

101 NORTH CARSON STREET  
CARSON CITY, NEVADA 89701  
OFFICE: (775) 684-5670  
FAX NO.: (775) 684-5683



555 EAST WASHINGTON AVENUE, SUITE  
5100 LAS VEGAS, NEVADA 89101  
OFFICE: (702) 486-2500  
FAX NO.: (702) 486-2505

## Office of the Governor

May 17, 2023

The Honorable Nicole Cannizzaro  
Majority Leader of the Nevada State Senate  
Nevada Legislature  
401 South Carson Street  
Carson City, Nevada 89701

**Re: Senate Bill 171 of the 82<sup>nd</sup> Legislative Session**

Dear Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 171 (SB 171), which is titled as follows:

AN ACT relating to crimes; prohibiting the purchase, possession or ownership of a firearm by a person who has been convicted of committing or attempting to commit a crime motivated by certain characteristics of the victim; and providing other matters properly relating thereto.

SB 171 purportedly furthers the important objective of decreasing gun violence among those convicted of hate crimes. Certainly, those who have committed a violent or property crime motivated by a hateful animus based on their victim's race, sex, religion, gender identity, or other protected characteristic should face heightened scrutiny relating to their gun ownership. In fact, under existing law, even low level misdemeanor crimes such as simple theft are prosecuted as gross misdemeanors when the crimes are committed in furtherance of hate. Upon conviction, jail time and/or fines are effectively doubled as a result of the enhancement.

When it comes to these types of misdemeanor crimes, SB 171 would go much further than existing law by depriving individuals of their Second Amendment right to bear arms. Moreover, the limited nexus between certain misdemeanor offenses and gun violence makes it untenable to pass a law that immediately puts the defendant's Second

Amendment rights in jeopardy. This would effectively open the door to more laws restricting others convicted of gross misdemeanors from owning firearms to protect their homes and families. Many of the more violent and egregious offenses under Nevada law that are commonly associated with hate crimes can and should be prosecuted as felonies in the first place, especially when there is a connection between the underlying crime and the use of guns. It is a better solution to make these types of hate crimes felonies than to further penalize low-level offenders – especially when existing law sufficiently addresses the issue.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,

Joe Lombardo  
Governor

Enclosure

Cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)  
The Honorable Steve Yeager, Speaker of the Assembly (without enclosure)  
The Honorable Francisco Aguilar, Secretary of State (without enclosure)  
Brendan Bucy, Secretary of the Senate (without enclosure)  
Susan Furlong, Chief Clerk of the Assembly (without enclosure)  
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)

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## Office of the Governor

May 17, 2023

The Honorable Steve Yeager  
Speaker of the Nevada State Assembly  
Nevada Legislature  
401 South Carson Street  
Carson City, Nevada 89701

**Re: Assembly Bill 354 of the 82<sup>nd</sup> Legislative Session**

Dear Speaker Yeager:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 354 (AB 354), which is titled as follows:

AN ACT relating to firearms; prohibiting, under certain circumstances, the possession of a firearm in or within a certain distance of an election site; revising the definition of the term "firearms importer or manufacturer"; defining certain terms; prohibiting a person from engaging in certain acts relating to unfinished frames or receivers, ready frames or receivers and market frames or receivers; revising provisions relating to certain acts involving unfinished frames or receivers, ready frames or receivers and market frames or receivers which are not imprinted with a serial number under certain circumstances; providing penalties; repealing certain provisions relating to firearms; and providing other matters properly relating thereto.

AB 354 is commendable inasmuch as it aims to increase public confidence in the safety in and around our election process. However, its scope is too broad and there is no notable history of gun violence at election facilities in Nevada.

AB 354 replicates federal and state laws prohibiting intimidation at or near a ballot-box. For example, 18 U.S. Code § 594 makes it unlawful to intimidate, threaten, or coerce a person "for the purpose of interfering" with that individual's right "to vote as he may choose." NRS 293.710 ultimately renders the same actions unlawful in Nevada. Moreover, NRS 293.730 subjects an individual to prosecution for a Category E felony if they, "[r]emain in or outside of any polling place

so as to interfere with the conduct of the election.” The provisions in AB 354 are merely duplicative of these existing laws and do nothing but establish more “gun-free zones.”

Additionally, AB 354 is impermissibly vague in relation to its 100 feet gun-free radius surrounding a “ballot-box.” Ballot boxes appear in common community gathering locations across our state, including grocery stores, shopping centers, gyms, and libraries. It is untenable to prohibit law-abiding citizens from exercising their Second Amendment rights in these areas.

Finally, AB 354’s aim to end the transfer of certain firearm parts and receivers would place an impermissible burden on constitutionally protected conduct because possession of firearms, firearm frames, and receivers is within the scope of the Second Amendment’s right to keep and bear arms. Last fall, a Delaware judge ruled that prohibitions on manufacturing and possession are not “consistent with the nation’s historical tradition of firearm regulation.” *Rigby v. Jennings*, 2022 WL 4448220 at \*5, (D. Del. Sept. 2022) (citing *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111, 2130 (2022)).

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,

JOE LOMBARDO  
Governor

Enclosure

Cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)  
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)  
The Honorable Francisco Aguilar, Secretary of State (without enclosure)  
Brendan Bucy, Secretary of the Senate (without enclosure)  
Susan Furlong, Chief Clerk of the Assembly (without enclosure)  
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)

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## Office of the Governor

May 17, 2023

The Honorable Steve Yeager  
Speaker of the Nevada State Assembly  
Nevada Legislature  
401 South Carson Street  
Carson City, Nevada 89701

**Re: Assembly Bill 355 of the 82<sup>nd</sup> Legislative Session**

Dear Speaker Yeager:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 355 (AB 355), which is titled as follows:

AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

AB 355 is presumably intended to decrease gun violence in communities across the state – an admirable goal. However, last year, in *Jones v. Bonta*, the Ninth Circuit Court of Appeals struck down as unconstitutional California’s ban on the sale of semiautomatic rifles to adults younger than 21. In a 2-1 panel decision, the court found that the Second Amendment “protects the right of young adults to keep and bear arms, which includes the right to purchase them.” This ruling was subsequently vacated by the Ninth Circuit so the trial court could readdress its legal findings after the United States Supreme Court issued its ruling in *New York State Rifle and Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). In *Bruen*, the Court held that gun restrictions are constitutional only insofar as there is a tradition of such regulation in United States history. The United States has little, if any, tradition of entirely prohibiting the possession of semi-automatic firearms to those under 21 years of age. Additionally, this month, a federal court in the Eastern District of Virginia, noting that the Second Amendment’s protections “extend in full to law-abiding adults aged eighteen or older[,]” ruled that there was insufficient support for the

proposition “that restrictions on the purchasing [and possession] of firearms by 18-20 year olds is part of our Nation’s history and tradition.”

As such, were this bill to become law, it is unlikely it would pass constitutional muster.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,

JOE LOMBARDO  
Governor

Enclosure

Cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)  
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)  
The Honorable Francisco Aguilar, Secretary of State (without enclosure)  
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