

AB346 - 65th Session (1989)

Introduced on: Mar 14, 1989

By: (**Bolded** name indicates primary sponsorship)

Gaston ,

Prohibits persons from carrying or possessing certain weapons on property of school. (BDR 15-848)

Fiscal Notes:

Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes.

Most Recent History Chapter 311. **Effective October 1, 1989.**

Action:

(See full list below)

Votes

Senate Final Passage Jun-06 Yea 21, Nay 0, Excused 0, Not Voting 0, Absent 0

Assembly Final Passage May-25 Yea 42, Nay 0, Excused 0, Not Voting 0, Absent 0

Bill History

Mar 14, 1989 (by request)
Read first time. Referred to Committee on Judiciary. To printer.

Mar 15, 1989 From printer. To committee.
Dates discussed in committee: 3/23, 5/16 (A&DP) ✓

May 22, 1989 From committee: Amend, and do pass as amended.
(Amendment number 828.)

May 23, 1989 ✓ Read second time. Amended. To printer.

May 24, 1989 From printer. To engrossment.
Engrossed. First reprint. ✓

May 25, 1989 ✓ Read third time. Passed, as amended. Title approved. (42 Yeas, 0 Nays, 0 Absent, 0 Excused, 0 Not Voting.) To Senate.

May 26, 1989 In Senate.
Read first time. Referred to Committee on Judiciary. To committee.
Dates discussed in committee: 6/5 (DP) ✓

Jun 05, 1989 From committee: Do pass.
Declared an emergency measure under the Constitution and placed on General File for next legislative day.

Jun 06, 1989 ✓ Read third time. Passed. Title approved. (21 Yeas, 0 Nays, 0 Absent, 0 Excused, 0 Not Voting.) To Assembly.

Jun 07, 1989 In Assembly.
To enrollment.

Jun 09, 1989 Enrolled and delivered to Governor.

Jun 13, 1989 Approved by the Governor.

Jun 14, 1989 Chapter 311.
Effective October 1, 1989.

A.B. 346 (chapter 311)

Assembly Bill 346 prohibits persons, other than peace officers or school security guards, from carrying or possessing dangerous weapons while on school property. The bill applies to the University of Nevada, the community colleges and public and private schools, including school vehicles. A person who violates this law is guilty of a gross misdemeanor. The measure also allows a person having written permission from the president of the university or community college or the principal of the school to carry or possess a dangerous weapon on school property. Each board of trustees or the board of regents must prescribe the rules for granting such permission.

ASSEMBLY BILL NO. 346—ASSEMBLYMAN GASTON (by request)

MARCH 14, 1989

Referred to Committee on Judiciary

SUMMARY—Prohibits persons from carrying or possessing certain weapons on property of school. (BDR 15-848)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.



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

AN ACT relating to weapons; prohibiting persons from carrying or possessing certain weapons on the property of a school; providing certain exceptions; providing a penalty; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 202 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 1. *Except as otherwise provided in this section, a person shall not carry or*
4 *possess, while on the property of a private or public school:*
5 (a) *An explosive or incendiary device;*
6 (b) *A dirk, dagger or switchblade knife;*
7 (c) *A nunchaku or trefoil;*
8 (d) *A blackjack or billy club or metal knuckles; or*
9 (e) *A pistol, revolver or other firearm.*
10 2. *Any person who violates subsection 1 is guilty of a felony and shall be*
11 *punished by imprisonment in the state prison for not less than 1 year nor more*
12 *than 6 years, and may be further punished by a fine of not more than \$5,000.*
13 3. *This section does not prohibit the possession of a weapon listed in*
14 *subsection 1 on the property of a private or public school by a:*
15 (a) *Peace officer;*
16 (b) *School security guard; or*
17 (c) *Person having written permission from the principal of the school to*
18 *carry or possess the weapon.*
19 4. *For the purposes of this section:*
20 (a) *“Explosive or incendiary device” has the meaning ascribed to it in*
21 *NRS 202.260.*
22 (b) *“Firearm” has the meaning ascribed to it in NRS 202.253.*
23 (c) *“Nunchaku” has the meaning ascribed to it in NRS 202.350.*
24 (d) *“Switchblade knife” has the meaning ascribed to it in NRS 202.350.*
25 (e) *“Trefoil” has the meaning ascribed to it in NRS 202.350.*

