

SENATE BILL NO. 120—SENATORS RATTI AND CANNIZZARO

PREFILED JANUARY 29, 2019

Referred to Committee on Judiciary

SUMMARY—Provides for the issuance of orders of protection relating to high-risk behavior. (BDR 3-112)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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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 protective orders; defining certain terms relating to orders for protection against high-risk behavior; defining certain conduct and acts which constitute “high-risk behavior”; authorizing certain persons to apply for certain orders for protection against high-risk behavior; providing for the issuance and enforcement of such orders; prohibiting a person against whom such an order for protection is issued from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm during the period the order is in effect; establishing procedures relating to orders for protection against high-risk behavior; prohibiting the filing of an application for such orders under certain circumstances; making it a crime to violate such orders; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a court to issue certain temporary or extended orders
2 for protection. (NRS 33.020, 33.270, 33.400) **Sections 2-20** of this bill enact
3 similar provisions to provide for the issuance and enforcement of an emergency, ex
4 parte or extended order for protection against high-risk behavior. **Section 9** of this
5 bill sets forth conduct and acts by a person which constitute high-risk behavior.
6 Such behavior poses a risk of causing personal injury to the person or to another by
7 possessing or having under his or her custody or control, or purchasing or otherwise
8 acquiring, any firearm with having previously committed certain acts. **Section 10** of
9 this bill authorizes a family or household member or a law enforcement officer to
10 file a verified application to obtain certain orders for protection against high-risk
11 behavior. **Section 20** of this bill provides that a family or household member who



12 files a verified application for such an order for protection under certain
13 circumstances is guilty of a misdemeanor.

14 **Section 11** of this bill authorizes a court to issue orders for protection against
15 high-risk behavior which **section 17** of this bill provides are effective as follows:
16 (1) for an emergency order and ex parte order, a period of 21 days; and (2) for an
17 extended order, a period of 1 year, which is renewable. **Section 12** of this bill
18 provides that if such an order for protection is issued, the adverse party is
19 prohibited from owning or having in his or her possession or under his or her
20 custody or control, or purchasing or otherwise acquiring, any firearm. **Section 13** of
21 this bill establishes provisions related to the surrender and return of the firearms of
22 the adverse party. **Section 20** provides that a person who violates such an order for
23 protection is: (1) guilty of a misdemeanor; and (2) prohibited from possessing or
24 having under his or her custody or control, or purchasing or otherwise acquiring, a
25 firearm. **Sections 15-17** of this bill establish additional procedures related to the
26 issuance and enforcement of orders for protection against high-risk behavior.

27 Existing law provides that a person who commits certain crimes that are
28 punishable as a felony in violation of certain orders for protection is subject to an
29 additional penalty. (NRS 193.166) **Section 22** of this bill includes a felony
30 committed in violation of an emergency, ex parte or extended for protection against
31 high-risk behavior to the list of violations which result in an additional penalty.

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

1 **Section 1.** Chapter 33 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 20, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 20, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 8, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** *“Adverse party” means a natural person who is*
9 *named in an application for an order of protection against high-*
10 *risk behavior.*

11 **Sec. 4.** *“Clear and convincing evidence” means evidence*
12 *establishing every factual element to be highly probable or*
13 *evidence which must be so clear as to leave no substantial doubt.*

14 **Sec. 5.** *“Emergency order” means an emergency order for*
15 *protection against high-risk behavior.*

16 **Sec. 6.** *“Ex parte order” means an ex parte order for*
17 *protection against high-risk behavior.*

18 **Sec. 7.** *“Extended order” means an extended order for*
19 *protection against high-risk behavior.*

20 **Sec. 8.** *“Family or household member” means, with respect*
21 *to an adverse party, any:*

22 *1. Person related by blood, adoption or marriage to an*
23 *adverse party;*



1 2. Person who has a child in common with an adverse party,
2 regardless of whether the person has been married to the adverse
3 party or has lived together with the adverse party at any time;

4 3. Person who resides with an adverse party or has resided
5 with an adverse party within the past year;

6 4. Domestic partner of an adverse party;

7 5. Person who has a biological or legal parent and child
8 relationship with an adverse party, including, without limitation, a
9 natural parent, adoptive parent, stepparent, stepchild, grandparent
10 or grandchild; or

11 6. Person who is acting or has acted as a guardian to an
12 adverse party.

