

MOCK-UP

PROPOSED AMENDMENT 3843 TO
SENATE BILL NO. 124

PREPARED FOR SENATOR ROBERSON
APRIL 13, 2017

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added 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 proposed to be retained in this amendment.

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

- 1 **Section 1.** NRS 33.031 is hereby amended to read as follows:
2 33.031 1. A court may ~~shall~~ include in an extended order issued
3 pursuant to NRS 33.030:
4 (a) A requirement that the adverse party surrender, sell or transfer any
5 firearm in the adverse party's possession or under the adverse party's
6 custody or control in the manner set forth in NRS 33.033; and
7 (b) A ~~prohibition on~~ *statement that, unless the provisions of*
8 *subsection ~~2~~ 3 apply,* the adverse party ~~against~~ *is prohibited from*
9 possessing or having under the adverse party's custody or control any
10 firearm while the order is in effect ~~it~~ *pursuant to*
11 *NRS 202.360.*
12 2. In determining whether to include the provisions set forth in
13 subsection 1 in an extended order, the court must consider, without
14 limitation, whether the adverse party:
15 (a) Has a documented history of domestic violence;
16 (b) Has used or threatened to use a firearm to injure or harass the
17 applicant, a minor child or any other person; and

1 (c) Has used a firearm in the commission or attempted commission of
2 any crime.

3 3. If a court includes the provisions set forth in subsection 1 in an
4 extended order, the ~~the~~ court may include ~~in an extended order~~ a
5 limited exception from the prohibition to possess or have under the adverse
6 party's custody or control any firearm if the adverse party establishes that:

7 (a) The adverse party is employed by an employer who requires the
8 adverse party to use or possess a firearm as an integral part of the adverse
9 party's employment; ~~and~~

10 (b) *The adverse party only uses or possesses the firearm in the course*
11 *of such employment; and*

12 (c) The employer will provide for the storage of any such firearm
13 during any period when the adverse party is not working.

14 ~~4. 3.~~ An adverse party who violates any provision included in an
15 extended order pursuant to this section concerning the surrender, sale,
16 transfer, possession, custody or control of a firearm is guilty of a ~~gross~~
17 ~~misdemeanor. If the court includes any such provision in an extended~~
18 ~~order, the~~ *category B felony and shall be punished by imprisonment in*
19 *the state prison for a minimum term of not less than 1 year and a*
20 *maximum term of not more than 6 years, and may be further punished*
21 *by a fine of not more than \$5,000. The court must include in the order a*
22 *statement that violation of such a provision in the order is a ~~gross~~*
23 ~~misdemeanor.~~ *category B felony and shall be punished by imprisonment*
24 *in the state prison for a minimum term of not less than 1 year and a*
25 *maximum term of not more than 6 years, and may be further punished*
26 *by a fine of not more than \$5,000.*

27 **Sec. 2.** NRS 33.033 is hereby amended to read as follows:

28 33.033 1. If a court orders ~~when~~ an adverse party ~~is ordered~~ to
29 surrender, sell or transfer any firearm pursuant to NRS 33.031, the
30 adverse party shall, not later than 24 hours after service of the order:

31 (a) Surrender any firearm in the adverse party's possession or under
32 the adverse party's custody or control to the appropriate local law
33 enforcement agency designated by the court in the order; ~~or~~

34 (b) ~~Surrender any firearm in the adverse party's possession or under~~
35 ~~the adverse party's custody or control to a person designated by the court~~
36 ~~in the order; or~~

37 ~~(c)~~ Sell or transfer any firearm in the adverse party's possession or
38 under the adverse party's custody or control to a licensed firearm dealer ~~;~~
39 ~~or~~

40 ~~(e) Submit an affidavit:~~

41 ~~(1) Informing the court that he or she currently does not have any~~
42 ~~firearm in his or her possession or under his or her custody or control;~~
43 ~~and~~

1 ~~(2) Acknowledging that failure to surrender, sell or transfer any~~
2 ~~firearm in his or her possession or under his or her custody or control is~~
3 ~~a violation of the extended order and state law.~~

4 2. If the court orders the adverse party to surrender any firearm to a
5 local law enforcement agency pursuant to paragraph (a) of subsection 1,
6 the law enforcement agency shall provide the adverse party with a receipt
7 which includes a description of each firearm surrendered and the adverse
8 party shall, not later than 72 hours or 1 business day, whichever is later,
9 after surrendering any such firearm, provide the receipt to the court.

