

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session  
March 11, 2015**

The Senate Committee on Judiciary was called to order by Chair Greg Brower at 1:01 p.m. on Wednesday, March 11, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Greg Brower, Chair  
Senator Becky Harris, Vice Chair  
Senator Michael Roberson  
Senator Scott Hammond  
Senator Ruben J. Kihuen  
Senator Aaron D. Ford

**COMMITTEE MEMBERS ABSENT:**

Senator Tick Senator Segerblom (Excused)

**GUEST LEGISLATORS PRESENT:**

Senator Don Gustavson, Senatorial District No. 14

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Julia Barker, Committee Secretary

**OTHERS PRESENT:**

Jeff Bailey, National Association for Gun Rights  
Alisa Bistrek  
Lynn Chapman, Independent American Party  
Janine Hansen, Nevada Families for Freedom

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Shawn Meehan  
John Ridgeway  
Richard Brengman  
Keith Wood  
Vern Brooks  
Alan Acacia  
Carol Howell, President, Northern Sierra Ladies Gun Club  
Jim Sallee  
Julie Butler, Chief, General Services Division, Department of Public Safety  
Bob Roshak, Nevada Sheriffs' and Chiefs' Association  
Rosemary Vassiliadis, Director, Department of Aviation, Clark County  
Mike Scott, Vice President, Operations and Public Safety, Reno-Tahoe Airport Authority  
Alex Ortiz, Clark County  
Robert Vester, Chief, Airport Police, Reno-Tahoe Airport Authority  
Tim Bungum  
Brian O'Callaghan, Las Vegas Metropolitan Police Department  
Teresa Crawford, Moms Demand Action for Gun Sense in America  
Marla Turner  
Linda Cavazos  
Ron Dreher, Peace Officers Research Association of Nevada  
Bilal Shabazz  
Caitlyn Caruso

**Chair Brower:**

I will open the meeting of the Senate Committee on Judiciary with the hearing of Senate Bill (S.B.) 143.

**SENATE BILL 143**: Revises provisions governing concealed firearms. (BDR 15-221)

**Senator Don Gustavson (Senatorial District No. 14):**

Passage of S.B. 143 would give the same rights granted to a concealed carry weapon (CCW) permit holder to any citizen who is lawfully able to purchase and possess a firearm. The permit system will remain in place for practical reasons, though it will not be required for conceal-carry. The way Nevada law is written, any law-abiding citizen who pays for a background check can purchase a firearm and legally open-carry that firearm on his or her person. That same person can then get into her or his vehicle and place that firearm anywhere in

the vehicle, including a concealed compartment within reach. However, if that same law-abiding citizen gets out of the vehicle and decides to slip that same firearm inside a purse or under a coat or other article of clothing, that person becomes a criminal. To avoid being a criminal, a possessor of a legally owned firearm has to apply for a costly government-issued permit, pay for another background check and then wait for that permit to arrive in the mail—a process that can take up to 120 days—before legally carrying that same firearm in a discreet manner such as inside a purse or underneath a coat or jacket.

This process is timely and costly and does not serve the purpose it is presumed to serve. The purpose that I refer to is a process that would dictate if somebody has a permit to conceal a firearm, that person is proficient in the eyes of a regulating agency. This is not true if you carry the same weapon openly.

I know of several firearm owners who are proficient beyond imagination when it comes to handling firearms, including our many veterans, even though they may never have bothered to obtain a permit to concealed carry. The point I am making is: nowhere does the *Constitution of the United States* state that in order to carry your firearm, you must prove proficiency to the local sheriff and pay fees to a government agency to have access to those constitutionally guaranteed rights.

I have looked outside the windows from the Legislative Building facing west toward South Carson Street and have seen many peaceful rallies that have incorporated armed citizens carrying their weapons openly, as is their constitutional right. Were they proficient? I could not tell you if they were. If I had to bet, I would wager that they have spent considerable time with their firearms. I strongly encourage training for firearm owners, preferably a program that starts at a young age.

I grew up understanding that it was a civil duty to know how to handle firearms, and the first three things I learned were safety, safety and safety. As teenagers, my brother and I would have skill competitions, and we learned that a firearm was something you respected before you ever picked one up. Nevertheless, I also have a deep respect for the U.S. Constitution, and in regard to the Second Amendment, I do not find anywhere that we need this permit process in place that allows me to conceal the very same firearm that I am able to legally carry openly.

The Second Amendment is our permit. My experience with firearms is greater than that forced upon CCW permit applicants who undergo a 1-day, government-mandated class; registration, filing and fees; and waiting periods imposed before utilizing their constitutional right. Many other shall-issue states do so without a required training class being involved, and their citizens are doing just fine.

I believe that with the passage of S.B. 143, we will discover that the opportunity for firearms training and safety courses will increase, since trainers and sporting goods stores can now begin to offer comprehensive freedom-to-carry classes to the general public rather than having to focus on that smaller segment that is willing to undergo the permit process.

The U.S. Constitution states rights shall not be infringed. Unfortunately, that happens too often for the law-abiding citizen attempting to employ his or her Second Amendment rights. It should be nobody's business if law-abiding citizens have placed their legally owned firearms inside their purses or under their coats. Frankly, I would rather not know. The right to bear arms discreetly should be no different from the right to bear arms openly. A law-abiding citizen deserves that right to privacy. Some citizens fear the idea that as permit holders they are placed into a database which could become misused, and their information becomes exposed to entities that could encroach upon their privacy, a fear that has unfortunately already been realized.

I will admit that it is a bit intimidating for some people to see others walking around legally carrying their weapons exposed. It may be for some of you also. Therefore, why not let that same person carry that same weapon concealed? Our law enforcement agencies and society as a whole need to be more concerned about the person who is unlawfully in possession of firearms. That person is a lawbreaker, and the last concern of a criminal is about his or her ability to proficiently handle firearms or pass a criminal background check.

Passing this bill does not offer the bad guy any rights. Prohibited possessors are still banned under this provision just as they have always been. The only change under this measure is that a law-abiding citizen can now slip a legally owned firearm in his or her bag and not be subject to arrest for doing so. I will reemphasize that the requirements for a law-abiding citizen to place a firearm in a purse or under clothing should be no more burdensome than the requirements to place that same firearm in your glove box.