13 **Sec. 9.** High-risk behavior occurs when a person poses a risk
14 of causing personal injury to himself or herself or another person
15 by possessing or having under his or her custody or control, or by
16 purchasing or otherwise acquiring any firearm and has
17 previously:

18 1. Communicated a threat of violence or committed an act of
19 violence directed toward himself or herself or against another
20 person within the immediately preceding 6 months;

21 2. Violated a temporary or extended order for protection
22 against domestic violence issued pursuant to NRS 33.020;

23 3. Engaged in a pattern of threats of violence or acts of
24 violence within the immediately preceding 12 months, including,
25 without limitation, threats of violence or acts of violence directed
26 toward himself or herself or another person;

27 4. Exhibited conduct which a law enforcement officer
28 determines would present a threat to the safety of the public;

29 5. Engaged in conduct which presents a danger to himself or
30 herself or another person while:

31 (a) In possession, custody or control of a firearm; or

32 (b) Purchasing or otherwise acquiring a firearm;

33 6. Been convicted of a felony;

34 7. Engaged in the reckless use, display or brandishing of a
35 firearm;

36 8. Used, attempted to use or threatened the use of physical
37 force against another person;

38 9. Abused or is currently abusing a controlled substance or
39 alcohol;

40 10. Acquired a firearm or other deadly weapon within the
41 immediately preceding 6 months; or

42 11. Engaged in any other conduct or acts the court considers
43 relevant to determine whether to issue an order for protection
44 against high-risk behavior.



1 **Sec. 10. 1.** *A law enforcement officer who reasonably*
2 *believes that high-risk behavior has occurred or there exists a*
3 *threat of high-risk behavior may file a verified application for an*
4 *emergency order against the person who allegedly engaged in the*
5 *high-risk behavior.*

6 2. *A family or household member or law enforcement officer*
7 *who reasonably believes that high-risk behavior has occurred or*
8 *there exists a threat of high-risk behavior may file a verified*
9 *application for an ex parte or extended order against the person*
10 *who allegedly engaged in the high-risk behavior.*

11 3. *The verified application filed pursuant to this section must*
12 *include, without limitation:*

13 (a) *The name of the person seeking the order;*

14 (b) *The name and address, if known, of the person who*
15 *allegedly engaged in the high-risk behavior; and*

16 (c) *A detailed description of the conduct and acts that allegedly*
17 *constituted the high-risk behavior and the dates on which such*
18 *conduct and acts occurred.*

19 **Sec. 11. 1.** *The court may issue an emergency, ex parte or*
20 *extended order if the court finds by clear and convincing evidence*
21 *from facts shown by a verified application filed pursuant to section*
22 *10 of this act:*

23 (a) *That high-risk behavior has occurred or there exists a*
24 *threat of high-risk behavior; and*

25 (b) *Less restrictive options have been exhausted or are not*
26 *effective.*

27 2. *The court may require the person who filed the verified*
28 *application or the adverse party, or both, to appear before the*
29 *court before determining whether to issue an emergency or ex*
30 *parte order.*

31 3. *An emergency order may be issued with or without notice*
32 *to the adverse party. An ex parte order may only be issued after*
33 *notice to the adverse party. An extended order may only be issued*
34 *after notice to the adverse party and a hearing on the application.*

35 4. *A hearing on an application for an extended order must be*
36 *held within 21 days after the date on which the application for an*
37 *extended order is filed.*

38 5. *If it appears to the satisfaction of the court from specific*
39 *facts communicated by telephone to the court by a law*
40 *enforcement officer that an act of high-risk behavior has*
41 *occurred, the court may issue an emergency order against the*
42 *adverse party.*

43 6. *In a county whose population is 52,000 or more, the court*
44 *shall be available 24 hours a day, 7 days a week, including*
45 *nonjudicial days and holidays, to receive communications by*



1 *telephone and for the issuance of an emergency order pursuant to*
2 *subsection 5.*

3 *7. In a county whose population is less than 52,000, the court*
4 *may be available 24 hours a day, 7 days a week, including*
5 *nonjudicial days and holidays, to receive communications by*
6 *telephone and for the issuance of an emergency order pursuant to*
7 *subsection 5.*

8 *8. The clerk of the court shall inform the applicant upon the*
9 *successful transfer of information concerning registration to the*
10 *Central Repository for the Nevada Records of Criminal History as*
11 *required pursuant to NRS 33.095.*

