

Stillwater Firearms Association

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2010 GENERAL ELECTION - NEVADA CANDIDATE QUESTIONNAIRE

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Occupation: Small Business Owner

Office Sought: Assembly

District: 29

Party: Libertarian

**Please NOTE: Additional comments concerning any/all questions are permissible/encouraged.
Use comments section below and annotate question number or general comment.**

1. Check one:

- a. I believe the Second Amendment to the United States Constitution guarantees an individual right to keep and bear arms.
 b. I believe the Second Amendment to the United States Constitution applies only to the National Guard.
 c. Other; see my comments below.

2. Check one:

- a. I believe Article One Section 11 of the Nevada Constitution guarantees an individual right to keep and bear arms.
 b. I do not believe Article One Section 11 of the Nevada Constitution guarantees an individual right to keep and bear arms.
 c. Other; see my comments below.

3. Check one: (See the June 28, 2010 U. S. Supreme Court majority decision, *McDonald vs Chicago* (No. 08-1521)? (Copy of slip opinion at www.supremecourt.gov/opinions/09pdf/08-1521.pdf)

- a. I agree with the June 28, 2010 U. S. Supreme Court majority decision, *McDonald vs Chicago*.
 b. I do not agree with the June 28, 2010 U. S. Supreme Court majority decision, *McDonald vs Chicago*.
 c. Other; see my comments below.

4. On July 1, 2010, the Nevada Supreme Court ruled (*RGJ vs Sheriff Haley*) CCW permittee names, addresses, etc are releasable to the general public. (Copy of decision at www.nevadajudiciary.us/images/advanceopinions/126nevadvopno23.pdf)

- a. I will sponsor, co-sponsor, or support such legislation to amend NRS Ch 202 to expand the existing confidentiality of CCW application data to the actual issued permit and all background investigation and administrative files on CCW applicants and recipients. I will support the public release of only numerical statistical data on CCW applicants and recipients.
 b. I will not sponsor, co-sponsor or support such legislation to amend NRS Ch 202 to expand the existing confidentiality of CCW application data to the actual issued permit and all background investigation and administrative files on CCW applicants and recipients. The public has a right to know all information in a CCW permittee file.

5. As amended by SB-92 in 2007, NRS 244.364, 268.418, and 269.222 state that except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no county, city nor town may infringe upon those rights and powers. The governing body of a county/city/town may proscribe by ordinance or regulation the unsafe discharge of firearms. If the governing body of a city in a county whose population is 400,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require: (a) A period of at least 60 days of residency in the city before registration of such a firearm is required. (b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer. Lastly concerning the above statutes, SB-92 amended Section 5 of Chapter 308, Statutes of Nevada 1989, at page 653, to state the provisions of this act, as amended on October 1, 2007, apply to ordinances or regulations adopted before, on *or after* June 13, 1989.

Clark County and cities therein retain more restrictive local ordinances, insisting the above statutes do not apply.

- a. I will sponsor, co-sponsor or support legislation to clarify and/or strengthen EXISTING state ‘preemption’ statutes thereby eliminating any express or implied grandfathering of firearms related ordinances in Clark County and any other county, thereby treating the citizens of ALL counties equally under the law.
- b. I will not sponsor, co-sponsor or support legislation to clarify and/or strengthen EXISTING state ‘preemption’ statutes that would eliminate any express or implied grandfathering of firearms related ordinances in Clark County and any other county.

6. Prior to July 1, 2008, Nevada CCW permits qualified as an exemption to the NICS check, thereby exempting permittees from the state imposed NICS fee of \$25. The exemption was lost on that date by decree of the BATFE, due to the fact Nevada law does not treat CCW permit renewal applications the same as initial applications. (More info at www.stillwaterfirearms.org/Pages/NICS_Exemption.php and www.stillwaterfirearms.org/Pages/NICS_Exemption_History.php)

- a. I will sponsor, co-sponsor or support legislation to amend NRS Ch 202 to require sheriffs to treat renewal applications the same as initial applications and regain the NICS exemption for CCW permittees.
- b. I will not sponsor, co-sponsor or support legislation to amend NRS Ch 202 to require sheriffs to treat renewal applications the same as initial applications and regain the NICS exemption for CCW permittees.

