



# FACT SHEET

## Question 1

### The Background Check Initiative

## Executive Summary

Given the rise of firearm-related violence in the United States, several states have initiated new legislative measures to attempt to keep firearms out of the possession of individuals who are prohibited from having them. This November, voters in Nevada will be asked to approve the Background Check Initiative, which is a statewide question to amend an existing Nevada law. Under current law, Federal Firearm Licensed (FFL) dealers are required to perform criminal background checks on buyers of firearms. However, private firearm sales made online, in-person, or at gun shows are not usually conducted using a FFL dealer, and thus are not subject to a background check. If a majority of voters approve the proposed measure, the revised law would require that an unlicensed person who wishes to sell or transfer a firearm to another person conduct the transfer through a Federal Firearm Licensed (FFL) dealer who must run a background check.

The Guinn Center will not take a position on the Background Check Initiative. Rather, our intent, in the pages that follow, is to summarize the primary arguments for and against the Background Check Initiative and to answer questions voters may have.

- 1) What is Question 1: The Background Check Initiative?
- 2) Are there any exemptions to the proposed revisions to existing Nevada statute?
- 3) Why is this measure coming to the voters?
- 4) Doesn't existing law require individuals purchasing a gun to undergo a background check?
- 5) Will this measure place any undue burden on a purchaser's ability to buy a firearm?
- 6) What are the primary arguments in support of the Background Check Initiative?
- 7) What are the primary arguments against the Background Check Initiative?
- 8) Will the initiative require a person with a concealed weapons permit to undergo a background check to purchase a firearm?
- 9) Have other states implemented similar measures?
- 10) Will the Background Check Initiative have a fiscal impact on Nevada?
- 11) Are there other policy considerations?



## Question 1: The Background Check Initiative

### 1. What is Question 1: The Background Check Initiative?

On November 8, 2016, the election ballot in Nevada will feature a statewide question to amend an existing Nevada law. Under current law, Federal Firearm Licensed (FFL) dealers are required to perform criminal background checks on buyers of firearms. However, private firearm sales made online, in-person, or at gun shows are not usually conducted using a FFL dealer, and thus are not subject to a background check. If a majority of voters approve the proposed measure, the revised law would require that an unlicensed person who wishes to sell or transfer a firearm to another person conduct the transfer through a FFL dealer who must run a background check.

Specifically, should a majority of voters approve the measure, Section 5 of Nevada Revised Statute 202.254 will be amended as follows:<sup>1</sup>

1. An unlicensed person shall not sell or transfer a firearm to another unlicensed person unless a licensed dealer first conducts a background check on the buyer or transferee.
2. The seller (transferor) and buyer (transferee) shall appear jointly with the firearm and request that a licensed dealer conduct a background check on the buyer (transferee).
3. A licensed dealer who agrees to conduct a background check shall take possession of the firearm and comply with all requirements of Federal and state law as though the licensed dealer were selling or transferring the firearm from his or her own inventory to the buyer (transferee), including but not limited to all record keeping requirements.
4. A licensed dealer who agrees to conduct a background check shall inform the seller (transferor) and the buyer (transferee) of the response from the National Instant Criminal Background Check System (NICS). If the response indicates that the buyer (transferee) is ineligible to purchase or possess the firearm, the licensed dealer shall return the firearm to the seller (transferor) and the seller (transferor) shall not sell or transfer the firearm to the buyer (transferee).
5. A licensed dealer may charge a reasonable fee for conducting a background check and facilitating a firearm transfer between unlicensed persons.

In short, if passed by a majority of Nevada voters, the revised statute would require:

- The sale of firearms in Nevada to be done through a licensed (FFL) dealer
- Licensed dealers to conduct a background checks on all firearm sales
- The transfer of firearms to be conducted through a licensed dealer
- Licensed dealers to conduct background checks on the buyers (transferees) of a firearm transfer transaction, and
- Licensed dealers to contact the National Instant Criminal Background Check System (NICS) and inform the seller before the transfer of the firearm.

## 2. Are there any exemptions to the provisions?

Yes, the revised statute allows for exceptions to the provisions. Specifically, the provisions of section 202.254 **do not** apply to:<sup>2</sup>

1. The sale or transfer of a firearm by or to any law enforcement agency and, to the extent he is acting within the course and scope of his employment and official duties, any peace officer, security guard, member of the armed forces, or federal official.
2. The sale or transfer of an antique firearm.
3. The sale or transfer of a firearm between immediate family members (e.g., spouses/domestic partners, parents, children, siblings, grandparents, grandchildren, aunts, uncles, nieces and nephews).
4. Transfers to executors of estates or trusts that occur upon the death of the owner of a firearm.
5. Temporary transfer of a firearm to a person who is not prohibited from buying or possessing firearms under state or Federal law if such transfer
  - a) Is necessary to prevent imminent death or great bodily harm; and
  - b) Lasts only as long as immediately necessary to prevent such imminent death or great bodily harm.
6. A temporary transfer of a firearm if
  - a) the transferor has no reason to believe that the transferee is prohibited from buying or possessing firearms under state or Federal law;<sup>a,3</sup>
  - b) the transferor has no reason to believe that the transferee will use or intends to use the firearm in the commission of a crime; and
  - c) such transfer occurs and the transferee's possession of the firearm following the transfer is exclusively;
    - i. at an established shooting range;
    - ii. at a lawful organized competition involving the use of a firearm;
    - iii. while participating in or practicing for a performance by an organized group that uses firearms as part of the public performance;
    - iv. while hunting or trapping; or
    - v. while in the presence of the transferor.