10 3. ~~If the court orders the adverse party to surrender any firearm to a~~
11 ~~person designated by the court pursuant to paragraph (b) of subsection 1,~~
12 ~~the adverse party shall, not later than 72 hours or 1 business day,~~
13 ~~whichever is later, after the adverse party surrenders any firearm to such~~
14 ~~person, provide to the court and the appropriate local law enforcement~~
15 ~~agency the name and address of the person designated in the order and a~~
16 ~~written description of each firearm surrendered to such person.~~

17 ~~4.~~ If the adverse party sells or transfers any firearm to a licensed
18 firearm dealer ~~[that is subject to an order]~~ pursuant to paragraph ~~[(c)]~~ (b) of
19 subsection 1 ~~[, the]~~ :

20 (a) *The licensed firearm dealer shall provide the adverse party with a*
21 *receipt which includes a description of each firearm sold or transferred*
22 *and, if the firearm was transferred, whether the transfer is permanent or*
23 *temporary; and*

24 (b) *The* adverse party shall, not later than 72 hours or 1 business day,
25 whichever is later, after such sale or transfer, provide *the receipt* to the
26 court and the appropriate local law enforcement agency . ~~[a receipt of such~~
27 ~~sale or transfer and a written description of each firearm sold or~~
28 ~~transferred.~~

29 ~~5.~~ 4. If there is probable cause to believe that the adverse party has
30 not surrendered, sold or transferred any firearm in the adverse party's
31 possession or under the adverse party's custody or control within 24 hours
32 after service of the order, the court may issue and deliver to any law
33 enforcement officer a search warrant which authorizes the law
34 enforcement officer to enter and search any place where there is probable
35 cause to believe any firearm is located and seize the firearm.

36 ~~6.~~ 5. A local law enforcement agency may charge and collect a fee
37 from the adverse party for the collection and storage of a firearm pursuant
38 to this section. The fee must not exceed the cost incurred by the local law
39 enforcement agency to provide the service.

40 6. ~~[A licensed firearm dealer may charge and collect a fee from the~~
41 ~~adverse party for the storage of a firearm pursuant to this section.~~

42 ~~7.~~ As used in this section, "licensed firearm dealer" means a
43 *person licensed pursuant to 18 U.S.C. § 923(a).*

1 **Sec. 3.** NRS 200.485 is hereby amended to read as follows:
2 200.485 1. Unless a greater penalty is provided pursuant to
3 subsection 2 or NRS 200.481, a person convicted of a battery which
4 constitutes domestic violence pursuant to NRS 33.018:
5 (a) For the first offense within 7 years, is guilty of a misdemeanor and
6 shall be sentenced to:
7 (1) Imprisonment in the city or county jail or detention facility for
8 not less than 2 days, but not more than 6 months; and
9 (2) Perform not less than 48 hours, but not more than 120 hours, of
10 community service.
11 ↪ The person shall be further punished by a fine of not less than \$200, but
12 not more than \$1,000. A term of imprisonment imposed pursuant to this
13 paragraph may be served intermittently at the discretion of the judge or
14 justice of the peace, except that each period of confinement must be not
15 less than 4 consecutive hours and must occur at a time when the person is
16 not required to be at his or her place of employment or on a weekend.
17 (b) For the second offense within 7 years, is guilty of a misdemeanor
18 and shall be sentenced to:
19 (1) Imprisonment in the city or county jail or detention facility for
20 not less than 10 days, but not more than 6 months; and
21 (2) Perform not less than 100 hours, but not more than 200 hours, of
22 community service.
23 ↪ The person shall be further punished by a fine of not less than \$500, but
24 not more than \$1,000.
25 (c) For the third and any subsequent offense within 7 years, is guilty of
26 a category C felony and shall be punished as provided in NRS 193.130.
27 2. Unless a greater penalty is provided pursuant to NRS 200.481, a
28 person convicted of a battery which constitutes domestic violence pursuant
29 to NRS 33.018, if the battery is committed by strangulation as described in
30 NRS 200.481, is guilty of a category C felony and shall be punished as
31 provided in NRS 193.130 and by a fine of not more than \$15,000.
32 3. In addition to any other penalty, if a person is convicted of a
33 battery which constitutes domestic violence pursuant to NRS 33.018, the
34 court shall:
35 (a) For the first offense within 7 years, require the person to participate
36 in weekly counseling sessions of not less than 1 1/2 hours per week for not
37 less than 6 months, but not more than 12 months, at his or her expense, in a
38 program for the treatment of persons who commit domestic violence that
39 has been certified pursuant to NRS 228.470.
40 (b) For the second offense within 7 years, require the person to
41 participate in weekly counseling sessions of not less than 1 1/2 hours per
42 week for 12 months, at his or her expense, in a program for the treatment
43 of persons who commit domestic violence that has been certified pursuant
44 to NRS 228.470.

