

6 Policies To Reduce Gun Violence in Nevada

By Chelsea Parsons and Annette Magnus | January 27, 2021

Nevada has been the site of both tremendous tragedy and significant progress when it comes to gun violence. The state was the location of the worst mass shooting in modern U.S. history, when a gunman opened fire on concertgoers at the Route 91 Harvest music festival in Las Vegas on October 1, 2017, killing 59 people and injuring more than 500 others.¹ The state was also home to one of the most notorious standoffs between armed violent extremists and federal law enforcement officers at the Bundy ranch in 2014—an event that foreshadowed the recent rise in violent anti-government extremist efforts. Nevada experiences some of the highest rates of gun violence in the nation, with the 14th-highest rate of firearm deaths from 2009 through 2018. In addition, Nevada suffers from a gun death rate that is 40 percent higher than the national average.² The state also has a substantially elevated gun suicide rate—60 percent higher than the national average.³ The burden of gun violence is not felt equally across Nevada communities: While only 9 percent of the state’s population identifies as Black, Black victims represent 34 percent of overall gun murder victims.⁴ Nevada’s youth are disproportionately affected by gun violence, and shootings are the leading cause of death for young people in the state.⁵

Despite these sobering statistics, Nevada has also been a bright spot on the map when it comes to enacting strong new gun laws in the wake of tragedy. In 2016, Nevada voters approved a ballot measure to enact universal background checks in the state, and in 2019, the Legislature approved a number of gun violence prevention bills, including one to ban bump stocks, the deadly device used in the Route 91 attack that mimics the rate of fire of a fully automatic firearm.⁶ The Legislature also passed a bill creating an extreme risk protection order, enabling family members or law enforcement officials to seek a court order to temporarily remove firearms from someone deemed a threat to themselves or others,⁷ and strengthened the law to prevent children from having easy access to firearms.

While these laws are critical parts of the solution to address gun violence in Nevada, many gaps in state law remain. Overall, the state only earns a C+ grade for the strength of its gun laws from the Giffords Law Center to Prevent Gun Violence’s annual gun law scorecard.⁸ More can be done to protect the lives of all

Nevadans. If enacted, these six recommendations for additional gun safety laws in Nevada would help keep all communities across the state safe from gun violence. With Nevada's Legislature only in session every other year, it is crucial that it consider these measures during the upcoming session beginning in February.

Repeal gun stores' essential business status

In 2007, after a prolonged period of unrest following Hurricane Katrina, Nevada enacted a law that prevents the governor from mandating the closure of gun stores during a state of emergency.⁹ While that law has largely remained unused in the ensuing decade, the dangers posed by this shortsighted measure were brought into stark relief with the onset of the coronavirus pandemic. In March 2020, Gov. Steve Sisolak (D) issued an order directing all nonessential businesses in the state to temporarily close to the public in order to reduce the spread of the virus. However, gun stores were exempt from this mandate due to the 2007 law.¹⁰ During this period, there was a significant surge in gun sales nationwide as anxiety over the pandemic led many people, including many first-time gun buyers, to purchase guns.¹¹ From March 2020 through September 2020, Nevada has accounted for more than 128,000 background checks requested through the FBI's national background check system.¹²

The significant increase in gun sales during the pandemic created a number of risks for Nevada families. Because Nevada laws do not require any training prior to purchasing a gun, many first-time gun owners are bringing deadly weapons into their homes without the necessary knowledge to use and store those guns safely. In addition, there is ample evidence showing that bringing a gun into a home significantly increases the risk that the gun will be used against a household member, either in an episode of domestic violence or suicide.¹³ The 2007 law ties the hands of the governor to adequately protect Nevada families from unnecessary risks of guns during times of crisis. By repealing this law, the governor will have the ability to temporarily order gun stores to close during times of crisis in order to help prevent future surges in gun purchases.

Prohibit people who commit hate crimes from possessing guns

Under current federal and state law, individuals who are convicted of felony offenses, including hate crimes, are prohibited from gun possession. However, individuals convicted of misdemeanor-level hate crimes remain free to buy and possess guns. In Nevada, hate crimes are not a separate criminal offense, but rather a sentence enhancement. A court finding that a perpetrator committed an underlying offense "because the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of

the victim was different from that characteristic of the perpetrator” is eligible for an enhanced sentence.¹⁴ When this hate crime sentence enhancement is imposed for a misdemeanor crime in Nevada, the perpetrator remains free to buy guns.