---

<sup>a</sup> According to the U.S. Department of Justice, persons prohibited from purchasing firearms include: Felons; Fugitives; Drug addicts or unlawful drug users; Individuals committed to mental institutions or adjudicated as "mentally defective"; Individuals dishonorably discharged from the armed forces; Individuals who have renounced their United States citizenship; Illegal or nonimmigrant aliens; Individuals subject to certain domestic violence restraining orders; and Individuals convicted of misdemeanor crimes of domestic violence.

### 3. Why is this measure coming to the voters?

The Background Check Initiative (Question 1) is sponsored by the Nevadans for Background Checks,<sup>b</sup> a political action committee, which circulated an initiative petition to voters in 2014 and secured sufficient signatures for the measure to be considered by the Legislature during the 2015 Nevada Legislative Session.<sup>4</sup> The Legislature had forty days to enact or reject the petition without amendment. Because the Legislature took no action, State law requires that the petition be placed on the November 8, 2016 ballot for consideration by voters. If a majority of voters approve this measure, it will go into effect on January 1, 2017.

Previously, Senate Bill 221, which contained similar provisions to the Background Check Initiative, was approved by the Nevada Legislature during the 2013 Legislative Session. However, Governor Brian Sandoval later vetoed the bill.<sup>c,5</sup>

### 4. Doesn't existing law require individuals purchasing a firearm to undergo a background check?

Across the United States, guns may be acquired through Federal Firearm Licensed (FFL) dealers, private sales, or through other avenues such as gun shows or on the Internet. Under current law, FFL dealers are required to perform criminal background checks on potential buyers before selling them the firearms.<sup>d,6</sup>

Firearm sales currently conducted through a FFL dealer prohibit the sale and transfer of guns to prohibited persons. However, private gun sales made online, in-person, or through gun shows are not

---

<sup>b</sup> We note that certain Guinn Center Board Members have acted as advisory members of Nevadans for Background Checks and have provided financial assistance. However, those board members played no role in the scoping and preparation of this report. Following our standard protocol, this Fact Sheet, prior to publication, was reviewed by an external panel of subject matter experts.

<sup>c</sup> Governor Sandoval acknowledged that he found merit in certain provisions of Senate Bill 221, such as mental health reporting and the timeliness of reporting criminal records. However, he expressed concerns that the bill violated Nevadans' Second Amendment rights by mandating gun transfers between family members had to be conducted through an FFL dealer and changing "the burden of proof associated with the prosecution of criminal for unlawful sale or disposal of a firearm."

<sup>d</sup> The Brady Handgun Violence Prevention Act (BHVPA), enacted in 1993, requires that all sales between a licensed dealer and a non-licensed individuals undergo a background check. In addition, it requires a five-day waiting period on all handgun sales. The National Instant Criminal Background Check System (NICS) provides the infrastructure needed to enforce the BHVPA.<sup>5</sup> Background checks can be conducted by NICS on behalf of the state or a state can decide to be the designated Point of Contact (POC) to conduct background checks. Regardless of the pathway by which background checks are completed, a person's requisition for a firearm is checked against three databases: National Crime Information Center, the Interstate Identification Index, and the NICS index. The databases searched during the background check include: (1) Interstate Identification Index (III), a database of criminal history record information; (2) National Crime Information Center (NCIC), which includes information on person's subject to civil protection orders and arrest warrants; and (3) NICS Index, which includes the information contributed by Federal and state agencies identifying persons prohibited from possessing firearms who are not included in the III or NCIC.

usually conducted using a FFL dealer, and thus are not subject to a background check. Estimates suggest that as much as 40 percent of gun sales are not completed by FFL dealers.<sup>7</sup> And firearm sales, particularly private ones, are not monitored or tracked by a national agency or an independent organization. This means that a significant share of firearm sales and transfers are not subject to a background check. Expanding the existing laws to require all private firearm sales, with exemptions (as noted previously), to be made through a FFL dealer and undergo a background check could help prevent individuals who are not permitted to obtain a firearm from acquiring them through unlicensed dealers.<sup>e,8</sup> If a majority of voters approve Question 1: Background Check Initiative, most private gun sales and transfers would require a FFL dealer to conduct a background check to complete the transaction. This is the loophole that the Background Check Initiative seeks to close.

A FFL who agrees to facilitate a transfer must comply with all requirements of state and Federal law as though he was transferring the firearm from the licensed dealer's own inventory.<sup>9</sup>

## **5. Will this measure place any undue burden on a purchaser's ability to buy a firearm?**

Currently in Nevada, an individual (not otherwise prohibited from purchasing a firearm) can purchase a firearm in several ways. First, an individual may purchase a firearm through a Federal Firearm Licensed (FFL) dealer, who is required by Federal law to conduct a background check. Second, an individual may purchase a firearm through a private dealer (e.g., at a gun show, etc.). However, should a majority of voters approve Question 1, an individual who chooses to purchase a firearm at a gun show or on-line, would be required now to complete the transaction through a FFL dealer (often located on site at gun shows), who would conduct a background check. Consequently, a person wishing to purchase a firearm at a gun show would have to undertake one additional step.