7. Mandated by the Brady Handgun Violence Prevention Act (Brady Act) of 1993, Public Law 103-159, the NICS was established for FFLs to contact by telephone, or other electronic means, for information to be supplied immediately on whether the transfer of a firearm would be in violation of Section 922 (g) or (n) of Title 18, United States Code, or state law. States have the option of utilizing the national NICS system or becoming a Point of Contact (POC) for NICS; each state decides whether the FFLs in its state call a state POC or the FBI to initiate firearm background checks.

At the behest of the NSCA, Nevada opted to serve as the POC for the system; the FFLs contact the NICS through the state POC for all firearm transfers. The state POC conducts the NICS check and determines whether or not the transfer would violate state or federal law. Nevada charges the firearms purchaser a fee of \$25 for each telephone call.

In states where the state government does not serve as a POC, the FFLs initiate a NICS background check by contacting the NICS Section for all firearm transfers - a FREE telephone call. The FBI conducts the NICS check and determines whether or not the transfer would violate state or federal law.

The NICS *exemption* applies only to CCW permittees.

Nevada is one of only 13 states that act on behalf of the NICS in a full Point-Of-Contact (POC) capacity.

Eight states are currently sharing responsibility with the NICS Section by acting as partial POCs; partial-POC states have agencies designated to conduct checks for handguns and/or handgun permits, while the NICS Section handles the processing of the states transactions for long gun purchases. That leaves 29 states that utilize the FREE 800 telephone number to the NICS.

(Check all that apply)

- a. I will sponsor, co-sponsor and/or support legislation to regain the NICS exemption for Nevada’s CCW permit holders.
- b. I will sponsor, co-sponsor and/or support legislation to retain Nevada’s status as a POC state but abolish the \$25 fee, thereby benefiting all Nevadan citizens.
- c. I will sponsor, co-sponsor and/or support legislation to scrap Nevada’s status as a POC state and allow Nevada FFLs to utilize the FREE telephone NICS check, thus benefiting ALL Nevada citizens.
- d. Current state law is sufficient; I will not sponsor, co-sponsor nor support any legislation to regain the NICS exemption nor abolish the \$25 NICS check fee.

8. NRS Ch 202 allows a CCW permittee to qualify with any revolver and thereafter may carry a revolver of any make/model/caliber. However, in order to carry semi-auto pistol(s), a permittee must qualify with each pistol by make/model/caliber.

- a. I will sponsor, co-sponsor and/or support legislation to treat semi-auto pistols the same as revolvers; ie, qualify with a semi-auto and thereafter qualified to carry any semi-auto.
- b. Current law is sufficient; I will not sponsor, co-sponsor nor support legislation to treat semi-auto pistols the same as revolvers; ie, qualify with a semi-auto and thereafter qualified to carry any semi-auto.
- c. I do not believe law-abiding citizens should be permitted to carry concealed firearms.

9. There is no firearm registration in Nevada - except in Clark County. Nevada law, as amended by SB-92 in 2007, grandfathers the Clark County ordinance(s) requiring handgun registration, in spite of testimony by the Nevada Sheriffs and Chiefs Association and Las Vegas Metro Police Department indicating they have NOT utilized the ordinance to solve crime.

- a. I will sponsor, co-sponsor and/or support legislation to repeal the ‘grandfather clause’ and scrap draconian handgun registration ordinances in Clark County.
- b. Handgun registration in Clark County is a good thing; I will not sponsor, co-sponsor and/or support legislation to repeal the ‘grandfather clause’ and scrap draconian handgun registration ordinances in Clark County.
- c. I will support legislation to require handgun registration throughout Nevada.

