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STATE & LOCAL AFFAIRS DIVISION
CAROLYN L. HERBERTSON, NEVADA STATE LIAISON

APRIL 22, 2003

The Honorable Bernie Anderson
Chair, Assembly Judiciary Committee
State Capitol Building
Carson City, NV

RE: Senate Bill 199 (McGinness)

Dear Assemblyman Anderson:

On behalf of the Nevada members of the National Rifle Association, we would like to bring to your attention several concerns we have regarding Senate Bill 199, which is scheduled to be heard in Assembly Judiciary on April 30.

Although this bill appears to mainly strengthen penalties for certain offenses through duplication of Federal law, it exempts, from the class of prohibited persons, at 3(b), "a person who has been granted relief from the disabilities imposed by federal laws pursuant to 18 U.S.C., Section 925(c)."

Unfortunately, according to the NRA's Legislative Counsel, this provision is no longer operative. On October 6, 1992, Congress passed an appropriation bill for fiscal 1992-93 (federal Public Law 102-393, effective October 1992) that provided: "None of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c)." This appropriation bill, therefore, did not provide funding for the BATF to act upon applications for relief of disability under Section 925(c). Congress thus prohibited the BATF from using appropriated funds to investigate or act upon any application for relief under Section 925(c). In 1993, President Clinton extended the ban for fiscal 1994. Subsequent Appropriation Acts have extended the ban to subsequent fiscal budgets.

Hence, such relief is no longer available. Our Legislative Counsel suggests, in lieu of this language, the following provision be substituted:

"...a person whose civil rights have been restored, whether by operation of law, by pardon, or expungement, provided, however, that such firearm restoration should not restrict the person from possessing firearms."

ASSEMBLY JUDICIARY

DATE: 4/30/03 ROOM: 3138 EXHIBIT G

SUBMITTED BY: B. ANDERSON

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In addition, as a means to narrow the scope of the term "federal law" as mentioned in Section 4, Paragraph 6, we ask that the language be amended to read,

"The provisions of paragraph (b) of subsection 1 do not apply to any person who is licensed, authorized or permitted to possess or use a machine gun or silencer pursuant to the Federal Firearms Act."

Lastly, when we met several weeks ago, you and I had discussed the possibility of adding to NRS 202.350 the Attorney General Opinion (93-14) clarifying the definition of carrying a concealed weapon. You had indicated support for this language, even suggesting that we amend it into one of the two terrorism bills pending before the Legislature. As that looks unlikely at this point, may I suggest we memorialize Frankie Sue Del Papa's opinion into Section 4 of SB 199?

"For the purposes of this statute, NRS 202.350 would be narrowly construed to include only those concealed weapons which are actually on the person or in a container carried by the person."

Thank you for taking the time to review our suggestions, and should you have any questions or comments, please feel free to contact me at any time.

Sincerely,

Carolyn L. Herbertson

cc: Mr. Paul Grace, Legislative Advocate, Nevada State Rifle and Pistol Association

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