Several million Americans already carry discreetly, and shoot-outs over that last parking spot at the shoe store or the last doughnut on the lunch truck among law-abiding citizens never materialized. Statistics have shown that crime uniformly drops when states reduce infringements on the right of law-abiding people to bear arms. There is much truth to the old adage that society is more polite when criminals do not know who is armed. A large segment of Nevada's population already owns firearms, and the idea that restoring rights will cause law-abiding citizens to become mentally unbalanced is an unfounded correlation. When Nevada began issuing CCW permits, we heard from opponents that otherwise normal people would become homicidal maniacs, but the fact remains that restoration of rights does not change people into something they are not.

As I mentioned earlier, the permit system will remain in place for worthwhile reasons. One reason is to allow for those permit holders to share in reciprocity that allows them to carry legally in other states. Another reason is to allow those who purchase multiple firearms to qualify for the Brady exemption. With this exemption, a purchaser of a firearm saves considerable money by not having to pay additional fees and to forgo another background check each time when making a lawful purchase.

Passage of S.B. 143 will restore our rights and free up police resources that are tied up in a procedure requiring paperwork shuffling, approval processes with fees and attached expiration dates before law-abiding citizens can employ their rights. Law enforcement agencies should be allowed to focus their time on catching bad guys, not having to infringe upon the good guys.

Four other states do not require a permit to carry concealed: Vermont has never required a permit; Alaska repealed a permit requirement in 2003; Arizona repealed its requirement in 2010; and Wyoming repealed the requirement in 2011. It is now time for Nevada to repeal its CCW permit requirement. Legislators from many other states are planning now or have already introduced similar bills. Those states are Indiana, Iowa, Maine, Montana, Ohio, Rhode Island, South Carolina, Texas, Utah, Virginia and Wisconsin.

In sections 8 through 10 of this bill, I have been asked by the Department of Public Safety to change the effective date to upon passage and approval instead of the default date of October 1 ([Exhibit C](#)) as the Department would no longer be required to make an annual recommendation to the Sheriffs' and Chiefs' Association about which states CCW permits to recognize under *Nevada*

*Revised Statute* (NRS) 202.3689 when this bill passes. That statute is one of the repealed sections in section 16 of this bill. This process is time- and labor-intensive. Department staff would have to continue with the research to meet the current July 1 statutory deadline only to have it go away in October. This is not an endorsement of the bill by the Department, but a commonsense approach to not have staff expend the time and labor to do reporting that would no longer be required when this bill passes.

This bill also deletes the provisions in NRS 244.364 that allows counties with populations of over 700,000 people which adopted ordinances or regulations before June 13, 1989, that required the registration of firearms capable of being concealed. This is the very unpopular blue card program.

There has been some concern by a couple of gun rights groups about sections 1, 5 and 6 where the words "or firearm" have been inserted. To correct this, I would like to either remove these sections from the bill or insert the words "illegally carried" between "or" and "firearm" ([Exhibit D](#)).

**Chair Brower:**

Does S.B. 143 allow for those who wish to obtain a CCW permit to do that or does it eliminate that program all together?

**Senator Gustavson:**

The bill allows the CCW program to stay there, though a person will not be required to obtain one to conceal-carry. This way, there will still be reciprocity in other states that require it.

**Chair Brower:**

It sounded like you suggested that if I—or anyone else who is not a prohibited person in terms of possessing a firearm—wanted to open-carry, I would have to go through a background check to do that. It is my understanding that if you wanted to loan me a firearm, I could open-carry that firearm without a background check and without a CCW permit.

**Senator Gustavson:**

Yes. To purchase a firearm, you have to have a background check.

**Chair Brower:**

Under Nevada law, do you have to undergo a background check to purchase a firearm?

**Senator Gustavson:**

Yes.

**Chair Brower:**

To obtain a CCW permit, you have to go through another background check?

**Senator Gustavson:**

Yes.

**Chair Brower:**

Do you not have to go through a background check to open-carry?

**Senator Gustavson:**

Correct, as long as you can legally own a firearm.

**Chair Brower:**

Does that mean you are not prohibited from possessing a firearm?

**Senator Gustavson:**

Yes.

**Senator Kihuen:**

How many other states have laws similar to this one?

**Senator Gustavson:**

There are four other states: Vermont, Montana, Arizona and Alaska.

**Senator Kihuen:**

My understanding is that four states that have passed this law are in the top 15 states with the most gun deaths.

**Senator Gustavson:**

I am not aware of that.

**Senator Kihuen:**

I am a proud gun owner and I believe in the Second Amendment. I am one of the few Democrats in this body who owns a gun. I also believe in responsible gun ownership. I enter every one of these gun hearings with an open mind. I represent the Las Vegas Strip, the core of Las Vegas. If you take the Strip from Warm Springs Road to Charleston Boulevard and from Interstate 15 to Lamb Boulevard, that is the core of my district, Senatorial District No. 10. Last year, we saw about 41 million visitors. Obviously, our State relies on tourism for our economy. Are you concerned that if we pass a law similar to this one, we could see a potential decline in tourism? This may include tourists who come from countries or states that do not have similar laws or flexible gun laws.

**Senator Gustavson:**

No, I do not see why it would make any difference. If people can carry concealed firearms, you will not know they are carrying. It would intimidate some tourists to see people carry openly, and I would rather see them carry weapons concealed than openly.

**Jeff Bailey (National Association for Gun Rights):**

The National Association for Gun Rights is a grassroots organization of 4.5 million members, of which approximately 32,000 members reside in Nevada. This bill does not change who can carry, what they can carry or where they can carry. It only says that if you can legally carry openly in Nevada, for which the only requirement is that you are not a prohibited person under 18 USC 922, subsection (d), you can legally put on a coat. From time to time it gets cold, windy or rainy. Under the law, in order to put on a coat while wearing a firearm, a person is required to go through the background check process again and ask the government for permission to conceal-carry. That amounts to a coat tax. Some say that training is involved. That is true, but there is no training requirement to open-carry. Really, we are talking about having to have training in order to wear a coat. My mother taught me how to wear a coat, the government did not need to; I assume that mothers in Nevada are every bit as capable in teaching their children how to wear a coat safely.