If a majority of voters approve this measure, there could be an increase in fees associated with purchasing a firearm through a private sale (or at a gun show). To clarify, there will be no change in the process of purchasing a gun if you purchase from a FFL dealer. However, if a person purchases a gun through an unlicensed dealer, he and the seller will have to complete the purchase or transfer through a FFL dealer who will conduct a background check on the buyer or transferor. The gun cannot be transferred to the buyer until the background check has been completed. As the initiative reads, "A licensed dealer may

---

<sup>e</sup> Since the Brady Act was enacted in 1994, 118 million applications for permits or transfers for firearms have gone through the National Instant Criminal Background Check System (NICS) system for a background check. Of those 118 million, only 2.1 million (or 1.8 percent) were denied the request to purchase or transfer a gun. In 2010, 153,000 requests were denied out of 10.4 million applications received, of which 47 percent were denied because of felony convictions, 19 percent for being a fugitive, 10 percent for state law prohibition, 10 percent for domestic violence, and 9 percent for drug users or addicts.<sup>8</sup> In 2010, 91,104 applications for firearms were submitted in Nevada of which 1,327 (or 1.45 percent) were denied. Over the period 2012-2014, Nevada blocked the gun sales of prohibited persons for a total of 5,379 gun sales transactions.

charge a reasonable fee for conducting a background check and facilitating a firearm transfer between unlicensed persons.”<sup>10</sup> Apart from this guidance, however, there is no discussion on the range of fees that FFLs may charge to provide this service. Briefly, we note that language in the Nevada Background Check Initiative is similar to that of Washington State, which stated that a “licensed dealer may charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed dealer for facilitating the sale or transfer of the firearm.”<sup>11</sup> In contrast, Colorado legislation proscribed that “a licensed gun dealer may charge a fee for services rendered pursuant to this section, which fee shall not exceed ten dollars.”<sup>12</sup>

Another concern expressed by opponents is that the requirement that all purchases and transfers be conducted through a Federal Firearm Licensed dealer (FFL) could place significant hardship on individuals living in rural Nevada. However, a review of the location of FFL dealers in Nevada indicates that there are a higher number of FFLs per capita in rural areas than in urban Nevada (see Table 1). For example, Clark County has one FFL per 10,000 residents while Elko County has five FFLs for every 10,000 residents.

**Table 1. Federal Firearm Licensed dealers, by County<sup>13</sup>**

County	FFL dealers	Total Population (2010-2014)	FFL per 10,000 residents
Carson City	29	54,634	5.31
Churchill	10	24,347	4.11
Clark	177	2,003,613	0.88
Douglas	44	47,135	9.33
Elko	27	50,991	5.30
Esmeralda	1	1,041	9.61
Eureka	6	1,761	34.07
Humboldt	12	17,003	7.06
Lander	8	5,930	13.49
Lincoln	7	5,282	13.25
Lyon	32	51,579	6.20
Mineral	3	4,627	6.48
Nye	31	42,938	7.22
Pershing	4	6,741	5.93
Storey	1	3,934	2.54
Washoe	109	429,985	2.53
White Pine	6	10,043	5.97
<b>Total</b>	<b>507</b>	<b>2,761,584</b>	

Source: U.S. Government Bureau of Alcohol, Tobacco, and Firearms Database

Additionally, the Background Check Initiative makes exceptions to the requirement that all transfers of firearms must be subject to background checks. Among these exceptions are temporary transfers which include hunting, self-defense, sporting activities, and transfers between family members.

## 6. What are the primary arguments in support of the Background Check Initiative?

Proponents of this measure argue that the revision to existing Nevada statute will make it more difficult for prohibited individuals to purchase firearms. As stated on the Nevadans for Background Checks website, “The Background Check Initiative is a common-sense proposal that will close loopholes in Nevada law that make it all too easy for felons, domestic abusers, and the dangerously mentally ill to buy guns. The Background Checks Initiative will improve public safety in Nevada by requiring background checks for all gun sales.”<sup>14</sup>

