

Amendment No. 789

Assembly Amendment to Senate Bill No. 92 First Reprint	(BDR 20-45)
<b>Proposed by:</b> Assembly Committee on Government Affairs	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date				
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

MSM



Date: 5/17/2007

S.B. No. 92—Revises certain provisions pertaining to the regulation of firearms by local governments. (BDR 20-45)



SENATE BILL NO. 92—SENATORS LEE, HARDY, HECK, BEERS, CEGAVSKE, CARE,  
COFFIN, MCGINNESS AND WOODHOUSE

FEBRUARY 15, 2007

JOINT SPONSORS: ASSEMBLYMEN ANDERSON, PARKS, GANSERT, ALLEN,  
MORTENSON, BEERS, BOBZIEN, CHRISTENSEN, CLABORN, DENIS,  
GOICOECHEA, GRADY, HARDY, KOIVISTO, MANENDO, MARVEL,  
OHRENSCHALL, SETTELMAYER AND STEWART

Referred to Committee on Government Affairs

SUMMARY—Revises certain provisions pertaining to the regulation of firearms  
by local governments. (BDR 20-45)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to firearms; revising certain provisions pertaining to the  
regulation of firearms by local governments; and providing other  
matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Assembly Bill No. 147 of the 1989 Legislative Session (Chapter 308, Statutes of Nevada  
2 1989, p. 653) reserved for the Legislature the rights and powers necessary to regulate the  
3 transfer, sale, purchase, possession, ownership, transportation, registration and licensing of  
4 firearms and ammunition in this State. However, **section 5** of Assembly Bill No. 147 provided  
5 that the preemptive effect of the bill applied only to ordinances or regulations adopted by local  
6 governments on or after June 13, 1989. This bill requires the amendment of ordinances or  
7 regulations adopted by local governments before June 13, 1989, that require registration of a  
8 firearm capable of being concealed to impose: (1) a period of at least 60 days of residency in  
9 the jurisdiction before registration of such a firearm is required; and (2) a period of at least 72  
10 hours for the registration of a pistol by a resident of the jurisdiction upon transfer of title to the  
11 pistol to the resident by purchase, gift or any other transfer.

12 **For the purposes of the amendatory provisions of this bill relating to the registration**  
13 **of firearms, and for the purposes of the authority of local governments to proscribe the**  
14 **unsafe discharge of firearms, this bill revises the definition of “firearm” to use the more**  
15 **narrow definition set forth in NRS 202.253, pursuant to which a firearm is a device**  
16 **designed to be used as a weapon from which a projectile may be expelled through the**  
17 **barrel by the force of any explosion or other form of combustion. For the purposes of**  
18 **state preemption of the local regulation of firearms, this bill retains the broader**  
19 **definition of “firearm” already used in NRS 244.364, 268.418 and 269.222, pursuant to**  
20 **which a firearm is any weapon from which a projectile is discharged by means of an**  
21 **explosive, spring, gas, air or other force.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** NRS 244.364 is hereby amended to read as follows:

2       244.364 1. Except as otherwise provided by specific statute, the Legislature  
3 reserves for itself such rights and powers as are necessary to regulate the transfer,  
4 sale, purchase, possession, ownership, transportation, registration and licensing of  
5 firearms and ammunition in Nevada, and no county may infringe upon those rights  
6 and powers. As used in this subsection, "firearm" means any weapon from which  
7 a projectile is discharged by means of an explosive, spring, gas, air or other force.

8       2. A board of county commissioners may proscribe by ordinance or regulation  
9 the unsafe discharge of firearms.

10       3. *If a board of county commissioners in a county whose population is*  
11 *400,000 or more has required by ordinance or regulation adopted before June 13,*  
12 *1989, the registration of a firearm capable of being concealed, the board of*  
13 *county commissioners shall amend such an ordinance or regulation to require:*

14       (a) *A period of at least 60 days of residency in the county before registration*  
15 *of such a firearm is required.*

16       (b) *A period of at least 72 hours for the registration of a pistol by a resident*  
17 *of the county upon transfer of title to the pistol to the resident by purchase, gift or*  
18 *any other transfer.*

19       4. ~~As~~ Except as otherwise provided in subsection 1, as used in this section  
20 ~~["firearm"]~~:

21       (a) *"Firearm" means any device designed to be used as a* weapon from which  
22 *a projectile* ~~is discharged by means of an explosive, spring, gas, air or other force.~~  
23 may be expelled through the barrel by the force of any explosion or other form of  
24 combustion.