Reciprocity is an issue I have heard from other states. I have worked on bills similar to this in a number of states, and there are states that claim if a bill such as this passed, the state would lose reciprocity with other states. Idaho is concerned about losing reciprocity with Nevada and Washington. Idaho cites that Alaska no longer has reciprocity with Washington as a result of Alaska's



transition to constitutional carry. The problem with that argument is that Alaska never had reciprocity with Washington and you cannot lose something you never had. Reciprocity in itself is a fallacy. It is not a negotiation between two states that say, "If you rub my back, I will rub yours." Rather, it is an evaluation of the statutes that citizens are required to go through to have a CCW permit. If the statutes are significantly similar between states, a state will honor the permit from that other state. If the requirements for the CCW permit in Nevada remain the same, reciprocity with other states will remain the same.

Another argument is revenue will decrease and training will decrease if a constitutional carry bill is passed. This has not been the case in other states where constitutional carry has passed. After this passed, Arizona saw a 63 percent increase in people applying for CCW permits, those who wanted reciprocity with other states. Whenever the government says, "This is the amount of training you need," people will get that amount of training and stop because they have met what the state said was sufficient. If there is not a minimum requirement, people will continue to train. Once you get into the firearms training culture, the culture says, "get as much training as you can afford." Many of us do. My firearms qualifications are not as great as many in this room, and they are greater than many in this room, I am somewhere in the middle. It turns out that I want to get as much training as I can, and I want everyone else to get as much training as they can. I do not want the government to mandate a certain level of training.

The changes to Nevada law in S.B. 143 bring it in line with 4 other states that have already passed constitutional carry and with the 15 states that are already considering it. A similar bill passed the Utah Senate 2 days ago and is before the Utah House before it adjourns tomorrow night. Kansas is racing to get this bill through. There are 96 sponsors in Maine. This seems to be the year to restore Second Amendment rights and allow people to exercise those rights without government encumbrances. The National Association for Gun Rights and our members support S.B. 143.

**Alisa Bistrek:**

I support S.B. 143. We would like to see an amendment to make sure that there is due process any time a firearm is confiscated.

**Chair Brower:**

If anybody would like to see an amendment to this bill, be sure to find a Committee member who can propose the amendment on your behalf.

**Ms. Bistrek:**

I have been in situations where I have had to defend myself. I have been thrown to the ground and attacked. I have been stalked in the grocery store and my vehicle. There are many occasions where I have had Mace and was able to guard my personal space. Other times, I was armed and able to see to my own safety. I have been physically assaulted and had to physically defend myself against a larger opponent. There is a unique balance between individual and civil liberty, and the task of the community is to guard the rights of the individual as long as the individual is not so out of control that he or she harms the civil rights of the community.

Our Second Amendment rights are crucial because self-defense is a basic right. There are situations where we need to defend ourselves or those around us when a firearm is the best tool we can use. When we have the freedom of those inalienable rights to defend ourselves, it makes for a safer community.

**Lynn Chapman (Independent American Party):**

My daughter had a BB gun when she was young. We taught her about guns using that. We took classes, and she understood the importance of safety. We studied guns in homeschooling and learned about their importance. Thomas Jefferson said, "No free man shall ever be debarred the use of arms." John Adams said, "Arms in the hands of individual citizens may be used at individual discretion in private self-defense." George Mason said, "To disarm the people— that was the best and most effectual way to enslave them."

Nowhere in the Federalist Papers is there anything about permits, being proficient, or only allowing a standing army or militia to bear arms. It is important that the people have the freedom to be able to carry their arms. When people buy guns, they have background checks. All of the checks and balances are in place, so we should trust the people.

**Senator Kihuen:**

Would you be in support of universal background checks?

**Ms. Chapman:**

I am talking about when somebody purchases a gun. Right now, they have to go through an FBI background check.

**Senator Kihuen:**

Would you support universal background checks on all purchases of guns?

**Ms. Chapman:**

I do not think so.

**Janine Hansen (Nevada Families for Freedom):**

The Nevada Families for Freedom supports S.B. 143. We heard this morning about our constitutional liberties in the U.S. Constitution, but Nevada has an excellent Constitution. Article 1, section 11, says, "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes." There is no requirement in the Nevada Constitution for a permit, just as there is no requirement to exercise free speech, freedom of religion or the right to petition. It is important to continue to assert our rights under the Nevada Constitution. My brother Dan always said that he had rights and dared to assert them. Today, we are here reasserting our constitutional right to keep and bear arms and to have the opportunity to have constitutional carry.

**Shawn Meehan:**

I am proud to live in a state where so many fellow citizens have read the Federalist Papers and are familiar with the Second Amendment. I support S.B. 143. Specifically, this is one less database where my name could be leaked to people who might use it to intimidate me. An example of this is the Maryland Transportation Authority Police targeting people in a Florida concealed weapons database for traffic stops. Last Session, while I was researching campus carry, I came upon the fact that the Department of Justice Inspector General issued a report that concluded background checks required to be immediately deleted after completion were illegally retained. I am in favor of any attempt to reduce the amount of records of people who own firearms and exercise their Second Amendment rights.

**John Ridgeway:**

I support S.B. 143. Over the years, everything about gun control has been geared toward safety. That is what we all want. You have pro-one bill and

anti-another bill, but the bottom line is that if you disarm the law-abiding citizens, you make them victims. Look at the number of mass shootings that all involved disarmed victims in murderous gun-free zones. Gun control has had the opposite effect of what it was trying to achieve. This bill is the correct step in the correct direction. The National Institute of Justice put studies together which said the best crime prevention program is a lever-pulling program. It said to enforce the existing laws and keep criminals locked up.

**Richard Brengman:**

I support S.B. 143. I have had a CCW permit since they have been available, and I have been treated in an offensive manner by certain members of law enforcement because of having a CCW permit, not because my taillight was out. Under federal law, retired or honorably discharged law enforcement officers have CCW permits without being required to go through the process of obtaining one. Under equality law, why are law enforcement officers allowed this but we citizens are not? Law enforcement officials are not inherently more honorable or law-abiding than the average citizen. We can look up instances of current and former law enforcement officers committing crimes no greater or less often than the average citizen. There is no reason for the average citizen not to have the same rights as former law enforcement officers. This bill should be passed, and it is overdue. It probably would have been passed if it were not for former Assemblyman Bernie Anderson.