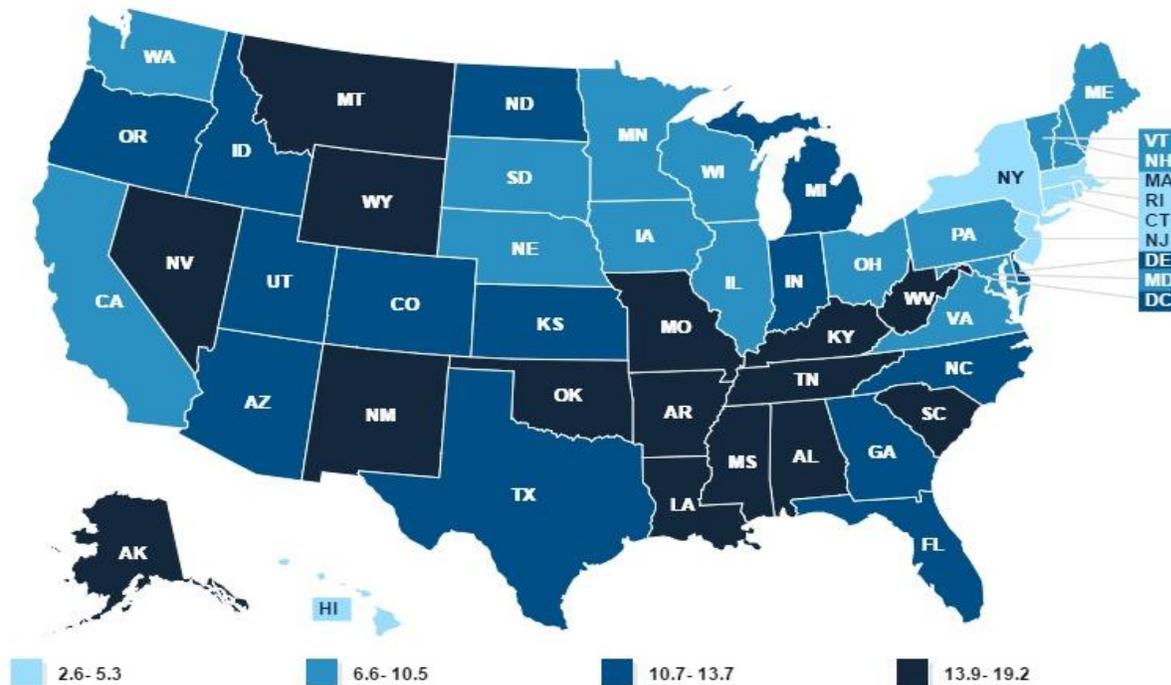
Supporters of this measure often make their case by referring to data that reveals the United States is one of the world leaders in gun ownership and is also one of the world’s leaders in firearm-related deaths. As a result of the growing gun violence, heightened attention has been given to gun policies at the national, state, and local levels. Compared to other countries with similar levels of development and wealth, the United States has the highest number of gun-related deaths, with over three deaths per every 100,000 persons, while other countries experience less than one death per 100,000 persons.<sup>15</sup> In 2013, 33,636 persons died from firearm injuries.<sup>16</sup>

In 2010, Nevada reported 14.6 gun deaths for every 100,000 residents, which makes the Silver State’s gun-death rate 40 percent higher than the national average.<sup>17</sup> Figure 1 provides an illustration of the frequency of firearm death rates nationwide. The Law Center to Prevent Gun Violence (LCPGV) ranks states using an A to F index, which assesses states on requirements for universal background checks, laws that weaken public safety, preemption laws, and overall gun death rates. According to LCPGV, data suggests there is an inverse relationship between stricter state gun control laws and gun-related mortality. In 2015, Nevada received an “F” given its weak gun control policies and its high rate of gun death rates.<sup>18</sup>

Over 300 Federal gun laws exist in the United States focused on regulating the “sale, possession, and use of firearms and ammunition.”<sup>19</sup> For example, Federal legislation requires gun sales through a Federal Firearm Licensed (FFL) dealer to undergo a background check and requires the dealer to retain records of the firearms sales. States, however, also have their own legislation and policies related to the sale, possession and use of firearms (see Appendix A for a summary of policies in Nevada). Not surprisingly, there is significant variation in firearm-related legislation at the state level, and this may result in loopholes among different states’ policies.

Supporters of this initiative argue that this proposed revision to existing legislation would reduce the opportunity for a person prohibited from obtaining a firearm from purchasing a gun from an unlicensed dealer in Nevada. Requiring all private sales (with some exceptions) to be handled through a FFL dealer and subject to a background check could reduce the opportunity for a prohibited person to obtain a firearm. A recent report summarizing the findings of an investigation conducted among 30 private sellers at gun shows in Nevada, Ohio and Tennessee noted that 19 of the private sellers would have completed the sale even after being told the purchaser “probably could not pass a background check.”<sup>20</sup>

Figure 1. Firearm death rates per 100,000 residents in the United States, 2010<sup>21</sup>



While not the primary argument for implementing background checks, there is, in fact, some evidence that stronger gun control policies have an impact on reducing gun violence. Rudell and Mays (2005) examined the relationship between state background checks and firearm-related homicides. They found a significant relationship between a reduction in gun-related homicides and comprehensive background checks, although no statistically significant relationship was found between overall homicide rates.<sup>22</sup>

A 2015 study found that Connecticut’s law requiring a purchaser of firearms to obtain permits (which included mandatory background checks) resulted in a 40 percent reduction in the State’s firearm homicide rates.<sup>23</sup> A 2014 study published in the *Journal of Public Health* examined the impact on homicide rates after Missouri repealed the requirement that its permit-to-purchase laws and found that the repeal of the law was associated with an increase in homicide rates.<sup>24</sup> However, a 2016 *Science News* report points out that there are limitations to drawing out possible implications of the study since “[w]e can’t say for certain whether more guns are moving to criminals – or whether legal gun owners are committing more crimes.”<sup>25</sup>

A 2015 meta-analysis for the *Annual Review of Public Health* found that expanding background checks has been an effective policy “in curtailing the diversion of guns to criminals.”<sup>26</sup> In a 2016 analysis, researchers found evidence that the “implementation of universal background checks for the purchase of firearms or ammunition, and firearm identification nationally could substantially reduce firearm mortality.”<sup>27</sup> Specifically, the authors estimated that universal background checks were associated with a 39 percent reduction in death, and that expansion of background checks could reduce the gun death rate in the United States by 57 percent.<sup>28</sup>