FISCAL NOTE

BDR 15-848
A.B. 346
S.B. _____

• FISCAL EFFECT ON LOCAL GOVERNMENT Date March 16, 1989
(Legislative Counsel Bureau Use Only)

The bill newly imposes a sentence and/or reduces the possibility of probation or parole. Therefore, the state will incur the costs of enforcement and prosecution and, upon conviction, the costs of incarceration, probation or parole.

FN :

Signature *[Signature]*

Title Deputy Fiscal Analyst

MINUTES OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Sixty-fifth Session
March 23, 1989

The Assembly Committee on Judiciary was called to order by Chairman, Robert Sader at 8:00 a.m. on Thursday, March 23, 1989, in Room 240 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda, Exhibit B is the Attendance Roster.

MEMBERS PRESENT:

Robert M. Sader, Chairman	
Gene T. Porter, Vice Chairman	Absent/Ill
John C. Carpenter	
Vonne Chowning	
Renee L. Diamond	
Robert E. Gaston	
James Gibbons	
Bill Kissam	
Mike McGinness	
John Regan	
Gaylyn J. Spriggs	
Vincent L. Triggs	
Wendell P. Williams	
Jane A. Wisdom	

STAFF MEMBERS PRESENT:

Jennifer Stern, Deputy Legislative Counsel

OTHERS PRESENT:

John Sande, Nevada Bankers' Association
Bill Koot, Clark County District Attorney
Ken Hicks, Clark County School District
Lt. Randy Oaks, Las Vegas Metropolitan Police Dept.
Henry Etchemendy, Nevada Association of School Boards
Chris Giuchigliani, Pres., Nev. State Education Ass'n.
Chuck Gaw, Washoe County School District
John Maher, Nevada Bankers' Ass'n., Trust Committee
Charlie Silvestri, Clark County School District

SENATE BILL NO. 143 - Authorizes peace officer to issue misdemeanor citation when officer has reasonable cause to believe person committed misdemeanor not in presence of officer.

Lt. Randy Oaks, Las Vegas Metropolitan Police Department, testifying in support, said at the present time, a citation could be issued only if the officer observed the violation. If passed, Lt. Oaks said, S.B. 143 would enable an officer to issue a citation based upon information that a specific person had committed a specific crime.

Lt. Oaks described the inconvenient process now required and said they hoped, by means of this bill, to eliminate the requirement to first submit information to a city or district attorney before a misdemeanor citation could be obtained. From there on, the process would remain the same.

After discussion regarding a possible conflict between paragraphs 1 and 2, Phil Hymanson, representing the District Attorneys' Association, said their only major concern was to provide law enforcement with an effective tool, and S.B. 143 would serve to minimize the time consuming requirement for review by city or district attorney, before a misdemeanor citation could be issued.

Chairman Sader reviewed action taken earlier on S.B. 143 in the Senate and since there appeared to be concerns regarding the language, he said he would hold action until Lt. Oaks and other interested parties met and worked out language for committee consideration.

Ms. Stern pointed out in the Senate hearings testimony had indicated law enforcement did not currently have the ability to arrest for misdemeanors committed outside their presence. What then had to follow was a citizen's arrest procedure, as delineated in NRS 171.1772 and NRS 171.1774. This was described and explained by Ms. Stern.

The hearing was then opened on A.B. 346.

ASSEMBLY BILL NO. 346 - Prohibits persons from carrying or possessing certain weapons on property of school.

The prime sponsor, Assemblyman Gaston, introduced his two guests, Bill Koot (Clark County District Attorney) and Ken

Hicks (Clark County School District). Mr. Hicks said he had been assigned to the juvenile court for approximately nine years, and during that time had seen the Clark County School District start a program for students who had been expelled from Clark County schools for various reasons. Of the 30 students currently enrolled in the program, 20 students were there because of carrying firearms on the school campus. Mr. Hicks traced the progress of offenses he had seen during his nine year tenure from bodily assault and drugs, to the now more frequent offense of carrying firearms.