10. As applied to law-abiding citizens that are not ineligible to possess firearms (felons, etc): Since statehood in 1791, Vermont has never required a ‘permit’ to carry a concealed firearm. Since 2003, Alaska does not require a permit. Effective July 2010, Arizona does

not require a permit. However, Alaska and Arizona maintain a Nevada-style CCW permit system in place for those that wish to acquire a permit; for example, for reciprocity purposes.

- a. I will sponsor, co-sponsor and/or support legislation to amend Nevada law to adopt Alaska/Arizona style law; no permit required, but leave a voluntary CCW permit system in place for those Nevada citizens needing an actual permit for travel purposes.
- b. Current Nevada CCW law is sufficient because Nevadans are less worthy than the citizens of Vermont/Alaska/Arizona; I will not sponsor, co-sponsor nor support legislation to amend Nevada law to adopt Alaska/Arizona style law.
- c. I would support legislation abolish the lawful carry of concealed firearms in Nevada; the police can and will protect individual citizens.

11. Current Nevada law prohibits lawful CCW permittees from carrying on campuses of all educational institutions unless written permission is obtained from the college president or school principal – and permission is virtually impossible to obtain. Utah law, in contrast, does not prohibit lawful CCW on campus and has experienced no problems thereby. In spite of state laws prohibiting firearms on campus, numerous instances of horrible/murderous violence have been perpetrated by criminals across the nation (eg, Virginia Tech, April 2007, where 32 defenseless students/faculty were brutally murdered by a single perpetrator). There is no guarantee that the presence of a legally armed citizen would have prevented or reduced the number of murders committed at these institutions. But, it is our strong belief that ADULTS, legally trained and licensed by the state, should at least be allowed the opportunity to defend their own lives and possibly the lives of others in their company.

- a. I will sponsor, co-sponsor and/or support legislation to amend Nevada law to allow all lawful CCW holders to carry on the campus of Nevada educational facilities, with or without permission from the educational administrators of those facilities (such as in Utah) because these CCW holders have already established their trustworthiness through the completion of the mandatory state training and because of successfully completing local, state, and federal law enforcement agency background checks.
- b. I will sponsor, co-sponsor and/or support legislation to amend Nevada law to allow lawful CCW by faculty/staff only on campus in Nevada, with or without permission from the educational administrators of those facilities.
- c. Current Nevada law is sufficient because Nevadans are less worthy than Utah's citizens AND/OR because the police or campus security can and will protect everyone on campus; I will not sponsor, co-sponsor nor support legislation to amend Nevada law to allow all lawful CCW on campus in Nevada.
- d. I will support legislation abolish the lawful carry of concealed firearms anywhere in Nevada because the police can and will protect us.

12. CCW permit applicants are charged \$40.25 for fingerprinting. Criminal suspects pay no fee. Refer to question 6 (NICS). (Check all that apply.)

- a. **IF** Nevada law is amended to utilize the toll free NICS check, I will sponsor, co-sponsor or support legislation to abolish the fingerprinting requirement. (Fingerprints are not a requirement for the general public when purchasing a firearm and undergoing the mandatory NICS check.)
- b. **IF** Nevada retains its "POC" status and regains the NICS exemption for CCW permittees, I will sponsor, co-sponsor or support legislation to abolish or reduce the fingerprinting fee. (Fingerprints are a requirement for the NICS exemption for CCW holders.)
- c. I will not support any legislation to abolish or reduce fingerprinting fees for law-abiding citizen.

13. A doctrine in common law, known as the "Castle Doctrine," provides that a man's home is his castle, and that he may use any manner of force, including deadly force, to protect it and its inhabitants. Over the years, some courts have eroded this principle by ruling that there is a "duty to retreat" before meeting force with force. Would you support reforming Nevada's "Castle Doctrine" law so that: (1) a person would have the right to meet force with force to protect himself/herself and family members regardless of their location, (2) a "duty to retreat" would no longer exist in any place a person may lawfully be, and (3) a person justified in the use of force would be protected from both criminal and civil liability?