**Keith Wood:**

I would like to point out that our neighboring state of Arizona has constitutional carry, and I am the guy who got it for them. In 1990, I began a campaign to legalize concealed weapons. At the time, they were against the law even involving a permit scheme. The people who told me that the streets of Arizona would run with blood have been proven wrong, not only during the CCW permit phase, but also following the passage of constitutional carry. I notice an airport police officer here and would point out that the majority of Nevada airports do not have any control over firearms. Most of our airports are privately or city run in areas that do not have laws regarding carry of firearms. We do not seem to have a bunch of people hijacking Cessnas.

The training issue is an oddball situation. In the early days of ham radio, you had to pass an exam on Morse code in order to get a license. When officials removed that requirement, the number of people with licenses went up and the amount of people interested in learning Morse code skyrocketed. Before, we had

just been learning whatever code we had to do to pass the test. One of the finest training schools in the Country is near Las Vegas, and the operators will tell you that the majority of people they see are not there for concealed weapons training, they are there for advanced weapons training of all sorts.

The gun control laws in this Country were based on the intent to keep guns out of the wrong hands, and the wrong hands of those people were hands that were not white enough. The U.S. Supreme Court *Dred Scott v. Sanford* decision in 1857 hinged on whether a black man could be a citizen. A citizen had the right to carry firearms, and the court decided it did not want black people able to do that. In 1956, the Reverend Martin Luther King Jr., while his congregation and family were receiving death threats from the community, applied for permission to buy and carry a pistol. That permission was denied. The Reverend Martin Luther King Jr. was a person who was considered too dangerous to have a firearm. Or was it that he was not considered white enough to have a firearm?

When the weather turns bad, the bad guys do not go home. If I am carrying a pistol openly, I do not turn into a ravenous animal when it gets cold enough to put on a jacket. That is why I urge that S.B. 143 be passed.

**Vern Brooks:**

I support S.B. 143 with the understanding that the Amendment, [Exhibit D](#), will make it acceptable. I agree with what Ms. Hansen said. I expect that a lot of what you will hear against this bill is that it will put guns in the hands of bad people. I am glad that during the introduction it was pointed out that this will not put firearms in the hands of anyone who cannot already open-carry a firearm. That cannot be stressed enough, and it is necessary that whenever the assertion is made that this will put guns in the hands of convicted felons, we come back to 18 USC 922, subsection (d) that says certain people are still prohibited possessors, and that has not changed.

I would like to address the question from Senator Kihuen regarding economic impacts. Most, if not all, of the popular tourist machine gun ranges fall within his district, District No. 10, and I have not been there on a day when they are not crowded. I would assert that many people would appreciate coming here as opposed to competition destinations that have different gun laws. We are a much more friendly destination to people who want to assert their constitutional rights.

**Alan Acacia:**

I support S.B. 143. Nevada is a free state and we cherish our individual liberties. This bill was crafted in the true spirit of Nevada, the true spirit of freedom. I strongly urge the Committee to pass this bill. I do not understand why I need a permission slip to exercise a God-given right, the right to self-defense. I am a law-abiding citizen with a spotless record. How does my right to self-defense put you or anyone else at risk? This bill removes the layers of pointless bureaucracy and useless government and restores freedom to Nevada. Constitutional carry has been the law in Vermont, Alaska, Arizona and Wyoming, and they have had no problems. Why do opponents of this commonsense bill think that Nevadans are somehow different from the folks in other states?

To Senator Kihuen, I have witnessed lines and lines of taxicabs and shuttle buses going to The Gun Store on Tropicana Avenue. Those people come from all over the world, mainly, nonpermissive environments where they are not allowed to shoot guns. They go to places like The Gun Store to shoot full-automatic machine guns as well as sniper rifles. Guns are a big business in Nevada. Why would these people be terrified of guns when they are coming here to shoot guns?

**Carol Howell (President, Northern Sierra Ladies Gun Club):**

I signed in for, against and neutral. This bill is much-needed. I signed in against S.B. 143 because I did not like section 1 and the confiscation portion. I thought the bill should have said, "convicted" not "charged" if people take a gun. Understanding that it is going to be amended, I support S.B. 143. I appreciate being a CCW permit holder. The ability not to have to walk down the street with a gun strapped to my belt and have the ability to put a jacket on in the winter and still carry my gun is why I carry a CCW permit. I also have it so that I can carry in other states. I see no problem with people coming into Carson City or Nevada and strapping a gun on their belt other than us looking like the Old West. To allow this, as amended, I will agree with Ms. Hansen's comments on the constitutionality of the bill.

**Jim Sallee:**

I support S.B. 143.

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**Chair Brower:**

The Committee has received a letter supporting S.B. 143 from the Stillwater Firearms Association ([Exhibit E](#)).

**Julie Butler (Chief, General Services Division, Department of Public Safety):**

Senator Gustavson presented our Amendment, [Exhibit C](#). The Department of Public Safety is neutral toward S.B. 143.

**Chair Brower:**

If the bill were to pass, you would prefer that it be amended as described in [Exhibit C](#)?

**Ms. Butler:**

Yes.

**Bob Roshak (Nevada Sheriffs' and Chiefs' Association):**

The Nevada Sheriffs' and Chiefs' Association is neutral on S.B. 143. It is not because we do not care or we have no concerns, it is that the membership is as passionate as many of the testifiers, and I was unable to get a consensus on the bill to take a stance one way or the other.

**Rosemary Vassiliadis (Director, Department of Aviation, Clark County):**

The Clark County Department of Aviation includes McCarran International Airport. I am also a member of the Nevada Commission on Homeland Security, appointed by Governor Brian Sandoval. The safety and security of our travelers and our personal freedoms are a delicate balance, one that all of us in the travel industry have been keenly focused on for the past 14 years. In addition to our primary responsibility, the safety of our travelers, employees, airlines, tenants, business personnel, and federal and local law enforcement officers, we have another important responsibility. We must always be sensitive to the perception of safety and security of the 43 million visitors who pass through our airport from around the Nation and the world. For that and other reasons, we oppose the sections in S.B. 143 and any other proposed legislation amending NRS 202.3673, subsection 2, specifically referencing airports.