## 7. What are the arguments against the Background Check Initiative?

Opponents of the Background Check Initiative argue that gun control policies are ineffective, and as a result, they are unnecessarily restrictive. Specifically, opponents argue that this measure is not likely to prevent people prohibited from owning firearms from obtaining weapons. For example, a 2001 U.S. Department of Justice study found that less than 1 percent of prison inmates obtained their firearms from gun shows, while 40 percent acquired their firearms from their family and friends, and 39 percent obtained them from illegal sources.<sup>29</sup> This finding was upheld in a 2013 study that reported of 99 individuals incarcerated for criminal gun-related offenses, 40 out of 48 who responded to how they acquired their firearm did so through “family, fellow gang members, or other social connections.”<sup>30</sup> These findings lend support to the argument made by opponents that the Background Check Initiative will not “stop criminals from stealing firearms, getting them on the black market, or getting them from straw purchasers.”<sup>31</sup> Opponents to the Background Check Initiative also state that background checks do not have the ability to stop people who did not have a “disqualifying record” at the time of purchase.<sup>32</sup>

Opponents also argue that the proposed Background Check Initiative is ineffective because it does not prevent residents of Nevada who are prohibited from possessing firearms from traveling to a neighboring state that does not have similar restrictions. Lending evidence to this argument, one study notes that “more than 60 percent of the crime guns were initially purchased out of state.”<sup>33</sup> Currently, only one other state in the Intermountain West (California) has implemented a required background check system on the point of sale or transfer of all firearms.

Additionally, the National Rifle Association (NRA) opposes expanding firearm background check systems because “some proposals to do so would deprive individuals of due process of law, and because the NRA opposes firearm registration.”<sup>34</sup> In short, opponents argue that given the limited effectiveness of the Background Check Initiative, the measure would impose unnecessary restrictions on law-abiding individuals and their Second Amendment right to bear arms.

## 8. Will the initiative require a person with a concealed weapons permit to undergo a background check to purchase a firearm?

Background checks are exempt for those who have a state concealed weapons permit (CCW, also known as a permit to carry a concealed weapon). Thus, if a purchaser has a “concealed carry permit issued on or after July 1, 2011,” she is not required to go through a background check.<sup>35</sup> Should a person with a CCW obtain a firearm from an unlicensed dealer (at a gun show, on the Internet, or through a person-to-person transaction), there is no requirement for a background check to be conducted.

## 9. Have other states implemented similar measures?

A handful of other states have adopted a background check system on the transfer of firearms, similar to what is proposed in the Background Check Initiative. Among these are: California, Colorado, Connecticut,

Delaware, New York, Oregon, Rhode Island, Washington, and Washington, DC. Maryland and Pennsylvania require a background check on handguns only. In 2014, a majority of voters in Washington approved a measure similar to Nevada's Background Check Initiative. Preliminary data reported in April 2016 found that the new background check system had "prevented 50 felons from purchasing a gun from an unlicensed seller in Washington since expanded background checks took effect there in 2014."<sup>36</sup> Analysts noted that this amounts to a "rejection rate of less than 1 percent of the more than 6,000 private firearm sales during that timeframe," which is equivalent to the national rate of blocked gun transfers to felons recorded by the National Instant Criminal Background Check System (NICS) in the last 18 years.<sup>37</sup> Following implementation in Colorado, there were 13,600 background checks conducted between private sellers (about 4 percent of total state background checks) and 260 denials (a two percent rejection rate).<sup>38</sup>

## 10. Will the Background Check Initiative have a fiscal impact on Nevada?

Estimates indicate that The Background Check Initiative would have minimal fiscal impact on the Silver State. The Fiscal Analysis Division of the Legislative Counsel Bureau indicates that three possible scenarios could occur should the measure pass in November 2016:

- (1) The Nevada Department of Public Safety's Criminal History Repository (CHR) will remain as the point of contact (POC), thus Federal Firearm Licensed dealers will continue to send requests for background checks as they currently do. It is estimated that this would result in \$450,000 in additional expenditures, which would be recuperated by the \$25 background check assessment fee.
- (2) Federal Firearm Licensed dealers could initiate a background check directly through the National Instant Criminal Background Check System (NICS) for private-party sales. Should this occur, no financial impacts are expected for the State.
- (3) Should the State and the U.S. Federal Bureau of Investigation (FBI) decide to forgo using the Department of Public Safety's Criminal History Repository (CHR) and instead have all background checks go directly through the National Instant Criminal Background Check System (NICS), it could result in a \$2.7 million per year loss in revenue to the State.

## 11. Are there other policy considerations?

Enforcement of this measure may be a challenge. National and local government policy makers have acknowledged that a system requiring background checks for firearm sales and transfers is "unenforceable without a system of universal gun registration" for the reasons mentioned previously.<sup>39</sup> As David Kopel wrote in, *The Costs and Consequences of Gun Control*, the National Institute of Justice has recognized that "the only way to enforce the background-check law would be to require the retroactive registration of all currently owned firearms in the United States." Echoing this concern, law enforcement representatives in Washington [which passed the measure] voiced opposition noting that enforcement of the new background check policy will be difficult, particularly in rural areas where resources are limited.<sup>40</sup>

**Board of Directors**

**Phil Satre**  
*President*

**Tom Gallagher**  
*Vice President*

**Stephanie Tyler**  
*Vice President*

**Missy Young**  
*Secretary/Treasurer*

**Deane Albright, CPA**

**Joe Crowley, Ph.D.**

**Jill Derby, Ph.D.**

**Dan Hamilton, Ph.D.**

**Carol Harter, Ph.D.**

**Mick Hitchcock, Ph.D.**

**Ken Ladd**

**Dana Lee**

**Erin McMullen**

**Chris Roman**

**Douglas Seastrand**



**About the Kenny C. Guinn Center for Policy Priorities**

The Kenny C. Guinn Center for Policy Priorities is a 501(c)(3) nonprofit, bipartisan, independent research center focused on providing fact-based, relevant, and well-reasoned analysis of critical policy issues facing Nevada and the Intermountain West. The Guinn Center engages policy-makers, experts, and the public with innovative, data-driven research and analysis to advance policy solutions, inform the public debate, and expand public engagement.

