



## WASHOE COUNTY

### PUBLIC DEFENDER

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March 27, 2025

To: Assembly Committee on Judiciary and the Senate Committee on Judiciary  
From: Washoe County Public Defender's Office, Washoe County Alternative Public Defender's Office and Clark County Public Defender's Office

### **Re: Opposition to Assembly Bill 245**

The Washoe County Public Defender's Office, the Washoe County Alternative Public Defender's Office and the Clark County Public Defender's Office oppose Assembly Bill 245 (AB245), which seeks to impose new restrictions on firearm possession, particularly focusing on the age of gun ownership and possession for individuals between 18 and 21. This bill raises significant constitutional issues, both under the Nevada Constitution and the Second Amendment of the United States Constitution.

#### **1. Unconstitutional Under the Nevada Constitution**

The proposed age restriction in AB245, which raises the legal age for gun ownership from 18 to 21, violates the Nevada Constitution. Article 1, Section 11 of The Constitution of the State of Nevada states, "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes." This right was not guaranteed until 1982, when voters overwhelmingly approved Article 1, Section 11(1), as a ballot measure<sup>1</sup>.

The 1982 ballot materials told voters that the amendment, as proposed, meant that "'other lawful purposes' gives the Legislature the authority to expand the lawful purposes for which a citizen may keep and bear arms, but it does not authorize the Legislature to diminish them."<sup>2</sup>

The Nevada Supreme Court in *Pohlabel* wrote that the phrase "other lawful purposes" gives the Legislature the authority to expand the lawful purposes for which a citizen may keep and bear arms, but it does not authorize the Legislature to diminish them.

According to the Nevada Supreme Court's interpretation in *Pohlabel*, 18-year-olds are considered citizens with the right to bear arms, and the state cannot impose such a restriction under our state constitution.<sup>3</sup> This bill clearly violates that provision, infringing on the rights of young adults who are otherwise lawfully entitled to possess firearms.

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<sup>1</sup> *Pohlabel v. State*, 128 Nev. 1, 10, 268 P.3d 1264, 1270 (2012)

<sup>2</sup> *Pohlabel v. State*, 128 Nev. 1, 10, 268 P.3d 1264, 1269 (2012)

<sup>3</sup> *Pohlabel v. State*, 128 Nev. 1, 268 P.3d 1264 (2012).



## **2. Impact on Hunting and Lawful Sports Shooting**

We appreciate Amendment #1 presented by Assemblymember Sandra Jauregui, which adds “an exemption for target shooting, sport shooting, hunting or predatory range control.” It is essential that the bill includes a specific exemption, like in Amendment #1, for hunting and target practice. Without such exemptions, AB245 could severely limit the ability of 18- to 21-year-olds to engage in these lawful and widely accepted activities, infringing upon their constitutional rights to hunt and engage in sport shooting.

## **3. Lack of Clarity and Definition**

Finally, it is crucial for laws to be clear and precise. Well-defined laws promote fairness, safeguard rights, and uphold trust in the legal system. However, AB 245 includes terms like "negligently stored" and "semi-automatic firearms" that are insufficiently defined, which can lead to confusion and inconsistent enforcement. To ensure the law is applied fairly and consistently, these terms must be clearly defined. This will help prevent unjust legal consequences for individuals who may not fully understand the restrictions being imposed upon them.

## **Conclusion**

For the reasons outlined above, we oppose AB245.

Respectfully,

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Clark County Public Defender's Office