It is important for the Committee to be aware that my testimony is a result of meetings and consultations with each of the law enforcement authorities responsible for the safety and security of our travelers, such as the Las Vegas Metropolitan Police Department, the Transportation Security

Administration (TSA), Customs and Border Protection, FBI and the Federal Air Marshals. The airlines operating out of McCarran International Airport also have significant concerns. There is a consensus among us that any legislation which significantly alters the law may have grave consequences and hinder our ability to secure and protect our customers.

The presence of concealed weapons in airports makes it difficult for law enforcement to identify armed suspects during an active shooting, like the Los Angeles International Airport tragedy that left a TSA officer dead and others seriously wounded. This bill is inconsistent with federal regulations that govern passenger screenings into secured areas. Those inconsistencies will cause confusion and delays for travelers. Since tourism is Nevada's No. 1 industry, we have taken every measure to ensure a seamless security process for our passengers and to be extremely sensitive to our customers' travel experiences. I know that you are all acutely aware that airports continue to be a terrorist target as well as a channel for other illegal activities, such as drug smuggling and human trafficking. A joint intelligence bulletin issued in January specifies that law enforcement, military and U.S. government personnel must remain vigilant due to continuing reports of targets toward that personnel. It also states aviation is an attractive target for violent extremist groups.

For those reasons, the safety and security of McCarran International Airport along with all of our Nation's airports is essential. All of us in the aviation industry and law enforcement partners carefully weigh and balance our security processes and policies. We who are tasked with protecting air travelers believe this proposed legislation, specifically the sections amending current airport security law, seriously threatens the balance we have achieved.

**Senator Kihuen:**

Do you feel that we would see a reduction in tourism if we passed S.B. 143 and similar types of legislation?

**Ms. Vassiliadis:**

That is a difficult question to answer. We do not have any statistical information. This law has been in effect since before the 9/11 terrorist attacks (9/11). It has been in effect since 1999. Eighty percent of the people who travel through McCarran are from somewhere else, and a quick, seamless and comfortable travel experience through the airport is important to them. We felt it after the 9/11 terrorist attacks when TSA was born, rules were changing,



there were backups at checkpoints, and people did not know or understand the rules. We lost air travel to the drivers in our close markets. We need to concentrate on what is the best experience for the passengers, and a consistent rule would be it.

**Senator Kihuen:**

I agree. The protection of our tourists should be of utmost importance. You mentioned potentially making it easier for potential terrorist attacks. Could you expand on that?

**Ms. Vassiliadis:**

I have the highest civilian security clearance and have been at a lot of briefings. We know that aviation, airports, airlines and aircraft are still major terrorist targets. The terrorists want to break into our security system, as they did before, and want to attack the Homeland again. We have to keep that in mind in everything we are doing. Knowing that more than half of any airport is federally required to follow rules when it comes to firearms and weapons, we feel that it is in the best interest for everyone's experience, especially ours in Nevada, where tourists are unseasoned travelers. Las Vegas is known worldwide. At McCarran International Airport, we have the highest peaks in the Nation on certain days. Even though we are not the busiest airport, on Sundays and Thursdays, we have more people coming in in a 2-hour period than any other domestic airport. That invites a threat, and we always have to remember that as a forefront in everything we do in our operation.

**Chair Brower:**

I think it is clear that this bill simply allows concealed carry of a firearm by nonprohibited persons without a CCW permit. It does not expand the scope of persons who can carry, places in which they can carry or the types of weapons they can carry. I am not sure I see how this impacts airports, except to the point that was raised from a security perspective. That is, airports may want to not have people concealing weapons who are not permitted to do so.

**Ms. Vassiliadis:**

The bill repeals NRS 202.3673 subsection 2, the provision stating that a CCW permit holder shall not carry a concealed firearm while he or she is on the premises of a public building located on the property of a public airport. That is the terminal building on the unsecured side. This bill repeals that section.

**Chair Brower:**

I will have to look at that section. Is it true that someone who is not a prohibited person can open-carry at an airport?

**Ms. Vassiliadis:**

Yes.

**Chair Brower:**

Does anybody disagree that a person can open-carry on airport property?

**Ms. Vassiliadis:**

No.

**Chair Brower:**

Does anybody disagree that a person with a CCW permit can conceal-carry on airport property?

**Mike Scott (Vice President, Operations and Public Safety, Reno-Tahoe Airport Authority):**

There is a caveat to your question. *Nevada Revised Statute 202.3673* states that you may not carry a concealed weapon in the public building of a public airport.

**Chair Brower:**

The law says you cannot conceal-carry, even with a permit, in a public building of a public airport.

**Mr. Scott:**

That is the commercial terminal building. Statute does not say you cannot bring a concealed weapon to airport property but it may not enter the public building of the public airport, which is the terminal and the nexus between the federally secured and the nonsecured area.

**Chair Brower:**

If I have a CCW permit and want to pick someone up in the airport and meet him or her in the baggage claim area, can I carry a concealed weapon?

**Mr. Scott:**

You cannot conceal-carry under NRS 202.3673, which prohibits concealed weapons in the public building of a public airport.

**Chair Brower:**

Can I open-carry?

**Mr. Scott:**

I do not have the open-carry law with me.

**Ms. Vassiliadis:**

You can open-carry.

**Chair Brower:**

Is concealed carry with a permit not allowed?

**Ms. Vassiliadis:**

Correct.

**Chair Brower:**

Is the concern about S.B. 143 that it would change and allow concealed carry?

**Ms. Vassiliadis:**

The consensus from the law enforcement agencies that work in and with the airport is that they would rather know who has a weapon coming into the terminal building.

**Alex Ortiz (Clark County):**

Clark County opposes S.B. 143. Ms. Vassiliadis focused on the airport property, but I am here to talk about the public facilities and buildings. This bill does repeal NRS 202.3673, which prohibits firearms on airport property and county buildings, with certain exceptions. Clark County bars firearms from its buildings and uses metal detectors in both court and noncourt buildings. The County believes it is important to have control over our own buildings, especially court facilities, juvenile justice, social services and family services where emotions sometimes interfere with rational thought.