1 ↪ If the person resides in this State but the nearest location at which
2 counseling services are available is in another state, the court may allow
3 the person to participate in counseling in the other state in a program for
4 the treatment of persons who commit domestic violence that has been
5 certified pursuant to NRS 228.470.

6 4. An offense that occurred within 7 years immediately preceding the
7 date of the principal offense or after the principal offense constitutes a
8 prior offense for the purposes of this section when evidenced by a
9 conviction, without regard to the sequence of the offenses and convictions.
10 The facts concerning a prior offense must be alleged in the complaint,
11 indictment or information, must not be read to the jury or proved at trial
12 but must be proved at the time of sentencing and, if the principal offense is
13 alleged to be a felony, must also be shown at the preliminary examination
14 or presented to the grand jury.

15 5. In addition to any other fine or penalty, the court shall order such a
16 person to pay an administrative assessment of \$35. Any money so
17 collected must be paid by the clerk of the court to the State Controller on
18 or before the fifth day of each month for the preceding month for credit to
19 the Account for Programs Related to Domestic Violence established
20 pursuant to NRS 228.460.

21 6. In addition to any other penalty, the court may require such a
22 person to participate, at his or her expense, in a program of treatment for
23 the abuse of alcohol or drugs that has been certified by the Division of
24 Public and Behavioral Health of the Department of Health and Human
25 Services.

26 7. If it appears from information presented to the court that a child
27 under the age of 18 years may need counseling as a result of the
28 commission of a battery which constitutes domestic violence pursuant to
29 NRS 33.018, the court may refer the child to an agency which provides
30 child welfare services. If the court refers a child to an agency which
31 provides child welfare services, the court shall require the person
32 convicted of a battery which constitutes domestic violence pursuant to
33 NRS 33.018 to reimburse the agency for the costs of any services
34 provided, to the extent of the convicted person's ability to pay.

35 8. If a person is charged with committing a battery which constitutes
36 domestic violence pursuant to NRS 33.018, a prosecuting attorney shall
37 not dismiss such a charge in exchange for a plea of guilty, guilty but
38 mentally ill or nolo contendere to a lesser charge or for any other reason
39 unless the prosecuting attorney knows, or it is obvious, that the charge is
40 not supported by probable cause or cannot be proved at the time of trial. A
41 court shall not grant probation to and, except as otherwise provided in
42 NRS 4.373 and 5.055, a court shall not suspend the sentence of such a
43 person.

44 9. *In every judgment of conviction issued pursuant to this section,*
45 *the court shall:*

1 (a) Inform the person convicted that he or she is prohibited from
2 owning, possessing or having under his or her custody or control any
3 firearm pursuant to NRS 202.360; and

4 (b) Order the person convicted to permanently surrender, sell or
5 transfer any firearm that he or she owns or that is in his or her
6 possession or under his or her custody or control ~~in the manner set~~
7 ~~forth in section 5 of this act.~~ within 24 hours after issuing the order by:

8 (1) Surrendering any firearm in the person's possession or under
9 the person's custody or control to the appropriate local law enforcement
10 agency designated by the court in the order; or

11 (2) Selling or transferring any firearm in the person's possession
12 or under the person's custody or control to a licensed firearm dealer.

