

ASSEMBLY BILL NO. 436—ASSEMBLYMEMBERS GRAY, O’NEILL,
GURR, DICKMAN; DELONG, EDGEWORTH, GALLANT,
HAFEN, HANSEN, HIBBETTS, KOENIG AND YUREK

MARCH 17, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to firearms.
(BDR 15-830)

FISCAL NOTE: Effect on Local Government: No.
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 firearms; removing and revising certain exemptions of The Background Check Act; revising provisions relating to the forms prescribed for a permit to carry a concealed firearm and for the renewal of such a permit; revising provisions relating to courses in firearm safety that are required to be completed to obtain a permit to carry a concealed firearm; revising provisions governing the renewal of a permit to carry a concealed firearm; authorizing a retired law enforcement officer who is not a resident of this State to apply to any sheriff for certification to become a qualified retired law enforcement officer; prohibiting the Central Repository for Nevada Records of Criminal History from charging a fee for a background check under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law commonly known and cited as The Background Check Act
2 requires a licensed firearm dealer to conduct a background check on a person who
3 wishes to buy or receive a firearm from an unlicensed person. Existing law also
4 provides certain exemptions from the requirement to conduct a background check
5 when a private person is selling or transferring a firearm. (NRS 202.2544-
6 202.2549) **Section 1** of this bill: (1) removes the requirement that a peace officer,
7 security guard entitled to carry a firearm, member of the armed forces or federal
8 official must be acting within the scope of his or her employment and official duties



9 for the exemption to be effective; and (2) adds a qualified retired law enforcement
10 officer to the list of persons exempted from the Act.

11 Existing law authorizes a person to apply to the sheriff to obtain a permit to
12 carry a concealed firearm and sets forth various requirements and conditions related
13 to the issuance of such permits. (NRS 202.3657) **Section 2** of this bill requires: (1)
14 any application for a permit to carry a concealed firearm to be on a uniform
15 statewide form prescribed by regulation of the Department of Public Safety; and (2)
16 a sheriff to determine that a course in firearm safety meets any uniform statewide
17 standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if
18 the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

19 Existing law provides that a permit to carry a concealed firearm may not be
20 renewed unless the person has demonstrated continued competence with handguns
21 by successfully completing a course prescribed by the sheriff renewing the permit.
22 (NRS 202.3677) **Section 3** of this bill prohibits a sheriff from prescribing such a
23 course unless the sheriff determines that the course meets any uniform statewide
24 standards, including, without limitation, the timeframe for completing the course
25 and the length of the course, that are established for renewing a permit by the
26 Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs'
27 Association ceases to exist, its legal successor.

28 Existing law authorizes a retired law enforcement officer who is a resident of
29 this State to apply to the sheriff of the county in which he or she resides for
30 certification to become a qualified retired law enforcement officer. (NRS 202.3678)
31 Such certification confirms that the retired law enforcement officer meets the
32 requirements to carry a concealed firearm under Nevada law and federal law. (NRS
33 202.350; 18 U.S.C. § 926C) **Section 4** of this bill: (1) requires an application to
34 become a qualified retired law enforcement officer to be on a uniform statewide
35 form prescribed by the Department of Public Safety; and (2) authorizes a retired
36 law enforcement officer who is not a resident of this State to apply to any sheriff
37 for certification to become a qualified retired law enforcement officer.

38 Existing law authorizes an agency of criminal justice to charge a reasonable fee
39 for information relating to records of criminal history provided to any person or
40 governmental entity. (NRS 179A.140) **Section 5** of this bill prohibits the Central
41 Repository for Nevada Records of Criminal History from charging a fee for
42 information provided to a licensed firearm dealer if the dealer is required to conduct
43 a background check pursuant to federal law for a peace officer or qualified retired
44 law enforcement officer.

