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Anderson, Bernie Assemblyman

From: John J Cahill [jjcahill@lvcm.com]
Sent: Tuesday, April 29, 2003 6:36 PM
To: banderson@asm.state.nv.us
Subject: SB40 and SB199

Assembly Judiciary
 30 April 2003 Hearing

Re: **SB40** and **SB199**

Dear Chairman Anderson,

Since no teleconferencing will be available for the Judiciary hearing on 30 April 2003, I ask you to consider my comments on these two bills.

As a matter of introduction, my name is John Cahill and I am a long-time resident of Henderson. I am a retired Nevada Peace Officer, having worked 30 years as a Juvenile Parole Officer for Clark County. I am an NRA Certified Firearms instructor, and I am approved to instruct for Nevada and Utah concealed firearms permits. I am a member of the NRA, Nevada State Rifle and Pistol Association, and the Boulder Rifle and Pistol Club, and a member of the Citizen's Advisory Committee for the Clark County Sport Shooting Park. Today I speak to you in the capacity of a Nevada sportsman and gun owner.

SB40 - *Prohibits discharge of firearm from structure or vehicle under certain circumstances. (BDR 15-887)*

I suggest the language in SB40 is too broad. It would appear to make illegal any indoor range that a citizen may have set up in a basement or other structure appropriate for a personal indoor firearms range. A personal indoor range can be safely built into a basement or other building with an appropriate design. This bill would seem to make any such indoor range illegal.

I also urge caution in the simple language regarding "firearms". Some municipalities include air rifles in the definition of firearms. NRS 202.265 also includes air rifles in part:

"4. For the purposes of this section:

(a) "Firearm" includes:

(1) Any device used to mark the clothing of a person with paint or any other substance; and

(2) Any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force."

We know that dedicated indoor ranges used by Air Rifle and Small Bore competitors and teams, such as our nationally ranked University of Nevada, Reno Rifle Team, can be safely constructed in populated areas. (See UNR Rifle Team info at <http://nevadawolfpack.ocsn.com/sports/c-rifle/unv-c-rifle-body.html>)

SB40 overlooks the fact that individual ranges, allowing competitors and sportsmen to safely practice at home, are commonly personal and private, with no governmental inspection required. There is no history to suggest that private ranges present any risk to the safety of the community. This type of personal, private, indoor range should not be made illegal.

4/29/2003

1 of 3

ASSEMBLY JUDICIARY

DATE: 5/2/03 ROOM: 3138 EXHIBIT F

SUBMITTED BY: J. CAHILL

Sportsmen in rural areas may have shooting benches set up with shade covers, or in barns, garages, or outbuildings where they fire from inside or under the structure to sight in rifles or practice shooting. SB40 does not make any provision for this type of private range, and the language on "structure" is unclear. Is a shade roof a structure? Does a structure have a roof and one, two, three, or four walls?

Law Enforcement doesn't know now how many private ranges may exist in their communities, and it might be said that if no incident were to bring such a range or shooting activity to the attention of the authorities, then it would never be a problem for any citizen. But I doubt if any Law Enforcement testimony would support the notion that it is OK to break a law if nobody finds out. The language matters, and this bill should not be taken lightly.

It is important to Nevada sportsmen that safe and legal use of firearms not be made illegal by sloppy language in law making.

I urge you to not pass on SB40 unless it can be shown that current and future safe and legal personal ranges are not made illegal.

SB199 - *Makes various changes to provisions pertaining to firearms. (BDR 15-331)*

This bill is proposed as only bringing local law into conformity with federal law, and the change is supported by testimony that says such activities are already illegal. Of course that might bring up the question "Why does Nevada need to change its laws if this activity is covered by federal law?" The answer will certainly be "enforcement", and that is where problems may arise. The feds just don't bother with some small and insignificant prosecutions. Local authorities may have different attitudes that could result in huge differences.

As an example of potential problems please consider the language making it a felony to provide a firearm to a person who "*Is an unlawful user of ... any controlled Substance*". This could be interpreted as preventing a parent from taking a child hunting if that parent had knowledge that the child had ever used marijuana. A youth that had been charged with possession of drugs, or placed on probation for offenses that involved drugs, might be prevented from joining his or her family on outdoor activities that included hunting or shooting, at just a time when more family involvement is what the child needs.

The term "actual knowledge" seems not well defined, nor is "fugitive from justice". Do parking or traffic warrants make a person a fugitive from justice?

As I read the bill I notice in the old language that switchblade knives are illegal and no provision is made for collectors of such items. Automatic knives manufactured in the USA by Schrade, Press Button, Flylock, and Shur-Snap are very collectable as documented in collectors guides and valuation publications. These antique switchblade knives are traded at collector shows and auctioned at eBay, but they appear to be illegal in Nevada.

The last line in SB199 broadens the definition of firearm to include "unloaded and inoperable" firearms. Collecting military firearms is popular among veterans and other civilians across our county. Collections may include inoperative firearms that were originally manufactured as automatic weapons or machine guns, and which may now be defined as a curio or relic and not require federal registration as a Class 3 NFA firearm. Such a firearm could be made illegal by this new definition.

Firearm instructors routinely encourage student to practice their skills at home by "dry firing". Dry practice can include presenting from a holster, aiming, and trigger press. Instructors provide a long list of procedures to assure safety. Dry firing an "unloaded" firearm inside a structure should never violate a law.

4/29/2003

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I suggest that the new definition of firearm in SB199 be deleted, as the existing definition in NRS 202.253 is sufficient. Further, and at a minimum, specific testimony must be required so that the language and legislative intent is clear, and any unintended application of this statute would be prevented.

I know how busy you are with issues like the budget and taxes. I appreciate your consideration of my comments on SB40 and SB199.

Sincerely,
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