12 **Sec. 12.** *Each order for protection against high-risk behavior*
13 *must:*

14 *1. Require the adverse party to surrender any firearm in his*
15 *or her possession or under his or her custody or control in the*
16 *manner set forth in section 13 of this act.*

17 *2. Prohibit the adverse party from possessing or having under*
18 *his or her custody or control any firearm while the order is in*
19 *effect.*

20 *3. Include a provision ordering any law enforcement officer*
21 *to arrest the adverse party with or without a warrant, if the officer*
22 *has probable cause to believe that the person has been served with*
23 *a copy of the order and has violated a provision of the order.*

24 *4. State the reasons for the issuance of the order.*

25 *5. Include instructions for surrendering any firearm as*
26 *ordered by the court.*

27 *6. State the time and date on which the order expires.*

28 *7. Include the following statement:*

29
30 **WARNING**

31 *This is an official court order. If you disobey this order, you*
32 *may be arrested and prosecuted for the crime of violating an*
33 *order for protection against high-risk behavior and any*
34 *other crime that you may have committed in disobeying this*
35 *order.*

36 **Sec. 13.** *1. After a court orders an adverse party to*
37 *surrender any firearm pursuant to section 12 of this act, the*
38 *adverse party shall, immediately after service of the order:*

39 *(a) Surrender any firearm in his or her possession or under*
40 *his or her custody or control to the appropriate law enforcement*
41 *agency designated by the court in the order; or*

42 *(b) Surrender any firearm in his or her possession or under*
43 *his or her custody or control to a person designated by the court in*
44 *the order.*



1 2. *If the court orders the adverse party to surrender any*
2 *firearm to a law enforcement agency pursuant to paragraph (a) of*
3 *subsection 1, the law enforcement agency shall provide the*
4 *adverse party with a receipt which includes a description of each*
5 *firearm surrendered and the adverse party shall, not later than 72*
6 *hours or 1 business day, whichever is later, after surrendering any*
7 *such firearm, provide the original receipt to the court. The law*
8 *enforcement agency shall store any such firearm or may contract*
9 *with a licensed firearm dealer to provide storage.*

10 3. *If the court orders the adverse party to surrender any*
11 *firearm to a person designated by the court pursuant to paragraph*
12 *(b) of subsection 1, the adverse party shall, not later than 72 hours*
13 *or 1 business day, whichever is later, after surrendering any such*
14 *firearm, provide to the court and the appropriate law enforcement*
15 *agency the name and address of the person designated in the order*
16 *and a written description of each firearm surrendered.*

17 4. *If there is probable cause to believe that the adverse party*
18 *has not surrendered any firearm in his or her possession or under*
19 *his or her custody or control within the time set forth in*
20 *subsections 2 and 3, the court may issue and deliver to any law*
21 *enforcement officer a search warrant which authorizes the officer*
22 *to enter and search any place where there is probable cause to*
23 *believe any such firearm is located and seize the firearm.*

24 5. *A law enforcement agency shall return any surrendered or*
25 *seized firearm to the adverse party:*

26 (a) *In the manner provided by the policies and procedures of*
27 *the law enforcement agency; and*

28 (b) *As soon as practicable but not less than 14 days after the*
29 *dissolution of an order for protection against high-risk behavior.*

30 6. *As used in this section, "licensed firearm dealer" means a*
31 *person licensed pursuant to 18 U.S.C. § 923(a).*

32 **Sec. 14.** 1. *The clerk of the court shall provide any family*
33 *or household member who files a verified application pursuant to*
34 *section 10 of this act or any adverse party, free of cost, with*
35 *information about the:*

36 (a) *Availability of orders for protection against high-risk*
37 *behavior;*

38 (b) *Procedure for filing an application for an order for*
39 *protection against high-risk behavior; and*

40 (c) *Right to proceed without counsel.*

41 2. *The clerk of the court or other person designated by the*
42 *court shall assist any person in completing and filing the*
43 *application, affidavit and any other paper or pleading necessary to*
44 *initiate or respond to an application for an order for protection*
45 *against high-risk behavior. This assistance does not constitute the*



1 *practice of law, but the clerk shall not render any advice or service*
2 *that requires the professional judgment of an attorney.*

