



NEVADA FIREARMS COALITION

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March 11, 2013

RE: SB 221 Mandatory Background Checks for firearms (Mental Health)

Dear Chairman Jones and members of the Senate Committee on Health and Human Services:

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 strongly opposed to this legislation because it is not a mental health bill but a gun control bill. We are requesting that this letter be placed in the official record as our opposition to SB 221 for the following reasons:

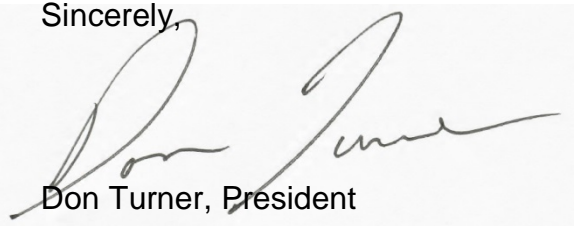
- This bill as written will exacerbate mental health issues in that people will not seek mental health treatment, as the consequences of a visit could severely restrict their freedoms.
- The only positive mental health change articulated in this proposal is to require reporting of mental health adjudications to the central criminal records repository within 5 days.
- Your proposed bill mandates If one becomes hospitalized for a mental health issue, one becomes a prohibited possessor of firearms without due process of law (court hearing and adjudication). This is an unreasonable requirement and contrary to the Fifth Amendment to the U.S. Constitution.
- Nevada currently provides a voluntary back ground check service if one wants to sell a firearm to someone who does not have a concealed firearms permit. This proposal changes it to a mandatory program with criminal sanctions for failure to comply with a "transfer" of firearm. This check currently requires a \$25.00 service fee which is not mentioned in the proposal, yet constitutes a tax.
- All "transfers" of firearms are required, yet transfers are not defined in the law. It is conceivable that if one allowed a friend to shoot their gun at a shooting range, for example, that this could be construed as a "transfer." This criminalizes all transfers of firearms without a background check including gifts to family

members. This establishes universal background checks in Nevada and is an unreasonable requirement.

- This proposal makes it a misdemeanor to transfer a firearm without a background check and stipulates that “a person who transfers a firearm to another person in violation is prohibited from possessing a firearm for two years.” This is a penalty requirement for a misdemeanor. How is this to be enforced? Will the state seize the person’s firearms for two years? How is the penalty for this provision related to mental health? The person being penalized is not a mental health problem. This is unreasonable and is not related to solving mental health issues.
- If a person goes to a psychiatrist or licensed psychologist and is determined by that visit to have mental illness it is a Class D felony for that person to have a firearm, police must be notified, and person cannot have firearms for six months. This violates “due process.” A person may, however, petition court for relief after the fact. The law doesn’t specify, but do police seize all their firearms? If they have a concealed firearm permit is it revoked? This provision is unreasonable and also denies due process in a court of law.
- This proposal also changes the burden on the lawful gun owner who wishes to sell the firearm from “actual knowledge” to “reasonable cause to believe” that the person being sold to is a prohibited possessor. This becomes a Class B felony; however, a previous section requires a mandatory background check and failure to comply is a misdemeanor penalty. Yet this provision makes it a felony for failure to perform the check “if there is reasonable cause to believe.” This is in conflict and unreasonable.
- “Due process” is eliminated, and the bill is constitutionally flawed for this reason.

We respectfully request that this bill proposal does not pass.

Sincerely,

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

Don Turner, President