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

1 **Section 1.** NRS 202.2548 is hereby amended to read as
2 follows:

3 202.2548 The provisions of NRS 202.2547 do not apply to:

4 1. The sale or transfer of a firearm by or to any law
5 enforcement agency and ~~[, to the extent he or she is acting within~~
6 ~~the course and scope of his or her employment and official duties,]~~
7 any peace officer, *qualified retired law enforcement officer*,
8 security guard entitled to carry a firearm under NAC 648.345,
9 member of the armed forces or federal official.

10 2. The sale or transfer of an antique firearm.



1 3. The sale or transfer of a firearm between immediate family
2 members, which for the purposes of this section means spouses and
3 domestic partners and any of the following relations, whether by
4 whole or half blood, adoption, or step-relation: parents, children,
5 siblings, grandparents, grandchildren, aunts, uncles, nieces and
6 nephews.

7 4. The transfer of a firearm to an executor, administrator,
8 trustee or personal representative of an estate or a trust that occurs
9 by operation of law upon the death of the former owner of the
10 firearm.

11 5. A temporary transfer of a firearm to a person who is not
12 prohibited from buying or possessing firearms under state or federal
13 law if such transfer:

14 (a) Is necessary to prevent imminent death or great bodily harm;
15 and

16 (b) Lasts only as long as immediately necessary to prevent such
17 imminent death or great bodily harm.

18 6. A temporary transfer of a firearm if:

19 (a) The transferor has no reason to believe that the transferee is
20 prohibited from buying or possessing firearms under state or federal
21 law;

22 (b) The transferor has no reason to believe that the transferee
23 will use or intends to use the firearm in the commission of a crime;
24 and

25 (c) Such transfer occurs and the transferee's possession of the
26 firearm following the transfer is exclusively:

27 (1) At an established shooting range authorized by the
28 governing body of the jurisdiction in which such range is located;

29 (2) At a lawful organized competition involving the use of a
30 firearm;

31 (3) While participating in or practicing for a performance by
32 an organized group that uses firearms as a part of the public
33 performance;

34 (4) While hunting or trapping if the hunting or trapping is
35 legal in all places where the transferee possesses the firearm and the
36 transferee holds all licenses or permits required for such hunting or
37 trapping; or

38 (5) While in the presence of the transferor.

39 **7. *As used in this section, "qualified retired law enforcement***
40 ***officer" has the meaning ascribed to it in 18 U.S.C. § 926C.***

41 **Sec. 2.** NRS 202.3657 is hereby amended to read as follows:

42 202.3657 1. Any person who is a resident of this State may
43 apply to the sheriff of the county in which he or she resides for a
44 permit on a ***uniform statewide*** form prescribed by regulation of the
45 Department. Any person who is not a resident of this State may



1 apply to the sheriff of any county in this State for a permit on a
2 *uniform statewide* form prescribed by regulation of the Department.
3 Application forms for permits must be furnished by the sheriff of
4 each county upon request.

5 2. A person applying for a permit may submit one application
6 and obtain one permit to carry all handguns owned by the person.
7 The person must not be required to list and identify on the
8 application each handgun owned by the person. A permit is valid for
9 any handgun which is owned or thereafter obtained by the person to
10 whom the permit is issued.

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

15 (a) Is:

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

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

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

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

24 (b) Is not prohibited from possessing a firearm pursuant to NRS
25 202.360; and

26 (c) Demonstrates competence with handguns by presenting a
27 certificate or other documentation to the sheriff which shows that
28 the applicant:

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

31 (2) Successfully completed a course in firearm safety offered
32 by a federal, state or local law enforcement agency, community
33 college, university or national organization that certifies instructors
34 in firearm safety.

35 ↪ Such a course must include instruction in the use of handguns
36 and in the laws of this State relating to the use of a firearm. A sheriff
37 may not approve a course in firearm safety pursuant to subparagraph

38 (1) unless the sheriff determines that the course meets any *uniform*
39 *statewide* standards that are established by the Nevada Sheriffs' and
40 Chiefs' Association or, if the Nevada Sheriffs' and Chiefs'
41 Association ceases to exist, its legal successor.