3 **Sec. 15. 1.** *The court shall transmit, by the end of the next*
4 *business day after an order for protection against high-risk*
5 *behavior is issued or renewed, a copy of the order to the*
6 *appropriate law enforcement agency.*

7 **2.** *The court shall order the appropriate law enforcement*
8 *agency to serve, without charge, the adverse party personally with*
9 *the order for protection against high-risk behavior and to file with*
10 *or mail to the clerk of the court proof of service by the end of the*
11 *next business day after service is made. Service of an application*
12 *for an extended order and the notice of hearing thereon must be*
13 *served upon the adverse party pursuant to the Nevada Rules of*
14 *Civil Procedure.*

15 **3.** *A law enforcement agency shall enforce an order for*
16 *protection against high-risk behavior without regard to the county*
17 *in which the order was issued.*

18 **4.** *The clerk of the court shall issue, without fee, a copy of the*
19 *order for protection against high-risk behavior to any family or*
20 *household member who files a verified application pursuant to*
21 *section 10 of this act or the adverse party.*

22 **Sec. 16. 1.** *Whether or not a violation of an order for*
23 *protection against high-risk behavior occurs in the presence of a*
24 *law enforcement officer, the officer may, with or without a*
25 *warrant, arrest and take into custody an adverse party if the*
26 *officer has probable cause to believe that:*

27 **(a)** *An order has been issued pursuant to section 11 of this act*
28 *against the adverse party;*

29 **(b)** *The adverse party has been served with a copy of the order;*
30 *and*

31 **(c)** *The adverse party is acting in violation of the order.*

32 **2.** *If a law enforcement officer cannot verify that the adverse*
33 *party was served with a copy of the application and order for*
34 *protection against high-risk behavior, the officer shall:*

35 **(a)** *Inform the adverse party of the specific terms and*
36 *conditions of the order;*

37 **(b)** *Inform the adverse party that he or she has notice of the*
38 *provisions of the order and that a violation of the order will result*
39 *in his or her arrest;*

40 **(c)** *Inform the adverse party of the location of the court that*
41 *issued the original order and the hours during which the adverse*
42 *party may obtain a copy of the order; and*

43 **(d)** *Inform the adverse party of the date and time set for a*
44 *hearing on an application for an extended order, if any.*



1 3. *Information concerning the terms and conditions of the*
2 *order for protection against high-risk behavior, the date and time*
3 *of any notice provided to the adverse party and the name and*
4 *identifying number of the law enforcement officer who gave the*
5 *notice must be provided in writing to the applicant and noted in*
6 *the records of the law enforcement agency and the court.*

7 **Sec. 17.** 1. *An emergency or ex parte order expires within*
8 *such time, not to exceed 21 days, as the court fixes. If a verified*
9 *application for an extended order is filed within the period of an*
10 *emergency or ex parte order or at the same time that an*
11 *application for an emergency or ex parte order pursuant to*
12 *subsection 2 of section 10 of this act, the emergency or ex parte*
13 *order remains in effect until the hearing on the extended order is*
14 *held.*

15 2. *An extended order expires within such time, not to exceed*
16 *1 year, as the court fixes.*

17 3. *The family or household member or law enforcement*
18 *officer who filed the verified application or the adverse party may*
19 *request in writing to appear and move the dissolution of an order*
20 *for protection against high-risk behavior. Upon a finding by clear*
21 *and convincing evidence, the court may dissolve the order.*

22 4. *Not less than 3 months before the expiration of an*
23 *extended order and upon petition by a family or household*
24 *member or law enforcement officer, the court may, after notice*
25 *and a hearing, renew an extended order upon a finding by clear*
26 *and convincing evidence and if such an order expires within such*
27 *time, not to exceed 1 year, as the court fixes.*

28 **Sec. 18.** 1. *Any time that a court issues or renews an order*
29 *for protection against high-risk behavior and any time that a*
30 *person serves such an order or receives any information or takes*
31 *any other action pursuant to sections 2 to 20, inclusive, of this act,*
32 *the person shall, by the end of the next business day:*

33 (a) *Cause to be transmitted, in the manner prescribed by the*
34 *Central Repository for Nevada Records of Criminal History, any*
35 *information required by the Central Repository in a manner which*
36 *ensures that the information is received by the Central Repository;*
37 *and*