© 2016 Kenny C. Guinn Center for Policy Priorities. All rights reserved.

Contact information:

Kenny Guinn Center for Policy Priorities  
c/o inNEVation Center  
6795 Edmond Street, Suite 300/Box 10  
Las Vegas, Nevada 89118  
Phone: (702) 522-2178  
Email: [info@guinncenter.org](mailto:info@guinncenter.org)

Nancy E. Brune, Ph.D., Executive Director  
Email: [nbrune@guinncenter.org](mailto:nbrune@guinncenter.org)

Erika R. Marquez, Ph.D., Director of Social Policy  
Email: [emarquez@guinncenter.org](mailto:emarquez@guinncenter.org)

Meredith A. Levine, Director of Economic Policy  
Email: [mlevine@guinncenter.org](mailto:mlevine@guinncenter.org)

Megan K. Rauch, Director of Policy Outreach & Public Engagement  
Email: [mrauch@guinncenter.org](mailto:mrauch@guinncenter.org)

**Appendix**

The Nevada Legislature oversees the regulation of firearms in the state. Senate Bill 175 and Senate Bill 240 extended the preemption to include firearm accessories.<sup>41</sup> Local entities typically only regulate “unsafe discharge of firearms.”<sup>42</sup> Firearm laws in Nevada fall under three categories: purchasing, possession, and carrying.

**Summary of existing gun policies in Nevada**

<b>Purchasing</b>	Most firearms require no permit to purchase with exception of fully automatic weapons which may require a Federal permit.
	-Background checks only required if purchases are made through a dealer that has a federal firearm license
<b>Possession</b>	A person 18 years of age or older may possess a firearm, <b>excluding</b> those with a:
	-Misdemeanor conviction of domestic violence
	-Felony conviction
	-Fugitive from justice
	-Unlawful user or addict of a controlled substance
	-Adjudication of mentally ill or commitment to a mental health facility
	-Unlawful presence in the U.S.
	- A blood alcohol concentration of 0.10 or more
	-Under the influence of certain substances to a degree rendering the person incapable of safely exercising actual physical control of a firearm
	-Otherwise prohibited by federal law from having a firearm in his or her possession control or custody
<b>Carrying Open</b>	With permission from a legal guardian a minor may carry a firearm for activities such as hunting or target shooting
	Open carrying laws allow those who are not prohibited from possessing a firearm to open carry. Exceptions include:
	-Loaded long gun may not be carried in a vehicle on a public road
<b>Carrying Concealed</b>	-Possession of a firearm or pneumatic gun on school property, at a facility of the Nevada System of Higher Education, or at a child care facility requires the permission of a principal, president, or a designated person of the child care facility to give permission to carry a weapon
	Concealed carrying of a firearm requires a permit issued by the residents' county sheriff
	-Must be 21 years of age or older, complete an approved carry concealed weapons course, have fingerprint cards processed, and submit a photograph with the application form to the appropriate sheriff.