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

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

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



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

3 (d) Has habitually used intoxicating liquor or a controlled
4 substance to the extent that his or her normal faculties are impaired.
5 For the purposes of this paragraph, it is presumed that a person has
6 so used intoxicating liquor or a controlled substance if, during the
7 immediately preceding 5 years, the person has:

8 (1) Been convicted of violating the provisions of NRS
9 484C.110; or

10 (2) Participated in a program of treatment pursuant to NRS
11 176A.230 to 176A.245, inclusive.

12 (e) Has been convicted of a crime involving the use or
13 threatened use of force or violence punishable as a misdemeanor
14 under the laws of this or any other state, or a territory or possession
15 of the United States at any time during the immediately preceding 3
16 years.

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

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

22 (h) Is currently subject to an emergency or extended order for
23 protection against high-risk behavior issued pursuant to NRS 33.570
24 or 33.580.

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

28 (j) Has, within the immediately preceding 5 years, been subject
29 to any requirements imposed by a court of this State or of any other
30 state or territory or possession of the United States, as a condition to
31 the court's:

32 (1) Withholding of the entry of judgment for a conviction of
33 a felony; or

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

35 (k) Has made a false statement on any application for a permit
36 or for the renewal of a permit.

37 (l) Has been discharged or released from service in the Armed
38 Forces of the United States, a reserve component thereof or the
39 National Guard under conditions other than honorable conditions
40 and is less than 21 years of age.

41 5. The sheriff may deny an application or revoke a permit if the
42 sheriff receives a sworn affidavit stating articulable facts based upon
43 personal knowledge from any natural person who is 18 years of age
44 or older that the applicant or permittee has or may have committed
45 an offense or engaged in any other activity specified in subsection 4



1 which would preclude the issuance of a permit to the applicant or
2 require the revocation of a permit pursuant to this section.

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

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

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

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

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

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

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

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

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

37 (2) Was discharged or released from service in the Armed
38 Forces of the United States, a reserve component thereof or the
39 National Guard under honorable conditions, as evidenced by his or
40 her DD Form 214, "Certificate of Release or Discharge from Active
41 Duty," or other document of honorable separation issued by the
42 United States Department of Defense;

43 (g) A nonrefundable fee equal to the nonvolunteer rate charged
44 by the Central Repository for Nevada Records of Criminal History



1 and the Federal Bureau of Investigation to obtain the reports
2 required pursuant to subsection 1 of NRS 202.366; and

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

4 **Sec. 3.** NRS 202.3677 is hereby amended to read as follows:

5 202.3677 1. If a permittee wishes to renew his or her permit,
6 the permittee must:

7 (a) Complete and submit to the sheriff who issued the permit an
8 application for renewal of the permit; and

9 (b) Undergo an investigation by the sheriff pursuant to NRS
10 202.366 to determine if the permittee is eligible for a permit.

11 2. An application for the renewal of a permit must:

12 (a) Be completed and signed under oath by the applicant;

13 (b) Contain a statement that the applicant is eligible to receive a
14 permit pursuant to NRS 202.3657;

15 (c) Be accompanied by a nonrefundable fee equal to the
16 nonvolunteer rate charged by the Central Repository for Nevada
17 Records of Criminal History and the Federal Bureau of Investigation
18 to obtain the reports required pursuant to subsection 1 of NRS
19 202.366; and

20 (d) Be accompanied by a nonrefundable fee of \$25.

21 ➤ If a permittee fails to renew his or her permit on or before the
22 date of expiration of the permit, the application for renewal must
23 include an additional nonrefundable late fee of \$15.