38 (b) *Transmit a copy of the order to the Attorney General.*

39 2. *If the Central Repository for Nevada Records of Criminal*
40 *History receives any information described in subsection 1, the*
41 *adverse party may petition the court for an order declaring that*
42 *the basis for the information transmitted no longer exists.*

43 3. *A petition brought pursuant to subsection 2 must be filed*
44 *in the court which issued the order for protection against high-risk*
45 *behavior.*



1 4. The court shall grant the petition and issue the order
2 described in subsection 2 if the court finds that:

3 (a) The basis for the order for protection against high-risk
4 behavior no longer exists;

5 (b) The record and reputation of the adverse party indicate
6 that he or she is not likely to act in a manner dangerous to public
7 and safety; and

8 (c) Granting the petition is not contrary to the public interest.

9 5. The court, upon granting the petition and entering an
10 order pursuant to this section, shall cause, on a form prescribed by
11 the Department of Public Safety, a record of the order to be
12 transmitted to the Central Repository for Nevada Records of
13 Criminal History.

14 6. Within 5 business days after receiving a record of an order
15 transmitted pursuant to subsection 5, the Central Repository for
16 Nevada Records of Criminal History shall take reasonable steps to
17 ensure that the information concerning the adverse party is
18 removed from the Central Repository.

19 7. If the Central Repository for Nevada Records of Criminal
20 History fails to remove the information as provided in subsection
21 6, the adverse party may bring an action to compel the removal of
22 the information. If the adverse party prevails in the action, the
23 court may award the adverse party reasonable attorney's fees and
24 costs incurred in bringing the action.

25 8. If a petition brought pursuant to subsection 2 is denied, the
26 adverse party may petition for a rehearing not sooner than 2 years
27 after the date of the denial of the petition.

28 **Sec. 19.** 1. It is unlawful for a family or household member
29 of an adverse party to file a verified application for an ex parte or
30 extended order:

31 (a) Which he or she knows or has reason to know is false or
32 misleading; or

33 (b) With the intent to harass the adverse party.

34 2. A person who violates the provisions of subsection 1 is
35 guilty of a misdemeanor.

36 **Sec. 20.** A person who intentionally violates an emergency,
37 ex parte or extended order for protection against high-risk
38 behavior is:

39 1. Unless a more severe penalty is prescribed by law for the
40 act that constitutes the violation of the order, guilty of a
41 misdemeanor; and

42 2. Prohibited from possessing or having under his or her
43 custody or control, or purchasing or otherwise acquiring, a
44 firearm for a period of 5 years.



Sec. 21. NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) To receive communications by telephone and for the issuance of ~~the~~:

(1) A temporary order pursuant to subsection 7 of NRS 33.020 ~~the~~; or

(2) *An emergency order for protection against high-risk behavior pursuant to subsection 5 of section 11 of this act.*

(e) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

Sec. 22. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;



1 (c) A temporary or extended order for the protection of a child
2 issued pursuant to NRS 33.400;

3 (d) *An emergency, ex parte or extended order for protection*
4 *against high-risk behavior issued pursuant to section 11 of this*
5 *act;*

6 (e) An order for protection against domestic violence issued in
7 an action or proceeding brought pursuant to title 11 of NRS;

8 ~~(e)~~ (f) A temporary or extended order issued pursuant to NRS
9 200.378; or

10 ~~(f)~~ (g) A temporary or extended order issued pursuant to
11 NRS 200.591,

12 ➤ shall, in addition to the term of imprisonment prescribed by
13 statute for the crime, be punished by imprisonment in the state
14 prison, except as otherwise provided in this subsection, for a
15 minimum term of not less than 1 year and a maximum term of not
16 more than 20 years. If the crime committed by the person is
17 punishable as a category A felony or category B felony, in addition
18 to the term of imprisonment prescribed by statute for that crime, the
19 person shall be punished by imprisonment in the state prison for a
20 minimum term of not less than 1 year and a maximum term of not
21 more than 5 years.

22 2. In determining the length of the additional penalty imposed
23 pursuant to this section, the court shall consider the following
24 information:

25 (a) The facts and circumstances of the crime;

26 (b) The criminal history of the person;

27 (c) The impact of the crime on any victim;

28 (d) Any mitigating factors presented by the person; and

29 (e) Any other relevant information.

