
Senate Committee on Judiciary

This measure may be considered for action during today's work session.

ASSEMBLY BILL 355 (First Reprint)

Revises provisions relating to firearms. (BDR 15-937)

Sponsored By: Assembly Members Jauregui, Yeager, and Monroe-Moreno
Date Heard: April 6, 2023
Fiscal Notes: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

Assembly Bill 355 provides that a person who is less than 21 years of age is prohibited from handling, having possession of, or controlling any semiautomatic shotgun or a semiautomatic centerfire rifle. A person who violates this provision is guilty of a gross misdemeanor. The bill provides an exception for a person who is less than 21 years of age and who is a member, or an honorably discharged member, of the Armed Forces of the United States, the National Guard, a reserve component, or a law enforcement officer.

The bill also provides the following penalties:

- A person who aids or knowingly permits a person who is less than 21 years of age to handle, possess, or control such firearms, is guilty of a misdemeanor for a first offense;
- A person who knows or has reason to know that there is a substantial risk that a person who is less than 21 years of age will use such firearms to commit a violent act, is guilty of a category C felony for a first offense; and
- A person who commits a second or subsequent offense of either crime is guilty of a category B felony, with a prison term of not less than one year and not more than six years, and a fine of not more than \$5,000.

A person does not violate these provisions if the firearm was stored in a securely locked container or at a secure location, was obtained because of an unlawful entry, or the injury or death resulted from an accident related to target shooting, sport shooting, or hunting.

Additionally, unless a greater penalty is provided by law, a person is guilty of a misdemeanor if the person negligently stores or leaves such firearms at a location under his or her control and knows or has reason to know that a person who is less than 21 years of age who is prohibited from handling, possessing, or controlling a firearm may obtain such a firearm.

The bill clarifies that a child who is 14 years of age or older, who has in his or her possession a valid license to hunt or is at his or her residence, may not handle, possess, or control a semiautomatic shotgun or semiautomatic centerfire rifle. Lastly, the bill requires that any rifle or shotgun, which a child 14 years of age is otherwise entitled to handle, possess, or control at his or her residence, is to remain unloaded and stored in a securely locked container when not in use.