Violent extremists and other perpetrators motivated by hate pose a substantial threat to the safety of historically vulnerable communities that hate crime laws protect. Access to guns by these individuals makes it more likely that a hate crime will have a fatal outcome. Even when these perpetrators do not pull the trigger, the use of guns to threaten and intimidate individuals and communities because of bias and hate toward any of the protected classes represents a significant escalation of this hateful and dangerous conduct. The Nevada Legislature should amend current state law to prohibit people convicted of all hate crimes—both felony and misdemeanor—from gun possession.

Ban ghost guns

Under current federal law, gun manufacturers and importers are required to engrave a serial number on the frame or receiver of every firearm¹⁵ and gun dealers are required to conduct a background check before selling any firearm.¹⁶ The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has long interpreted these requirements to only apply to fully finished firearms, frames, and receivers, meaning that those that are not technically finished and require a few additional steps before they can be used to make a fully functional gun are not subject to these legal requirements. Often referred to as “unfinished receivers” or “80 percent receivers,” these receivers generally only require a person to follow any of the myriad tutorial videos or guides online and use basic tools to complete the receiver by drilling a few holes for the selector, trigger, or hammer pins.¹⁷ Guns made at home using these unfinished receivers have become known as “ghost guns” because they are untraceable when they are recovered after use in a crime.¹⁸ A former ATF special agent described the ease with which fully functional guns can be made at home using these parts: “If you can put Ikea furniture together, you can make one of these.”¹⁹

Ghost guns purchased online pose a real risk to community safety and are increasingly being used in the commission of violent crimes. In 2019, Washington, D.C., police recovered 115 ghost guns—a 360 percent increase from 2018, when they recovered 25 ghost guns, and a 3,733 percent increase from 2017, when only three such firearms were recovered.²⁰ In California, federal law enforcement reports that 30 percent of all guns recovered from crime scenes are blank—without a serial number—and are therefore untraceable.²¹ Ghost guns have also been used in mass shootings, including the August 2019 shooting in Dayton, Ohio, in which the perpetrator fired 41 shots in 32 seconds, shooting 26 people—nine fatally—using a homemade .223-caliber firearm.²² In addition, ghost guns are increasingly becoming the weapon of choice for violent white supremacists and anti-government

extremists.²³ The Legislature should immediately act to ban ghost guns and the component parts used to make them in the state of Nevada.

Implement gun licensing

While Nevada voters took a significant step in 2016 by passing a ballot measure to implement universal background checks for all gun sales, the state can go even further to dramatically reduce gun violence in Nevada communities. Building on the framework of the strong universal background check law, lawmakers in Nevada should enact a law that requires individuals to obtain a license prior to purchasing a gun. According to an analysis by the Giffords Law Center, eight states have enacted laws requiring that individuals obtain a license prior to purchasing firearms, and another three states require people to have a valid license or permit to possess firearms.²⁴ These laws include a combination of requirements such as providing fingerprints, completing an application, and submitting to an in-person interview in addition to a standard gun background check.²⁵

There is a growing body of research demonstrating the effectiveness of gun licensing laws on reducing gun homicides and suicides. When Connecticut implemented a law requiring individuals to obtain a permit and undergo a background check before buying a handgun, gun homicide rates in the state fell by 27.8 percent. Missouri took the opposite approach and repealed a similar law, leading to a 47.3 percent increase in gun homicide rates.²⁶ Firearm suicides decreased by 23.2 from 1995 to 2006 and by 40.5 percent from 2007 to 2017 following Connecticut's law while gun suicides rose by 23.5 percent after Missouri's repeal of the law.²⁷ Another study by researchers at Johns Hopkins University in 2018 found that laws requiring a permit to purchase a firearm were associated with a 14 percent reduction in gun homicides in large urban counties.²⁸ The Legislature should further strengthen the state's law by enacting a gun licensing requirement in Nevada.