**Mr. Scott:**

The Reno-Tahoe Airport Authority opposes S.B. 143 because it removes the prohibitions against concealed firearms carried in the airport. There has been talk about statistics and throwing around the idea of more guns, less crime. The statistics from the 1990s have no nexus between the post-9/11 airport security and safety environment. The deterrence effect is by standing police officers. We have officers on duty 24 hours a day, 7 days a week, 365 days a year, and to extend any pre-9/11 statistical analysis to the airport environment would be flawed and wrong. It would also be flawed to think that the addition of concealed weapons would deter the types of criminal activity we are worried about in the terminal. I have submitted my testimony opposing S.B. 143 ([Exhibit F](#)).

**Robert Vester (Chief, Airport Police, Reno-Tahoe Airport Authority):**

The Reno-Tahoe Airport Police Department opposes S.B. 143 and has submitted testimony for the record ([Exhibit G](#)).

**Chair Brower:**

We are all as sensitive to airport security issues as you are. I probably fly as much as anyone in this room. From a security perspective, I understand why the airports would not want to have weapons of any type in certain areas. I would submit that federal law and TSA regulations would trump any of this Committee's legislation with respect to certain secure areas. I cannot quite rationalize the fact that weapons are allowed to be openly carried in the airport. How do you all rationalize that? Is it something you are stuck with because that is what the law is, or is it something you rationalize from a security perspective?

**Mr. Scott:**

We would love your help on changing that law as well so that we could control open-carry in airports should the need arise.

**Chair Brower:**

Before I took a look at this area of the law in preparation for this hearing, I had assumed that weapons were not allowed.

**Mr. Scott:**

We would appreciate the Legislature's help in giving us the tools to manage open-carry should the need arise based on intelligence and information that an airport is being targeted. From my perspective as the responsible person for

overall security and public safety, it is our job to provide a safe and comfortable environment as passengers transit through our airports. Because we are at the nexus of the highly secure areas, we have to manage that transition effectively. As Ms. Vassiliadis knows more than we do, travelers from all over the world expect a certain standard as they are moving through our airports.

**Chair Brower:**

I am not sure I have ever seen anyone open-carry in airports, but maybe I am not noticing.

**Mr. Vester:**

We have not had an incident of open-carry reported to us in the 5 years I have been in Reno. I heard of an incident, but have not had to deal with a situation.

**Chair Brower:**

When you talk about an incident, would you be talking about one of your officers observing someone open-carrying or a passenger reporting someone open-carrying and thinking it was not allowed? As a practical matter, what would you do if someone in the baggage area is open-carrying?

**Mr. Vester:**

We would respond to that call like we would any other call from a citizen or traveler. We would ascertain the carrier's intent and his or her purpose for being in the terminal with a weapon. If people were exercising their Second Amendment rights, not on official business and causing alarm to the public, we would ask them to apply for a permit. We have an area in the airport where we allow individuals to express their constitutional rights.

**Chair Brower:**

You are opening up a whole new can of worms I am not sure we want to get into today. Is there a State law that restricts a person's ability to open-carry in the context we are discussing and allows the airport to restrict them?

**Mr. Vester:**

I am not aware of any State law, but public safety is our concern. When we have people who are alarmed or concerned with something going on in the airport, we respond and address it.

**Chair Brower:**

I appreciate that.

**Ms. Vassiliadis:**

Airports are a public use facility; therefore, you must have an aviation need of some sort. Meeters and greeters do fall into that need. I checked with our law enforcement and we also have not had a circumstance of open-carry, but if law enforcement was to get a report or see one, officers would respond the same way. It is not a usual practice that you see.

**Chair Brower:**

Beyond the usual meet and greet, it seems to me that the airports have no legal authority to restrict or talk to someone open-carrying who is otherwise not in violation of the law.

**Tim Bungum:**

I oppose S.B. 143. As a public health professional, my goal is to improve quality of life, protect people and prevent tragedies in fair and cost-effective ways. Firearm deaths are public health issues in America and Nevada. Every year, 33,000 gun-related deaths occur in America. That is a rate of 10.6 persons per 100,000, which is much higher than other high-income nations. Nevada's rate is about 17 persons per 100,000. Nevada is also one of five states that has more gun deaths than traffic deaths. Studies show that when more people have easy access to guns, there are more gun-related deaths. In places where gun ownership is more prevalent, people also report being victims of gun threats. I could find no evidence that more permissive carrying laws result in fewer gun-related deaths. The data shows slight increases in violent gun deaths when gun carry laws are relaxed. I believe that more permissive carry laws will lead to more tragic deaths.

**Brian O'Callaghan (Las Vegas Metropolitan Police Department):**

The Las Vegas Metropolitan Police Department opposes S.B. 143. Based on our testimony on similar legislation, you know the reasons for our opposition. The only new thing is the airport testimony. We agree with getting rid of the blue card program. One thing in S.B. 143 that we disagree with is maintaining the permits for firearms. If this bill moves forward, we would like to get rid of those. There is no reason for us to have them.

**Chair Brower:**

The Las Vegas Metropolitan Police Department covers the McCarran International Airport. What is the standing order on dealing with someone who is open-carrying in the airport?

**Mr. O'Callaghan:**

I do not know.

**Teresa Crawford (Moms Demand Action for Gun Sense in America):**

I oppose S.B. 143. We can clearly see that the provisions that scrap the permit for CCW permits will threaten the safety of our communities and threaten the safety of other communities. There is no reason to remove that final layer of safety between carrying a firearm and being able to conceal it in public. It is not a trivial thing to get that permit. It requires fingerprinting, an application and a fee. We would no more want to scrap that any more than we would want to say that our doctors and nurses, in whose hands we place our care, would have to make their continuing education training optional.

Having been a nurse, I know we have a culture of safety, but we do not just depend on that, we have training over and over again. I do not think firearm holders should be able to carry concealed without maintaining that training and renewing their licenses every 5 years. We think this bill opens possession of concealed weapons to the adjudicated mentally ill, stalkers and those with domestic violence convictions.