13 ~~10. A person who violates any provision included in a judgment of~~
14 ~~conviction issued pursuant to this section concerning the surrender, sale,~~
15 ~~transfer, ownership, possession, custody or control of a firearm is guilty~~
16 ~~of a category B felony and shall be punished by imprisonment in the~~
17 ~~state prison for a minimum term of not less than 1 year and a maximum~~
18 ~~term of not more than 6 years, and may be further punished by a fine of~~
19 ~~not more than \$5,000. The court must include in the judgment of~~
20 ~~conviction a statement that a violation of such a provision in the~~
21 ~~judgment is a category B felony and shall be punished by imprisonment~~
22 ~~in the state prison for a minimum term of not less than 1 year and a~~
23 ~~maximum term of not more than 6 years, and may be further punished~~
24 ~~by a fine of not more than \$5,000.~~

25 ~~11.~~ As used in this section:

26 (a) "Agency which provides child welfare services" has the meaning
27 ascribed to it in NRS 432B.030.

28 (b) "Battery" has the meaning ascribed to it in paragraph (a) of
29 subsection 1 of NRS 200.481.

30 (c) "Licensed firearm dealer" means a person licensed pursuant to
31 18 U.S.C. § 923(a).

32 (d) "Offense" includes a battery which constitutes domestic violence
33 pursuant to NRS 33.018 or a violation of the law of any other jurisdiction
34 that prohibits the same or similar conduct.

35 **Sec. 4.** NRS 200.575 is hereby amended to read as follows:

36 200.575 1. A person who, without lawful authority, willfully or
37 maliciously engages in a course of conduct that would cause a reasonable
38 person to feel terrorized, frightened, intimidated, harassed or fearful for the
39 immediate safety of a family or household member, and that actually
40 causes the victim to feel terrorized, frightened, intimidated, harassed or
41 fearful for the immediate safety of a family or household member,
42 commits the crime of stalking. Except where the provisions of subsection 2
43 or 3 are applicable, a person who commits the crime of stalking:

44 (a) For the first offense, is guilty of a misdemeanor.

45 (b) For any subsequent offense, is guilty of a gross misdemeanor.

1 2. A person who commits the crime of stalking and in conjunction
2 therewith threatens the person with the intent to cause the person to be
3 placed in reasonable fear of death or substantial bodily harm commits the
4 crime of aggravated stalking. A person who commits the crime of
5 aggravated stalking shall be punished for a category B felony by
6 imprisonment in the state prison for a minimum term of not less than 2
7 years and a maximum term of not more than 15 years, and may be further
8 punished by a fine of not more than \$5,000.

9 3. A person who commits the crime of stalking with the use of an
10 Internet or network site, electronic mail, text messaging or any other
11 similar means of communication to publish, display or distribute
12 information in a manner that substantially increases the risk of harm or
13 violence to the victim shall be punished for a category C felony as
14 provided in NRS 193.130.

15 4. Except as otherwise provided in subsection 2 of NRS 200.571, a
16 criminal penalty provided for in this section may be imposed in addition to
17 any penalty that may be imposed for any other criminal offense arising
18 from the same conduct or for any contempt of court arising from the same
19 conduct.

20 5. *In every judgment of conviction issued pursuant to ~~this section,~~*
21 *subsection 2 or 3, the court shall:*

22 (a) *Inform the person convicted that he or she is prohibited from*
23 *owning, possessing or having under his or her control or custody any*
24 *firearm pursuant to NRS 202.360; and*

25 (b) *Order the person convicted to permanently surrender, sell or*
26 *transfer any firearm that he or she owns or that is in his or her*
27 *possession or under his or her custody or control ~~in the manner set~~*
28 *forth in section 5 of this act, within 24 hours after issuing the order by:*

29 *(1) Surrendering any firearm in the person's possession or under*
30 *the person's custody or control to the appropriate local law enforcement*
31 *agency designated by the court in the order; or*

32 *(2) Selling or transferring any firearm in the person's possession*
33 *or under the person's custody or control to a licensed firearm dealer.*

34 6. ~~*A person who violates any provision included in a judgment of*~~
35 ~~*conviction issued pursuant to this section concerning the surrender, sale,*~~
36 ~~*transfer, ownership, possession, custody or control of a firearm is guilty*~~
37 ~~*of a category B felony and shall be punished by imprisonment in the*~~
38 ~~*state prison for a minimum term of not less than 1 year and a maximum*~~
39 ~~*term of not more than 6 years, and may be further punished by a fine of*~~
40 ~~*not more than \$5,000. The court must include in the judgment of*~~
41 ~~*conviction a statement that a violation of such a provision in the*~~
42 ~~*judgment is a category B felony and shall be punished by imprisonment*~~
43 ~~*in the state prison for a minimum term of not less than 1 year and a*~~
44 ~~*maximum term of not more than 6 years, and may be further punished*~~
45 ~~*by a fine of not more than \$5,000.*~~

1 ~~7.~~ The penalties provided in this section do not preclude the victim
2 from seeking any other legal remedy available.