- a. I will sponsor, co-sponsor or support legislation to reform Nevada's "Castle Doctrine" law so that: (1) a person, while pursuing legal activities in a place he is lawfully allowed to be, would have the right to meet force with force to protect himself/herself and family, (2) a "duty to retreat" would no longer exist in any place a person may lawfully be, and (3) a person justified in the use of force would be protected from both criminal and civil liability..
- b. Current law is sufficient; I will not sponsor, co-sponsor or support legislation to reform Nevada's "Castle Doctrine".

14. NAC 407.0475 states it is unlawful to possess a firearm in a state park unless the firearm is unloaded and inside a vehicle or the possessor of the firearm has a permit to carry a concealed firearm. In view of (a) the Supreme Court ruling that the 2nd Amendment applies to the states and (b) the right to self-defense does not end at park boundaries, would you sponsor, co-sponsor or support legislation to reform Nevada law/code to allow law-abiding citizens the right to self-defense while visiting Nevada state parks?

- a. I will sponsor, co-sponsor or support legislation to regain law-abiding citizens' right to self-defense (with or without a CCW permit) while visiting Nevada state parks.
- b. Current law is sufficient; I will not sponsor, co-sponsor or support legislation to regain law-abiding citizens' right to self-defense while visiting Nevada state parks. Citizens have no right to self-defense while visiting state parks.

15. When a rifle or handgun is fired, it leaves markings on the bullet and cartridge case. Some argue that since these markings can sometimes be used to identify a firearm used in a crime, all guns sold be test fired prior to sale and ballistically “fingerprinted” for entry into a law enforcement database. New York and Maryland have each spent millions of dollars creating ballistic “fingerprinting” databases, yet the systems have proven to be crime-solving failures. In March 2008, the National Academy of Sciences released a report that concluded, “a national reference database of ballistic images should not be established” because, among other things, “[T]he validity of the fundamental assumptions of uniqueness and reproducibility of firearms-related toolmarks has not yet been fully established.” **Would you oppose legislation mandating the unproven ballistic “fingerprinting” of firearms or cartridge cases before they could be sold in Nevada?**

- a. I would oppose legislation mandating ballistic “fingerprinting” of firearms or cartridge cases before they could be sold in Nevada.
- b. I would support legislation mandating ballistic “fingerprinting” of firearms or cartridge cases before they could be sold in Nevada.

16. Anti-gun groups are promoting legislation that would require ammunition manufacturers to serialize each cartridge of ammunition by imprinting a unique serial number on the case and/or the base of the bullet. The ammunition would then be registered to the purchaser at the time of sale and information about the purchaser would be maintained by the seller or forwarded to the state for entry into a state centralized database. The possession or sale of ammunition that does not include a serial number would be prohibited. **Would you support legislation requiring ammunition manufacturers to serialize/encode ammunition before it could be sold in Nevada?**

- a. I would support legislation to require ammunition manufacturers to serialize each cartridge of ammunition by imprinting a unique serial number on the case and/or the base of the bullet.
- b. I would support legislation to require ammunition manufacturers to serialize each cartridge of ammunition by imprinting a unique serial number on the case and/or the base of the bullet of handgun ammunition only.
- c. I would oppose legislation to require ammunition manufacturers to serialize each cartridge of ammunition by imprinting a unique serial number on the case and/or the base of the bullet.

17. Anti-gun groups are promoting legislation that would mandate firearm manufacturers incorporate unproven technology that would supposedly “microstamp” identifying information about the firearm on a cartridge case upon firing. This information would include the make, model and serial number of the firearm. Since approximately 65 million handguns are already in circulation, such a mandate would require *de facto* registration of guns, even though either technology is easily defeated by defacing the gun with common household tools. **Would you support legislation mandating “microstamping” in Nevada?**

- a. I would support legislation mandating microstamping for all handguns.
- b. I would support such legislation for all firearms.
- c. I would oppose any legislation that would mandate microstamping of any firearms.