- <sup>1</sup> Nevada Secretary of State. 2016. *The Background Check Initiative*. Retrieved from Nevada Secretary of State - 2016 Petitions: <https://nvsos.gov/index.aspx?page=1541>
- <sup>2</sup> Nevada Secretary of State. 2016. *The Background Check Initiative*. Retrieved from Nevada Secretary of State - 2016 Petitions: <https://nvsos.gov/index.aspx?page=1541>
- <sup>3</sup> United States Department of Justice. 2015. History of Federal Firearms Laws in the United States. Retrieved from United States Department of Justice - Office of Policy Development Archive: <https://www.justice.gov/archive/opd/AppendixC.htm>
- <sup>4</sup> The Political Action Committee has received more than half of its funds from has received 77 percent of its funds from Everytown for Gun Safety. Ballotpedia. Nevadans for Background Checks for Gun Purchases, Question 1 (2016). [https://ballotpedia.org/Nevada\\_Background\\_Checks\\_for\\_Gun\\_Purchases,\\_Question\\_1\\_\(2016\)](https://ballotpedia.org/Nevada_Background_Checks_for_Gun_Purchases,_Question_1_(2016))
- <sup>5</sup> Nevada Legislature. Messages from Governor Sandoval regarding 77<sup>th</sup> (2013) Session vetoed bills. [https://www.leg.state.nv.us/Session/77th2013/Reports/VetoMessages/SB221\\_77th\\_VetoMessage.pdf](https://www.leg.state.nv.us/Session/77th2013/Reports/VetoMessages/SB221_77th_VetoMessage.pdf)
- <sup>6</sup> Ludwig, J. 2000. Homicide and suicide rates associated with implementation of the Brady handgun violence prevention act. *The Journal of the American Medical Association*, 284(5), 585-591.; Montgomery, J. (2002). *National Instant Criminal Background Check System*. Washington D.C.: United States Attorney's Bulletin; Bureau of Justice. (2016, 3 29). *The NICS Improvement Amendments Act of 2007*. Retrieved from Bureau of Justice Statistics: <http://www.bjs.gov/index.cfm?ty=tp&tid=49>
- <sup>7</sup> Cook, P. & Ludwig, J. 1997. Guns in America: National survey on private ownership and use of firearms. National Institute of Justice: Research in Brief.
- <sup>8</sup> Frandsen, R., Naglich, D., Lauver, G., & Lee, A. 2013. Background checks for firearm transfers, 2010 - Statistical tables. Washington D.C.: U.S. Department of Justice; Everytown for Gun Safety. (2016). *Gun Violence and Background Checks in Nevada*. Retrieved from Everytown for Gun Safety: [http://everytownresearch.org/gun-violence-and-background-checks-in-nevada/?source=etno\\_NVRResearchHub&utm\\_source=et\\_n&utm\\_medium=o&utm\\_campaign=NVRResearchHub](http://everytownresearch.org/gun-violence-and-background-checks-in-nevada/?source=etno_NVRResearchHub&utm_source=et_n&utm_medium=o&utm_campaign=NVRResearchHub)
- <sup>9</sup> Nevada Secretary of State. 2016. The Background Check Initiative. Retrieved from Nevada Secretary of State - 2016 Petitions. <https://nvsos.gov/Modules/ShowDocument.aspx?documentid=3440>
- <sup>10</sup> Nevada Secretary of State. 2016. The Background Check Initiative. Retrieved from Nevada Secretary of State - 2016 Petitions: <https://nvsos.gov/index.aspx?page=1541>
- <sup>11</sup> Washington State Legislature. RCW 9.41.113. Firearm sales or transfers—Background checks—Requirements—Exceptions. <http://app.leg.wa.gov/rcw/default.aspx?cite=9.41.113>
- <sup>12</sup> Colorado Revised Statute. Section 18-12-112. <http://www.lexisnexis.com/hottopics/colorado/?app=00075&view=full&interface=1&docinfo=off&searchtype=get&search=C.R.S.+18-12-112>
- <sup>13</sup> U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives. Database on Federal Firearm Licensed Dealers. Accessed August 2016. [https://www.atf.gov/resource-center/publications-library?search\\_api\\_views\\_fulltext=&field\\_document\\_type\\_1=All&og\\_group\\_ref=1&=Apply&field\\_document\\_type\\_value=All&og\\_group\\_ref\\_target\\_id=186](https://www.atf.gov/resource-center/publications-library?search_api_views_fulltext=&field_document_type_1=All&og_group_ref=1&=Apply&field_document_type_value=All&og_group_ref_target_id=186)
- <sup>14</sup> Nevadans for Background Checks website. 2016. <https://safenevada.org/the-background-check-initiative/>
- <sup>15</sup> Leach-Kemon, K. (2016, 6 13). *Visualizing gun deaths: Comparing the U.S. to rest of the world*. Retrieved from Humanosphere: <http://www.humanosphere.org/science/2016/06/visualizing-gun-deaths-comparing-u-s-rest-world/>
- <sup>16</sup> Jiaquan Xu, M.D.; Sherry L. Murphy, B.S.; Kenneth D. Kochanek, M.A.; and Brigham A. Bastian, B.S., Deaths: Final Data for 2013. National Vital Statistics Report. Volume 64, Number 2. February 16, 2016. (Centers for Disease Control and Prevention: Washington, DC) [http://www.cdc.gov/nchs/data/nvsr/nvsr64/nvsr64\\_02.pdf](http://www.cdc.gov/nchs/data/nvsr/nvsr64/nvsr64_02.pdf)
- <sup>17</sup> Center for American Progress. 2010. Fact sheet: Nevada gun violence. Retrieved from American Progress: <https://www.americanprogress.org/wp-content/uploads/2013/04/NevadaGunViolence.pdf>
- <sup>18</sup> Law Center to Prevent Gun Violence. (2015, 8 14). Background Checks in Nevada. Retrieved from Law Center to Prevent Gun Violence: <http://smartgunlaws.org/background-checks-in-nevada/>