3 ~~16-8.~~ 7. As used in this section:

4 (a) "Course of conduct" means a pattern of conduct which consists of a
5 series of acts over time that evidences a continuity of purpose directed at a
6 specific person.

7 (b) "Family or household member" means a spouse, a former spouse, a
8 parent or other person who is related by blood or marriage or is or was
9 actually residing with the person.

10 (c) "Internet or network site" has the meaning ascribed to it in NRS
11 205.4744.

12 (d) "Licensed firearm dealer" means a person licensed pursuant to
13 18 U.S.C. § 923(a).

14 (e) "Network" has the meaning ascribed to it in NRS 205.4745.

15 ~~(e) "Provider of Internet service" has the meaning ascribed to it in~~
16 ~~NRS 205.4758.~~

17 (f) "Text messaging" means a communication in the form of
18 electronic text or one or more electronic images sent from a telephone or
19 computer to another person's telephone or computer by addressing the
20 communication to the recipient's telephone number.

21 (g) ~~(f)~~ "Without lawful authority" includes acts which are initiated or
22 continued without the victim's consent. The term does not include acts
23 which are otherwise protected or authorized by constitutional or statutory
24 law, regulation or order of a court of competent jurisdiction, including, but
25 not limited to:

26 (1) Picketing which occurs during a strike, work stoppage or any
27 other labor dispute.

28 (2) The activities of a reporter, photographer, camera operator or
29 other person while gathering information for communication to the public
30 if that person is employed or engaged by or has contracted with a
31 newspaper, periodical, press association or radio or television station and is
32 acting solely within that professional capacity.

33 (3) The activities of a person that are carried out in the normal
34 course of his or her lawful employment.

35 (4) Any activities carried out in the exercise of the constitutionally
36 protected rights of freedom of speech and assembly.

37 **Sec. 5.** ~~Chapter 202 of NRS is hereby amended by adding thereto a~~
38 ~~new section to read as follows:~~

39 ~~1. If a person is prohibited from owning, possessing or having~~
40 ~~under his or her custody or control a firearm pursuant to NRS 202.360,~~
41 ~~the court in which the person is convicted shall order the person to~~
42 ~~surrender any firearm that the person owns or that is in his or her~~
43 ~~possession or under his or her custody or control to a designated law~~
44 ~~enforcement agency or a licensed firearm dealer, and the person shall,~~
45 ~~not later than 24 hours after service of the order.~~

1 ~~—(a) Surrender any firearm that the person owns or that is in his or~~
2 ~~her possession or under his or her custody or control to the appropriate~~
3 ~~local law enforcement agency designated by the court in the order;~~

4 ~~—(b) Sell or transfer any firearm that the person owns or that is in his~~
5 ~~or her possession or under his or her custody or control to a licensed~~
6 ~~firearm dealer; or~~

7 ~~—(c) Submit an affidavit:~~

8 ~~—(1) Informing the court that he or she currently does not own or~~
9 ~~have any firearm in his or her possession or under his or her custody or~~
10 ~~control; and~~

11 ~~—(2) Acknowledging that failure to surrender, sell or transfer any~~
12 ~~firearm that he or she owns or has in his or her possession or under his~~
13 ~~or her custody or control is a violation of the order and state law.~~

14 ~~—2. If the court orders a person to surrender any firearm to a local~~
15 ~~law enforcement agency pursuant to paragraph (a) of subsection 1, the~~
16 ~~law enforcement agency shall provide the person with a receipt which~~
17 ~~includes a description of each firearm surrendered and the person shall,~~
18 ~~not later than 72 hours or 1 business day, whichever is later, after~~
19 ~~surrendering any such firearm, provide the receipt to the court.~~

20 ~~—3. If a person sells or transfers any firearm to a licensed firearm~~
21 ~~dealer pursuant to paragraph (b) of subsection 1:~~