18. Some states are considering legislation mandating all firearms sold be equipped with “user ID” or “personalized” technology, also known as “smart” guns. “Smart” guns are intended to prevent a firearm from being fired by someone other than the owner. However, “smart” gun technology is currently not available and experts agree it may not be in production and safety tested for several years, if at all. Even law enforcement has expressed concerns about its reliability. **Would you support legislation mandating only “smart” guns be sold in Nevada?**

- a. I would support legislation mandating only “smart” guns be sold in Nevada.
- b. I would oppose legislation mandating only “smart” guns be sold in Nevada.

19. Federal law requires all federally licensed firearms dealers to conduct background checks at gun shows for all firearm transactions. Under federal law, individuals who attend gun shows and are not “engaged in the business” of selling firearms are: (1) not required to be licensed; and (2) not required to conduct records checks prior to transferring firearms. **Would you support state legislation further restricting firearms sales by individuals at gun shows?**

- a. I would support legislation to further restrict firearms sales by private individuals.
- b. I would oppose legislation to further restrict firearms sales by private individuals.

20. In the United States, the number of privately owned firearms has risen by more than 4.5 million annually. Meanwhile, according to the National Center for Health Statistics, firearm accident deaths have been decreasing for years and have fallen to all time lows. This trend is due in part to an increasing use of NRA firearm safety training programs by tens of thousands of NRA Certified Instructors, schools, civic groups, and law enforcement agencies. Nevertheless, several states have recently considered legislation to mandate the placement of locking devices on firearms kept in the home, or even more restrictive storage standards. These devices greatly restrict access to firearms for self-defense purposes and potentially increase the risk of a firearm accident. **Would you support legislation mandating the use of locking devices or other locking procedures for firearms stored in the home?**

- a. I would support legislation mandating the use of locking devices/procedures for firearms stored in the home.
- b. I would not support legislation mandating the use of locking devices/procedures for firearms stored in the home.

c. I would not support such legislation and would instead support a resolution encouraging Nevada public schools to adopt firearms safety programs as part of its curriculum.

21. Recently, some employers have extended their “gun-free” workplace rules to employees’ private, locked vehicles in parking lots. Such policies effectively disarm law-abiding citizens, including concealed weapon license holders, from the time they leave their house in the morning, while running errands on their lunch break, to when they return home in the evening. **Would you support “Worker Protection” legislation that would allow law-abiding citizens to keep lawfully transported firearms locked in their personal vehicles while parked on publicly accessible, privately owned parking lots?**

a. Yes, I would support “Worker Protection” legislation that would allow law-abiding citizens to keep lawfully transported firearms locked in their personal vehicles while parked on publicly accessible, privately owned parking lots.

b. No, I would oppose “Worker Protection” legislation that would allow law-abiding citizens to keep lawfully transported firearms locked in their personal vehicles while parked on publicly accessible, privately owned parking lots.

22. In 2007, Nevada allowed for out-of-state concealed carry weapons permits to be recognized within the state as long as the standards under which the permit was issued was “substantially similar or more stringent” than what was required for issuance under Nevada’s CCW law. Despite the fact that forty-seven states now have permit systems in place, Nevada recognizes permits from **only ten states**, and just recently dropped recognition of Florida and Utah permits as a result of minor changes in their CCW laws. Some states, such as Missouri, recognize permits from all states. **Would you support opening up Nevada’s CCW recognition to include every state that has a CCW permit system in place?**

a. I would support recognizing every state with a CCW permit system in place.

b. I oppose recognizing every state with a CCW permit system in place and believe Nevada’s current recognition procedures are fine.

23. **Are you a member any shooting/sportsmen’s/gun rights organization?**

a. Yes. Specify: _____

b. No.

Please feel free to provide any additional comments.

Note question number or specify general comment.

Most of these questions are about concealed carry laws. I am an advocate of open carry. Free citizens should be able to exercise their rights openly, not in hiding.

****AUTHORIZATION****

This attests that the information provided in this questionnaire accurately represents my views as a candidate.

Candidate

Date