30 ➤ The court shall state on the record that it has considered the
31 information described in paragraphs (a) to (e), inclusive, in
32 determining the length of the additional penalty imposed.

33 3. The sentence prescribed by this section:

34 (a) Must not exceed the sentence imposed for the crime; and

35 (b) Runs concurrently or consecutively with the sentence
36 prescribed by statute for the crime, as ordered by the court.

37 4. The court shall not grant probation to or suspend the
38 sentence of any person convicted of attempted murder, battery
39 which involves the use of a deadly weapon, battery which results in
40 substantial bodily harm or battery which is committed by
41 strangulation as described in NRS 200.481 or 200.485 if an
42 additional term of imprisonment may be imposed for that primary
43 offense pursuant to this section.



1 5. This section does not create a separate offense but provides
2 an additional penalty for the primary offense, whose imposition is
3 contingent upon the finding of the prescribed fact.

4 **Sec. 23.** NRS 202.3657 is hereby amended to read as follows:

5 202.3657 1. Any person who is a resident of this State may
6 apply to the sheriff of the county in which he or she resides for a
7 permit on a form prescribed by regulation of the Department. Any
8 person who is not a resident of this State may apply to the sheriff of
9 any county in this State for a permit on a form prescribed by
10 regulation of the Department. Application forms for permits must be
11 furnished by the sheriff of each county upon request.

12 2. A person applying for a permit may submit one application
13 and obtain one permit to carry all handguns owned by the person.
14 The person must not be required to list and identify on the
15 application each handgun owned by the person. A permit is valid for
16 any handgun which is owned or thereafter obtained by the person to
17 whom the permit is issued.

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

22 (a) Is:

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

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

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

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

31 (b) Is not prohibited from possessing a firearm pursuant to NRS
32 202.360; and

33 (c) Demonstrates competence with handguns by presenting a
34 certificate or other documentation to the sheriff which shows that
35 the applicant:

36 (1) Successfully completed a course in firearm safety
37 approved by a sheriff in this State; or

38 (2) Successfully completed a course in firearm safety offered
39 by a federal, state or local law enforcement agency, community
40 college, university or national organization that certifies instructors
41 in firearm safety.

42 ➤ Such a course must include instruction in the use of handguns
43 and in the laws of this State relating to the use of a firearm. A sheriff
44 may not approve a course in firearm safety pursuant to subparagraph

45 (1) unless the sheriff determines that the course meets any standards



1 that are established by the Nevada Sheriffs' and Chiefs' Association
2 or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist,
3 its legal successor.

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

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

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

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

10 (d) Has habitually used intoxicating liquor or a controlled
11 substance to the extent that his or her normal faculties are impaired.

12 For the purposes of this paragraph, it is presumed that a person has
13 so used intoxicating liquor or a controlled substance if, during the
14 immediately preceding 5 years, the person has been:

15 (1) Convicted of violating the provisions of NRS 484C.110;

16 or

17 (2) Committed for treatment pursuant to NRS 458.290 to
18 458.350, inclusive.

19 (e) Has been convicted of a crime involving the use or
20 threatened use of force or violence punishable as a misdemeanor
21 under the laws of this or any other state, or a territory or possession
22 of the United States at any time during the immediately preceding 3
23 years.

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

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

29 (h) *Is currently subject to an order for protection against high-*
30 *risk behavior.*

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

34 ~~(j)~~ (j) Has, within the immediately preceding 5 years, been
35 subject to any requirements imposed by a court of this State or of
36 any other state or territory or possession of the United States, as a
37 condition to the court's:

38 (1) Withholding of the entry of judgment for a conviction of
39 a felony; or

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

41 ~~(k)~~ (k) Has made a false statement on any application for a
42 permit or for the renewal of a permit.

43 ~~(l)~~ (l) Has been discharged or released from service in the
44 Armed Forces of the United States, a reserve component thereof or



1 the National Guard under conditions other than honorable
2 conditions and is less than 21 years of age.

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

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

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

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

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

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

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

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

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

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

44 (2) Was discharged or released from service in the Armed
45 Forces of the United States, a reserve component thereof or the



1 National Guard under honorable conditions, as evidenced by his or
2 her DD Form 214, "Certificate of Release or Discharge from Active
3 Duty," or other document of honorable separation issued by the
4 United States Department of Defense;

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

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

10 **Sec. 24.** This act becomes effective on January 1, 2020.



