of subsection 3, proof that the applicant:



1 (1) Is a member of the Armed Forces of the United States, a  
2 reserve component thereof or the National Guard, as evidenced by  
3 his or her current military identification card; or

4 (2) Was discharged or released from service in the Armed  
5 Forces of the United States, a reserve component thereof or the  
6 National Guard under honorable conditions, as evidenced by his or  
7 her DD Form 214, "Certificate of Release or Discharge from Active  
8 Duty," or other document of honorable separation issued by the  
9 United States Department of Defense;

10 (g) A nonrefundable fee equal to the nonvolunteer rate charged  
11 by the Central Repository for Nevada Records of Criminal History  
12 and the Federal Bureau of Investigation to obtain the reports  
13 required pursuant to subsection 1 of NRS 202.366; and

14 (h) A nonrefundable fee set by the sheriff not to exceed \$60.

15 **Sec. 2.** This act becomes effective on July 1, 2021.