22 ~~—(a) The licensed firearm dealer shall provide the person with a~~
23 ~~receipt which includes a description of each firearm sold or transferred;~~
24 ~~and~~

25 ~~—(b) The person shall, not later than 72 hours or 1 business day,~~
26 ~~whichever is later, after such sale or transfer, provide the receipt to the~~
27 ~~court and the appropriate local law enforcement agency.~~

28 ~~—4. If there is probable cause to believe that the person has not~~
29 ~~surrendered, sold or transferred any firearm that the person owns or in~~
30 ~~the person's possession or under the person's custody or control within~~
31 ~~24 hours after service of the order, the court may issue and deliver to any~~
32 ~~law enforcement officer a search warrant which authorizes the law~~
33 ~~enforcement officer to enter and search any place where there is~~
34 ~~probable cause to believe any firearm is located and seize the firearm.~~

35 ~~—5. A local law enforcement agency may charge and collect a fee~~
36 ~~from the person for the collection of a firearm pursuant to this section.~~
37 ~~The fee must not exceed the cost incurred by the local law enforcement~~
38 ~~agency to provide the service.~~

39 ~~—6. As used in this section, "licensed firearm dealer" means a person~~
40 ~~licensed pursuant to 18 U.S.C. § 923(a).] (Deleted by amendment.)~~

41 **Sec. 6.** ~~{NRS 202.253 is hereby amended to read as follows:~~

42 ~~202.253 As used in NRS 202.253 to 202.369, inclusive [;], and~~
43 ~~section 5 of this act:~~

44 ~~—1. "Explosive or incendiary device" means any explosive or~~
45 ~~incendiary material or substance that has been constructed, altered,~~

~~packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.~~

~~2. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.~~

~~3. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.~~

~~4. "Motor vehicle" means every vehicle that is self-propelled.~~

(Deleted by amendment.)

Sec. 7. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) ~~Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33); of ~~§~~ :~~

(1) A crime which constitutes domestic violence pursuant to NRS 33.018 that has as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon; or ~~§~~

(2) A law of any other state that prohibits the same or substantially similar conduct ~~§~~ described in subparagraph (1);

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(c) *Has been convicted of a violation of subsection 2 or 3 of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct;*

(d) Except as otherwise provided in NRS 33.031, is currently subject to an extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, that includes a statement that the adverse party is prohibited from possessing or having under his custody or control any firearm, or an equivalent order in any other state;

(e) Is a fugitive from justice;

~~(d)~~ (f) Is an unlawful user of, or addicted to, any controlled substance; or

~~(e)~~ (g) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➔ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

1 (a) Has been adjudicated as mentally ill or has been committed to any
2 mental health facility by a court of this State, any other state or the United
3 States;

4 (b) Has entered a plea of guilty but mentally ill in a court of this State,
5 any other state or the United States;

6 (c) Has been found guilty but mentally ill in a court of this State, any
7 other state or the United States;

8 (d) Has been acquitted by reason of insanity in a court of this State,
9 any other state or the United States; or

10 (e) Is illegally or unlawfully in the United States.

11 ↪ A person who violates the provisions of this subsection is guilty of a
12 category D felony and shall be punished as provided in
13 NRS 193.130.

14 3. As used in this section:

15 (a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C.
16 § 802(6).

17 (b) "Firearm" includes any firearm that is loaded or unloaded and
18 operable or inoperable.

19 **Sec. 8.** 1. The provisions of NRS 33.031 and 33.033, as amended
20 by sections 1 and 2 of this act, apply to an extended order issued pursuant
21 to NRS 33.030 on or after October 1, 2017.

22 2. The provisions of NRS 200.485 and 200.575, as amended by
23 sections 3 and 4 of this act, apply to judgments of conviction issued on or
24 after October 1, 2017.

25 3. The provisions of paragraphs (a) and (c) of subsection 1 of NRS
26 202.360, as amended by section 7 of this act, apply to ~~an offense~~
27 ~~committed before,~~ **judgments of conviction issued** on or after October 1,
28 2017.

29 4. The provisions of paragraph (d) of subsection 1 of NRS 202.360,
30 as amended by section 7 of this act, apply to an extended order issued
31 pursuant to NRS 33.030 on or after October 1, 2017.

32

H