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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 82nd 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)