25       (b) *"Firearm capable of being concealed" includes all firearms having a*  
26 *barrel less than 12 inches in length.*

27       (c) *"Pistol" means a firearm capable of being concealed that is intended to*  
28 *be aimed and fired with one hand.*

29       **Sec. 2.** NRS 268.418 is hereby amended to read as follows:

30       268.418 1. Except as otherwise provided by specific statute, the Legislature  
31 reserves for itself such rights and powers as are necessary to regulate the transfer,  
32 sale, purchase, possession, ownership, transportation, registration and licensing of  
33 firearms and ammunition in Nevada, and no city may infringe upon those rights and  
34 powers. As used in this subsection, "firearm" means any weapon from which a  
35 projectile is discharged by means of an explosive, spring, gas, air or other force.

36       2. The governing body of a city may proscribe by ordinance or regulation the  
37 unsafe discharge of firearms.

38       3. *If the governing body of a city in a county whose population is 400,000 or*  
39 *more has required by ordinance or regulation adopted before June 13, 1989, the*  
40 *registration of a firearm capable of being concealed, the governing body shall*  
41 *amend such an ordinance or regulation to require:*

42       (a) *A period of at least 60 days of residency in the city before registration of*  
43 *such a firearm is required.*

44       (b) *A period of at least 72 hours for the registration of a pistol by a resident*  
45 *of the city upon transfer of title to the pistol to the resident by purchase, gift or*  
46 *any other transfer.*

47       4. ~~As~~ Except as otherwise provided in subsection 1, as used in this section  
48 ~~["firearm"]~~:

1 (a) "Firearm" means any device designed to be used as a weapon from which  
2 a projectile ~~[is discharged by means of an explosive, spring, gas, air or other force.]~~  
3 may be expelled through the barrel by the force of any explosion or other form of  
4 combustion.

5 (b) "Firearm capable of being concealed" includes all firearms having a  
6 barrel less than 12 inches in length.

7 (c) "Pistol" means a firearm capable of being concealed that is intended to  
8 be aimed and fired with one hand.

9 **Sec. 3.** NRS 269.222 is hereby amended to read as follows:

10 269.222 1. Except as otherwise provided by specific statute, the Legislature  
11 reserves for itself such rights and powers as are necessary to regulate the transfer,  
12 sale, purchase, possession, ownership, transportation, registration and licensing of  
13 firearms and ammunition in Nevada, and no town may infringe upon those rights  
14 and powers. As used in this subsection, "firearm" means any weapon from which  
15 a projectile is discharged by means of an explosive, spring, gas, air or other force.

16 2. A town board may proscribe by ordinance or regulation the unsafe  
17 discharge of firearms.

18 3. *If a town board in a county whose population is 400,000 or more has*  
19 *required by ordinance or regulation adopted before June 13, 1989, the*  
20 *registration of a firearm capable of being concealed, the town board shall amend*  
21 *such an ordinance or regulation to require:*

22 (a) *A period of at least 60 days of residency in the town before registration of*  
23 *such a firearm is required.*

24 (b) *A period of at least 72 hours for the registration of a pistol by a resident*  
25 *of the town upon transfer of title to the pistol to the resident by purchase, gift or*  
26 *any other transfer.*

27 4. ~~[As]~~ Except as otherwise provided in subsection 1, as used in this section  
28 ~~[, "firearm"]~~:

29 (a) "Firearm" means any device designed to be used as a weapon from which  
30 a projectile ~~[is discharged by means of an explosive, spring, gas, air or other force.]~~  
31 may be expelled through the barrel by the force of any explosion or other form of  
32 combustion.

33 (b) "Firearm capable of being concealed" includes all firearms having a  
34 barrel less than 12 inches in length.

35 (c) "Pistol" means a firearm capable of being concealed that is intended to  
36 be aimed and fired with one hand.

37 **Sec. 4.** Section 5 of chapter 308, Statutes of Nevada 1989, at page 653, is  
38 hereby amended to read as follows:

39 **Sec. 5.** ~~[The]~~

40 1. *Except as otherwise provided in subsection 2, the* provisions of  
41 this act apply ~~[only]~~ to ordinances or regulations adopted on or after ~~[the~~  
42 ~~effective date of this act.]~~ *June 13, 1989.*

43 2. *The provisions of this act, as amended on October 1, 2007, apply*  
44 *to ordinances or regulations adopted before, on or after June 13, 1989.*

45 **Sec. 5.** A board of county commissioners, governing body of a city and town  
46 board in a county whose population is 400,000 or more shall amend any ordinance  
47 or regulation adopted by that body before June 13, 1989, that does not conform  
48 with the provisions of NRS 244.364, as amended by section 1 of this act, NRS  
49 268.418, as amended by section 2 of this act or NRS 269.222, as amended by  
50 section 3 of this act, as applicable, by January 1, 2008. Any ordinance or regulation  
51 that does not comply with the applicable provision by January 1, 2008, shall be  
52 deemed to conform with that provision by operation of law.