- <sup>19</sup> Safavi, A., Rhee, P., Pandit, V., Kulvatunyou, N., Aziz, H., Green, D., . . . Joseph, B. 2014. Children are safer in states with strict firearm laws: A national inpatient sample study. *Journal of Trauma & Acute Care Surgery*, 76(1), 146-151.
- <sup>20</sup> Wintemute, G. 2013. Comprehensive background checks for firearm sales: Evidence from gun shows. Davis: University of California, Davis, School of Medicine.
- <sup>21</sup> Kaiser Family Foundation State Health Facts. <http://kff.org/other/state-indicator/firearms-death-rate-per-100000/?activeTab=map&currentTimeframe=0&selectedDistributions=firearms-death-rate-per-100000&sortModel=%7B%22colld%22:%22Location%22,%22sort%22:%22asc%22%7D>
- <sup>22</sup> Ruddell, R., & Mays, G. 2005. State background checks and firearms homicides. *Journal of Criminal Justice*, 127-135.
- <sup>23</sup> Rudolph, K., Stuart, E., Vernick, J., & Webster, D. 2015. Association between Connecticut’s permit-to-purchase handgun law and homicides. *Research and Practice*. 105 (8); e49-e54. [http://www.taleoftwostates.com/wp-content/uploads/2015/06/Connecticut-Study-Rudolph\\_AJPH201411682\\_Final.pdf](http://www.taleoftwostates.com/wp-content/uploads/2015/06/Connecticut-Study-Rudolph_AJPH201411682_Final.pdf)
- <sup>24</sup> Webster, D., Crifasi, C., & Vernick, J. (2014). Effects of the repeal of Missouri’s handgun purchaser licensing law on homicides. *Journal of Urban Health*, 293-302.
- <sup>25</sup> Rosen, M. (2016, May 3). Gun Research Faces Roadblocks and a dearth of data. Retrieved from Science News: <https://www.sciencenews.org/article/gun-research-faces-roadblocks-and-dearth-data>
- <sup>26</sup> Webster, D. & Wintemute, G. 2015. Effects of policies designed to keep firearms from high-risk individuals. *Annual Review of Public Health*. 36: 21-27. <http://www.annualreviews.org/doi/pdf/10.1146/annurev-publhealth-031914-122516>
- <sup>27</sup> Kalesan, B., Mobily, M., Keiser, O., Fagan, J., & Galea, S. 2016. Firearm legislation and firearm mortality in the USA: A cross-sectional, state-level study. *The Lancet*.
- <sup>28</sup> Kalesan, B., Mobily, M., Keiser, O., Fagan, J., & Galea, S. 2016. Firearm legislation and firearm mortality in the USA: A cross-sectional, state-level study. *The Lancet*.
- <sup>29</sup> Harlow, C. 2001. Survey of inmates in State and Federal Correctional Facilities: Firearm Use by Offenders. U.S. Department of Justice.
- <sup>30</sup> Cook, P., Parker, S., Pollack, H. 2015. Sources of guns to dangerous people: What we learn by asking them. *Preventive Medicine*. 79, 28-36.
- <sup>31</sup> National Rifle Association – Institute for Legislative Action. (2016 8 26). Firearm Background Checks and Registration. NRA-ILA. <https://www.nraila.org/issues/background-checksnics/>
- <sup>32</sup> Kopel, D. 2015. The cost and consequences of gun control. *Policy Analysis*, 784. Cato Institute; Washington, D.C. <http://www.cato.org/publications/policy-analysis/costs-consequences-gun-control>
- <sup>33</sup> Cook, P., Parker, S., Pollack, H. 2015. Sources of guns to dangerous people: What we learn by asking them. *Preventive Medicine*. 79, 28-36.
- <sup>34</sup> National Rifle Association-Institute for Legislative Action website. Accessed August 2016. <https://www.nraila.org/issues/background-checksnics/>
- <sup>35</sup> Law Center to Prevent Gun Violence. (2015, 8 14). Background Checks in Nevada. Retrieved from Law Center to Prevent Gun Violence: <http://smartgunlaws.org/background-checks-in-nevada/>
- <sup>36</sup> The Trace. (2016, 4 1). The Trace. Retrieved 8 23, 2016. 50 Felons are Blocked from Buying Guns, and the Debate Over Universal Background Checks Flares Up Again. <https://www.thetrace.org/2016/04/washington-state-blocks-50-felons-background-checks/>
- <sup>37</sup> The Trace. (2016, 4 1). The Trace. Retrieved 8 23, 2016. 50 Felons are Blocked from Buying Guns, and the Debate Over Universal Background Checks Flares Up Again. <https://www.thetrace.org/2016/04/washington-state-blocks-50-felons-background-checks/>
- <sup>38</sup> Ivan Moreno. Impact of Colorado law expanding gun background checks vastly overstated. *Associated Press in Boulder News*. July 25, 2014. [http://www.dailycamera.com/news/boulder/ci\\_26213797/impact-colorado-law-expanding-gun-background-checks-vastly](http://www.dailycamera.com/news/boulder/ci_26213797/impact-colorado-law-expanding-gun-background-checks-vastly)
- <sup>39</sup> Kopel, D. (2015). The cost and consequences of gun control. *Policy Analysis*, 784. Drawn from Greg Ridgeway, Summary of Select Firearm Violence Prevention Strategies, National Institute of Justice, January 4, 2013, <http://www.nraila.org/media/10883516/nij-gun-policy-memo.pdf>

<sup>40</sup> Mario Alfonsi. Commentary: Question 1 would not make Nevada any safer. Elko Daily Press. August 9, 2016. [http://elkodaily.com/news/opinion/commentary/commentary-question-would-not-make-nevada-any-safer/article\\_61be78e9-45d1-5113-bf58-3cf4088fdb6.html](http://elkodaily.com/news/opinion/commentary/commentary-question-would-not-make-nevada-any-safer/article_61be78e9-45d1-5113-bf58-3cf4088fdb6.html); The Trace. (2016, 4 1). The Trace. Retrieved 8 23, 2016. 50 Felons are Blocked from Buying Guns, and the Debate Over Universal Background Checks Flares Up Again <https://www.thetrace.org/2016/04/washington-state-blocks-50-felons-background-checks/>

<sup>41</sup> Hoffecker, C. 2016. Research Brief on Firearms. Nevada: Nevada Legislative Counsel Bureau.

<sup>42</sup> Hoffecker, C. 2016. Research Brief on Firearms. Nevada: Nevada Legislative Counsel Bureau.