Arizona is not a poster child for the good things this bill can do for public safety. In Arizona, the category of aggravated assault and firearms was declining steadily in the 5 years prior to the law. In the 3 years after passage of the law, it began to climb. Arizona is No. 14 in the rate of gun deaths in the U.S., and the rate per 100,000 has increased since the state passed the law. If this passes, we will be able to run our own experiment, but we are experimenting with human lives. I request that this Committee look carefully at these sobering statistics. The last thing we should be considering is making it easier for dangerous people to carry hidden, loaded guns in public.

I have submitted my testimony in opposition to S.B. 143 ([Exhibit H](#)).

**Marla Turner:**

I oppose S.B. 143. My oldest son is a police officer for the Las Vegas Metropolitan Police Department. He works a graveyard shift in an area with a high crime rate and a lot of drug activity. He works by himself, and his hours provide a special risk factor. I am concerned that allowing anybody to have a concealed weapon is going to put him at greater risk. He will not be able to differentiate the good guy from the bad guy when multiple people are pulling out weapons. I am concerned for his safety and the safety of other officers.

I am also concerned for the safety of Good Samaritans. We have already seen a tragic shooting in North Las Vegas where a Good Samaritan at a Walmart pulled out his weapon and was shot. Multiple people having weapons is going to make it difficult to ascertain the good guys from the bad guys. It puts multiple people at risk. I am talking about the very real cost to law enforcement officers.

**Linda Cavazos:**

I oppose S.B. 143. I am a mental health professional. Last week, we heard from many advocates for various gun bills about how safe it would be for those with CCW permits to legally carry their weapons in many different kinds of environments like child care facilities, elementary schools, junior high schools, high schools and college campuses. We were repeatedly told that these gun owners had been vetted, trained and knew how to use their weapons. Why are we here today with a hearing on a bill that would repeal the requirement to have a permit for these weapons? Has something changed? Is there something different that suddenly these permits, vetting and training are no longer necessary? I am quite puzzled.

**Chair Brower:**

We are here because the bill was introduced and I scheduled a hearing. We are taking testimony from those who do not like the bill. It is a little late to be debating whether the bill should be heard. We would like to hear any testimony you have about why you do not think the bill should pass.

**Ms. Cavazos:**

My opinion is that this nonproductive, unnecessary bill will put a number of Nevadans at risk from those who feel that their guns are their identities. *Las Vegas Review-Journal* columnist Steve Sebelius said in a column posted March 11:



I have to wonder if it wouldn't be better to debate ways to build a society in which people weren't so filled with fear and paranoia that they wanted to carry a gun everywhere they go. If the Legislature concentrated on ways to ensure every Nevadan had a good job with a livable wage, a decent (defect-free) home, a good education, affordable health care and security in their retirement, maybe there'd be less talk about killing and more about living.

**Ron Dreher (Peace Officers Research Association of Nevada):**

The Peace Officers Association of Nevada opposes S.B. 143. This would open up concealed carry to any and everybody. We do not oppose open-carry, but we do oppose having everybody concealed carrying. As a retired law enforcement officer from Reno, I can tell you that this bill would require us to have every officer, at every stop they make, frisk for weapons. This would create more reports and problems; we would need sufficient cover because we do not know who is and is not carrying. Open-carry is one thing, CCW permits are one thing and reciprocity is one thing; but the issues I see from an officer safety perspective are immense. We do not know who is carrying, so when an officer pulls out his or her gun, we have to protect our officers. I represent officers in discipline cases and I see this bill creating more work. It is a great concept and I wish we could trust everybody, but it puts more pressure on law enforcement officers. It is a huge officer safety concern for the people I represent.

**Chair Brower:**

Let me make sure you were not exaggerating. This bill does not allow any and everyone to carry. Do you read it that way?

**Mr. Dreher:**

I thought the bill said that, and I came up here with that intent.

**Chair Brower:**

We stipulated that this bill does not change who can carry, it changes the manner in which they can carry. I believe that is your understanding of the bill. Are persons who are prohibited from possessing firearms allowed to carry by this bill?

**Mr. Dreher:**

Correct.

**Chair Brower:**

Do the bad guys bother to get a CCW permit?

**Mr. Dreher:**

They do not.

**Chair Brower:**

I ask those questions for clarification because there is enough distortion and exaggeration on both sides of this debate to fill up another 2 hours of testimony. I would ask everybody as we consider these important public policy issues—and as the Committee decides what to do with this bill—to ratchet that down. Less exaggeration would be helpful. Let us talk about what the bill does and does not do, rather than parading horrible scenarios to scare people. On its merits, S.B. 143 has enough problems to cause real concern; let us not exaggerate.

**Mr. Dreher:**

I am not exaggerating when I tell you that if I went out on a call after this bill were passed, I would be in danger. We are talking about officers going home safely every night. We treat people based on how they act in a situation, but most of our encounters in law enforcement are not pleasant. We are called to situations where we have to react in an instant. When I deal with a group of gangbangers, I have to assume they are armed, so I get additional cover. I understand what you are saying, and you are correct that this bill does not give the right to crooks to have guns, even though they carry them. I am looking at the officer safety concept because the good people I see carrying concealed firearms causes concern.

**Chair Brower:**

Officer safety and extra work for officers on the street is a fair concern; but this bill does not allow felons, fugitives, habitual drug users or others prohibited from owning a gun to possess a gun.

**Mr. Dreher:**

That is correct.

**Senator Hammond:**

I feel the same way as Chair Brower. I have been thinking about this bill for a number of weeks, and he acknowledges that a number of arguments made on

either side sometimes go to the extreme to make a point. When you go out on a call, do you check to see if people have a CCW? Most officers go into every situation with the understanding that it is potentially a dangerous situation, thinking that there may be a weapon. Even before you arrive at a residence on a call, you have a pretty good idea whether the person has a CCW permit; but you cannot tell for sure if the person at the residence does in fact have a weapon. Does every police officer take that extra precaution and is trained to do that?

**Mr. Dreher:**

Unfortunately, that is not true. Previous history does not always help when we go to a residence and we do not know who is carrying; but we do act as though everybody will do something and we are always on guard. We no longer have the opportunity when we go to an address to know whether they have a CCW permit; we do not know if a person has a CCW permit when we stop them. I wish we had the ability to have this history.

