



## NEVADA FIREARMS COALITION

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March 13, 2013

RE: AB 234: Establishment of personal sales background checks of firearms, ban on ammunition and imposition of tax on firearms and ammunition.

Dear Chairman Segerblom and the Senate Committee on Judiciary

The Nevada Firearms Coalition is dedicated to the safe use of firearms for self-defense, competition, recreation and hunting. We are a Nevada grassroots organization representing the firearms owners of Nevada. We are the State Association for the National Rifle Association, and a member of the National Shooting Sports Foundation.

We are requesting that this letter be placed in the official record as our strong opposition for the following reasons.

Summary: Revision to NRS 202.254: The bill establishes the requirement of a background check for all transfers to another person who does not have a current Concealed Firearms Permit (permittee). It requires the private party to request Nevada Records of Criminal History to perform the background check, or a federal firearms licensee to request the background check. Firearms will not be transferred to a prohibited possessor (violate state or federal law), and provides a three business day response. It provides civil immunity to the state and to the person who transfers the firearm via this system. However, it allows anyone who has "suffered injury" due to a failure to complete the background check, may sue the person who transferred the firearm.

Comment: There is currently a \$25.00 fee charged to gun owners for a federal firearms license (FFL) dealer to perform the background check through Central Repository who then utilizes the federal NCIS system. The federal NCIS system is free to FFLs and FFLs are allowed direct access per federal law, but are prohibited by the State of Nevada from doing so. The collected fees are transferred to the State Department of Public Safety to use for general operations. Best estimates are this is over 2 million dollars annually. The registration fee is an existing tax on gun owners. The bill provides civil immunity for any claim about the transfer through the system. It basically holds the state and a citizen harmless if they use the system. This bill establishes a universal background check for all gun transfers in Nevada, imposes an existing \$25.00

fee (subject to change). The bill does not define what “transfer” means. So it is possible that one could be on a shooting range and allow someone to shoot their firearm and be found guilty of a “transfer” without a background check. This bill also prohibits family gifts of firearms, and establishes civil penalties

Summary: Revision to NRS 202.273. The bill makes it unlawful to possess any “mental-penetrating bullet” capable of being fired from a handgun, and any tracer ammunition. But it allows the military, police and federal authorities to do so. There are no known incidents of these types of ammunition being used in crimes to such extent that they must be banned by law. There is no justification for this provision.

Comment: The Nevada Tax Commission is empowered to levy a tax on firearms and ammunition and disperse the funds to mental illness and compensation of victims. The firearms dealer must maintain the tax records for four years, and make the records available for inspection at any time during regular business hours, and allows the Tax Commission to make regulations for records and liability of the gun owner and makes it a misdemeanor to not comply with the Tax Commission. It allows the Tax Commission to examine books, papers and records of gun owners and gun owners must pay for expenses of Tax Commission for out of state travel to examine records. It imposes a \$25.00 dollar tax of firearms and a \$0.02 dollar tax per round of ammunition on each firearms dealer. The dealer may transfer the tax fee to the consumer. The license dealer must file and retain the tax paperwork.

In conclusion the Nevada Firearms Coalition strong opposes this bill

- It is a tax bill and neither a firearms safety nor mental health bill.
- It establishes a background check on firearms that are a minor portion of all firearms sold. There is no documentation that such imposition on private sales has any future effect on acts of the mentally ill. For instance the Sandy Hook travesty was committed after the murder of the gun owner and theft of the guns. This will not be prevented by this bill. It is already illegal to transfer a firearm to a prohibited possessor.
- It bans types of ammunition where there is no data to support such a ban.
- It imposes a tax on all firearms transfers and ammunition where taxes are already imposed for special funds.
- It also imposes an additional burden on firearms dealers who must keep records and make reports with no compensation by the state for their mandated requirements. .
- It will eliminate firearms safety and training programs: .22 caliber ammunition, which is the most popular ammunition, currently costs approximately \$.17 cents a round. The bill requirement adds \$0.02 a round tax. This would make it \$0.19 cents a round. Almost all youth firearms safety and beginner safety programs are performed utilizing .22 ammunition. This bill will effectively eliminate or severely reduce the youth firearms safety programs in the State. .22 ammunition is not a factor in rage crimes.

- There is currently an 11% tax on firearms and ammunition at the manufacturer level. These funds are collected via the Pittman-Robertson Act which funds Nevada's wildlife management program. So this bill imposes a tax on top of an existing federal tax, on top of a background check tax, on top of existing sales taxes.
- It is an insult that lawful firearms owners, who have not created nor are responsible for the current spate of rage crimes, be taxed and regulated to pay for mental health and victim's programs. Dr. Grossman has sufficiently documented in his work "Stop Teaching our Children how to Kill" that the blame may lie on the violent entertainment and video game industry. Dr. John Lott's work "More Guns, Less Crime" documents the beneficial aspects of the ownership and use of firearms for public safety. Other reports have pointed questions at the use of prescription psychotropic drugs on youth, and others to the failure of the family and parental responsibility. This bill does not solve address any of these issues.
- Currently there are over 2 million dollars annually collected by NVDPS that are from firearms background checks that could be allocated to the study of the State's mental health programs as we proposed to Senator Jones.

For these reasons we believe that this bill is seriously flawed and should not pass.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Turner", is written over a light gray rectangular background.

Don Turner, President