24 3. No permit may be renewed pursuant to this section unless
25 the permittee has demonstrated continued competence with
26 handguns by successfully completing a course prescribed by the
27 sheriff renewing the permit. *A sheriff may not prescribe such a
28 course unless the sheriff determines that the course meets any
29 uniform statewide standards, including, without limitation, the
30 timeframe for completing a course and the length of the course,
31 that are established for renewing the permit by the Nevada
32 Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and
33 Chiefs' Association ceases to exist, its legal successor.*

34 **Sec. 4.** NRS 202.3678 is hereby amended to read as follows:

35 202.3678 1. A retired law enforcement officer who is a
36 resident of this State may apply, on a *uniform statewide* form
37 prescribed by regulation of the Department, to the sheriff of the
38 county in which he or she resides for any certification required
39 pursuant to 18 U.S.C. § 926C(d) to become a qualified retired law
40 enforcement officer. *A retired law enforcement officer who is not a
41 resident of this State may apply, on a uniform statewide form
42 prescribed by regulation of the Department, to the sheriff of any
43 county for any certification required pursuant to 18 U.S.C. §
44 926C(d) to become a qualified retired law enforcement officer.*



1 Application forms for certification must be provided by the sheriff
2 of each county upon request.

3 2. A law enforcement agency in this State shall offer a retired
4 law enforcement officer who retired from the law enforcement
5 agency the opportunity to obtain the firearms qualification that is
6 necessary to obtain the certification from the sheriff pursuant to
7 subsection 1 at least twice per year at the same facility at which the
8 law enforcement agency provides firearms training for its active law
9 enforcement officers. The law enforcement agency may impose a
10 nonrefundable fee in the amount necessary to pay the expenses for
11 providing the firearms qualification.

12 3. The sheriff shall provide the certification pursuant to
13 subsection 1 to a retired law enforcement officer who submits a
14 completed application and pays any fee required pursuant to this
15 subsection if the sheriff determines that the officer meets the
16 standards for training and qualifications. The sheriff may impose a
17 nonrefundable fee in the amount necessary to pay the expenses in
18 providing the certification.

19 4. As used in this section:

20 (a) "Law enforcement agency" has the meaning ascribed to it in
21 NRS 239C.065.

22 (b) "Qualified retired law enforcement officer" has the meaning
23 ascribed to it in 18 U.S.C. § 926C.

24 **Sec. 5.** NRS 179A.140 is hereby amended to read as follows:

25 179A.140 1. Except as otherwise provided in this section, an
26 agency of criminal justice may charge a reasonable fee for
27 information relating to records of criminal history provided to any
28 person or governmental entity.

29 2. An agency of criminal justice shall not charge a fee for
30 providing such information to another agency of criminal justice if
31 the information is provided for purposes of the administration of
32 criminal justice.

33 3. The Central Repository shall not charge such a fee:

34 (a) For information relating to a person regarding whom the
35 Central Repository provided a similar report within the immediately
36 preceding 90 days in conjunction with the application by that person
37 for professional licensure;

38 (b) For information provided to any organization that meets the
39 criteria established by regulation pursuant to paragraph (b) of
40 subsection 5 of NRS 179A.310; ~~or~~

41 (c) For information provided to a person who is required to
42 conduct a background check pursuant to NRS 202.2547 ~~or~~; *or*

43 *(d) For information provided to a licensed firearm dealer if the*
44 *dealer is required to conduct a background check pursuant to*



1 *federal law for a peace officer or qualified retired law enforcement*
2 *officer. As used in this paragraph:*

3 (1) *“Licensed firearm dealer” means a person licensed*
4 *pursuant to 18 U.S.C. § 923(a).*

5 (2) *“Qualified retired law enforcement officer” has the*
6 *meaning ascribed to it in 18 U.S.C. § 926C.*

7 4. The Director may request an allocation from the
8 Contingency Account pursuant to NRS 353.266, 353.268 and
9 353.269 to cover the costs incurred by the Department to carry out
10 the provisions of paragraph (b) of subsection 3.

11 5. All money received or collected by the Department pursuant
12 to this section must be used to defray the cost of operating the
13 Central Repository or for any other purpose authorized by the
14 Legislature, and any balance of the money remaining at the end of a
15 fiscal year reverts to the State General Fund.

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