**Senator Hammond:**

Every time you arrive on scene, you assume that something could happen and remain vigilant. You look around, talk to people and are always on alert.

**Mr. Dreher:**

That is correct.

**Senator Hammond:**

Will this bill change that?

**Mr. Dreher:**

No, it will probably put officers more on guard, which is my concern.

**Senator Kihuen:**

You said that S.B. 143 could potentially lead to more frisks when you go out on a call. In light of all of the racial tension between police officers and minorities, are you concerned that if you are having to frisk more people, this could escalate that situation?

**Mr. Dreher:**

Yes, I am. Over a period of time, there may be more tension between police and citizens because we will have to tell officers to be on guard and take necessary

risks. Those risks are stopping and frisking those people for weapons to ensure our safety as well as theirs. The second you go to a hands-on approach, you create tension. Nobody likes to have an officer come over and search him or her. If somebody does have a weapon, we are taught to react in an instant. I believe that law enforcement officers would have to defend themselves more often if this bill were to become law. They do this so they can go home at night; it is not their job to die, it is their job to protect the public.

**Bilal Shabazz:**

I oppose S.B. 143. I believe that nonprofessionals carrying weapons in any manner puts the public in danger. A person who carries a gun legally is not necessarily a good guy and a person who mistakenly loses his or her life does not have the benefit of redress.

**Caitlyn Caruso:**

I oppose S.B. 143. There are over 55,000 CCW permit holders in Nevada. How many more people would be able to conceal-carry their weapons if this bill passed and what would that mean for students if campus carry bills pass? We have to look at this from a broad perspective that will show how this legislation would affect us. With this bill we would be allowing people to conceal-carry without any sort of vetting or requirements on school campuses. I do not want to have to sit down in my school's lobby and not know if the person next to me with a bulge of a gun under his or her coat has been trained in the ways to handle the weapon.

A person's risk of being shot is greatest between the ages of 17 through 29, according to a Center for Disease Control and Prevention study in 2010. That is ridiculous. Nevada has more gun-related deaths than vehicle-related deaths, and we cannot let that pass by without acknowledging that this would potentially allow criminals to conceal-carry. I know people are saying that that is not possible, but there are loopholes in obtaining weapons in Nevada. I have family members with bipolar disorder and crime convictions who still can purchase guns without any sort of background check or vetting. They can now open-carry, but they cannot conceal-carry because they do not qualify for the permit. That is a win for our State. We cannot have these people conceal-carrying on the streets so our police officers do not know if a mentally ill person is going to pull out a gun and shoot them. Why would we want to revoke the requirements that keep officers and students safe just so people can carry a gun under their coats when they get cold?

Many people here say that they are responsible gun owners, but I know that lots of people who have testified at these meetings have yelled at and harassed me after I testify. How am I supposed to trust the people who are begging for concealed carry without any vetting to carry weapons around me on the streets when they are yelling at me? I do not have that sort of trust with these people, and I do not think our Legislature should either. I am not an expert, but I hope you respect that our students are getting involved in our Legislature and telling you our concerns.

**Chair Brower:**

Why are you not in school?

**Ms. Caruso:**

These bills keep getting proposed, and I have to take off school to talk sense into you people.

**Chair Brower:**

Patrick Guinan has helped me understand some details about this bill, including the repealed sections. This bill would repeal NRS 202.3673, which is the statute that excepts certain types of public buildings from the list of places people can conceal-carry, including airports, higher education campuses, child care facilities and public schools. Senator Gustavson is it your intent that your bill repeal that section to allow conceal carry in those locations where concealed carry is currently prohibited?

**Senator Gustavson:**

My intent was to allow people to conceal-carry wherever they can legally open carry. That is why these sections were put in there.

**Chair Brower:**

I will take a look at that. We may have a further glitch with the bill because you cannot open-carry in many of these locations pursuant to other statutes.

**Senator Gustavson:**

This is not a campus carry. That is not my intent, and I am willing to work with the Committee. I am enlightened by the testimony from the airports. If S.B. 143 would allow you to conceal-carry at an airport, that was not my intent. The overall intent was to allow people to conceal-carry without a permit in the same places you can open-carry. We know that everyone in law enforcement is

trained to expect the unexpected and to be open and aware of anything that could happen. Officers do the same thing when making a traffic stop. They are prepared for the worst and are on alert for anything and everything. This bill does not change anything in the law as to who can carry. It is how you carry, not what you carry.

**Chair Brower:**

The rhetoric has been overheated on both sides of this issue, which does not help this debate. I respect the right of everybody to say whatever they want to say in their emails to us, but that does not help the Committee. We do appreciate input on what the bill does and does not do. We have flushed that out more today. If this bill passes, the world is not going to end and if this bill is never heard from again, the world is not going to end.

The term constitutional carry is a misnomer. Restrictions in the concealed weapon permit scheme in Nevada do not violate the Constitution, nor do all of the other restrictions placed on firearms in terms of who can possess them and what types can be possessed. Those issues have been litigated, most recently in *District of Columbia v. Heller*, 552 U.S. 570, 128 S.Ct. 2783 (2008). As a Legislature, we can place reasonable restrictions on the use and possession of firearms. Our job as Legislators is to determine what public policy makes the most sense. I know this bill has its good and bad points, and we will sort all of that out as a Committee and decide what we think is best for Nevada. This is within the power of the Legislature and not a constitutional issue.

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**Chair Brower:**

I will adjourn the meeting of the Senate Committee on Judiciary at 2:59 p.m.

RESPECTFULLY SUBMITTED:

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Julia Barker,  
Committee Secretary

APPROVED BY:

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Senator Greg Brower, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness or Agency</b>	<b>Description</b>
	A	1		Agenda
	B	10		Attendance Roster
S.B. 143	C	1	Department of Public Safety	Proposed Amendment
S.B. 143	D	14	Senator Don Gustavson	Proposed Amendment
S.B. 143	E	4	Stillwater Firearms Association	Letter of Support
S.B. 143	F	3	Reno-Tahoe Airport Authority	Letter of Opposition
S.B. 143	G	4	Reno-Tahoe Airport Authority	Letter of Opposition
S.B. 143	H	2	Teresa Crawford	Letter of Opposition