Update Nevada's firearm preemption law

Nevada has a restrictive preemption law that prevents localities from enacting laws or ordinances to protect local communities from the particular forms of gun violence that are of biggest local concern. This law prohibits local units of government from enacting local laws that “regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition.”²⁹

Nevada is a very diverse and dynamic state, and public safety needs vary widely from county to county. For example, data from the Uniform Crime Reporting program show that, from 2016 to 2019, the robbery rate in Clark County was 522 per-

cent higher than the rate of robberies in Carson City. During the same period, the rate of aggravated assaults in Storey County was 136 percent higher than in Clark County.³⁰ Different localities around the state have vastly different public safety challenges and need the ability to develop narrowly tailored local approaches to address them. Other states have recently revised their preemption laws to give more leeway to localities to address local gun violence challenges. For example, in 2020, the Virginia Legislature amended the state's preemption law to allow localities to prohibit gun carrying in certain sensitive locations, such as public buildings and areas where permitted rallies are scheduled to take place.³¹ This kind of flexibility in the law allows local units of government to take discrete action to address the particular gun violence issues facing that community without the need for the legislature to act statewide.

Loosening the preemption law is particularly important in a state such as Nevada, where the Legislature only meets every other year. Nevadans had to wait more than a year after the shooting at the Route 91 festival for the state to take action to ban bump stocks, while Clark County could have acted much more quickly had it not been restricted by the state's current preemption law. The Nevada Legislature should amend the state's preemption law to give more freedom to local lawmakers to act to address gun violence issues of pressing local concern.

Ban assault weapons and high-capacity magazines

Under current state law, there are no restrictions on the sale or possession of assault weapons—generally defined as semi-automatic firearms that are capable of accepting a detachable magazine and have other features that enhance their lethality, such as barrel shrouds or pistol grips.³² Similarly, there is no state law banning the possession of high-capacity ammunition magazines, usually defined as magazines that hold 10 or more rounds, although the innovation of the gun industry has enhanced the design of magazines, enabling users to fire magazines holding 40, 60, or 100 rounds without device failure.³³ Assault weapons equipped with high-capacity magazines are the weapon of choice for mass shooters, playing a featured role in nearly every high-profile mass shooting in recent history.³⁴ These guns are designed for ease of use, even by the most amateur shooter, making them extremely dangerous. A study examining mass shootings committed between 2009 and 2018 found that when assault weapons were used, six times more people were shot compared with those incidents in which other types of firearms were used. Similarly, when high-capacity magazines were used, five times more people were shot compared with those mass shootings in which no high-capacity magazines were used.³⁵

Assault weapons and high-capacity magazines are not only used by perpetrators of mass shootings; these weapons are increasingly becoming common in daily episodes of gun violence as well. A 2017 study concluded that firearms with high-

capacity magazines accounted for between 22 percent and 36 percent of guns recovered in connection with crimes.³⁶ A 2010 report from the Police Executive Research Forum found that more than one-third of U.S. police agencies reported increased use of assault weapons in crimes following the expiration of the federal assault weapons ban.³⁷ Baltimore's then-Interim Police Commissioner Gary Tuggle noted in 2018 that roughly one-third of guns recovered from crime scenes in that city had high-capacity magazines attached, with the Baltimore Police Department reporting the recovery of 890 guns with high-capacity magazines from January 1, 2017, through April 29, 2018.³⁸

Banning assault weapons and high-capacity magazines is a demonstrably effective policy intervention to reduce gun violence. Currently, seven states and Washington, D.C.,³⁹ have laws banning assault weapons, while nine states and Washington, D.C., ban high-capacity magazines.⁴⁰ A 2004 U.S. Department of Justice report found that during the 10-year period that the federal assault weapons ban was in place, many cities saw declines in the number of assault weapons recovered from crimes, with reductions ranging from 17 percent to 72 percent.⁴¹ Studies examining public mass shootings from 1982 through 2011 found that bans on assault weapons at the federal and state levels were effective at reducing rates of mass shooting fatalities.⁴² A 2019 study examined mass shootings perpetrated from 1990 through 2017 and found that 77 percent of mass shootings committed with a high-capacity magazine occurred in states without a state-level restriction on magazine size.⁴³ Nevada needs to follow the lead of these states and enact a ban on assault weapons and high-capacity ammunition magazines.

Conclusion

Nevada has taken significant steps in recent years to strengthen the state's gun laws; however, serious gaps in the law remain that leave Nevada communities vulnerable to gun violence. With roughly 498 Nevadans being killed with guns every year,⁴⁴ this is an urgent problem that demands immediate attention by the state Legislature.

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Endnotes

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