Chairman Sader questioned how making it a felony offense, as opposed to a misdemeanor offense, would make it a more weighty deterrent. The situation was, perhaps, made more difficult by the non-student, Mr. Hicks and Mr. Koot explained. This individual could currently come on campus and enter school building(s) with a weapon in plain sight, and experience no sanction whatsoever. Expulsion from school for this individual was obviously not a deterrent, and if the weapon was in plain sight, there was no crime. A.B. 346 would make this a felony offense.

A subject of consideration and discussion arose when Chairman Sader asked what would occur if a hunter with a gunrack in a pickup truck took his child to school and drove into the parking lot. Mr. Koot suggested that hunter might have to take precautions such as parking his truck off school grounds and escorting his child to the school. Mr. Koot, however, felt strongly that law enforcement was allowed the discretion to judge the necessity of administering this law.

Mr. Hicks opined if A.B. 346 was enacted and the student, or non-student, was guilty of a felony the juvenile court system would be able to deal with these people in a more credible manner.

Discussion followed. There were questions from committee members which centered around: 1) level of penalties imposed depending on age and severity of offense; 2) search and seizure provisions with probable cause; 3) chemical weapons; 4) weapon confiscation and forfeiture; 5) area around school perimeter which would be included within the statute; 6) what was the school's responsibility for reporting a seized weapon; and 7) whether a weapon found in a student's locker constituted "possession."

Mr. Gaston told Mr. Williams law enforcement had suggested an amendment to extend the distance around the school perimeter in which this statute would apply. Conceptually, Mr. Gaston said, he was in favor of extending the distance, however, this would present certain constitutional problems. If the problems could be worked out, Mr. Gaston said he was quite agreeable to extending the perimeter.

Mr. Gibbons questioned whether the student caught carrying more than one weapon would be guilty of as many separate offenses. As to misdemeanors, Mr. Koot said, no, as "double jeopardy" provisions would prohibit them from proceeding on all three. Mr. Gibbons then asked what the fiscal impact on the penal system would be if A.B. 346 was passed, and the offense(s) became a felony. Mr. Koot assured Mr. Gibbons he really did not believe there would be a significant fiscal impact by increasing the number of felony arrests.

Mr. Carpenter again voiced his caution that by means of this law, there were not law-abiding citizens captured in the net.

Supporting testimony was also heard from Chuck Gaw, Chief of the Washoe County School District Security. Mr. Gaw brought attention to two recommended changes contained in Exhibit D. There was general agreement between committee members and law enforcement that the amendments suggested in the letter from Mr. Gaw were meritorious.

Also voicing support was Chris Giuchigliani, President of the Nevada State Education Association. In a brief statement, Ms. Giuchigliani echoed similar experiences to what had previously been stated. She also added her encouragement to the legislature sending a strong message that the offense of carrying a weapon was a serious offense which would be dealt with in severe penalties.

Mr. Charlie Silvestri, representing Clark County School District, said although they had an elaborate procedure already in place (Regulation 51.41) they did want to go on record as wholeheartedly supporting A.B. 346. There had been approximately 40 expulsions during the past school year, Mr. Silvestri commented, and of those, approximately 15 would fit into categories addressed in the bill. Responding to Mr. Williams' concern with school officials not reporting confiscated weapons, Mr. Silvestri asked that the school district be notified if this was occurring, so they could take appropriate action.

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Assembly Committee on Judiciary
Date: March 23, 1989
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After general discussion concerning what constituted "school property," a question arose concerning a differentiation between "real" and "personal" property and what would be included in this bill.

A brief statement in support was made by Henry Etchemendy, Nevada Association of School Boards. Mr. Etchemendy opined there was sufficient discretionary authority allowed in the bill, and student rights were protected by the ability to obtain written permission from a Principal to deviate from general practice.

Mr. Gaston publicly expressed his appreciation for the appearance of Mr. Hicks and Mr. Koot and the expense they incurred by coming from Las Vegas to attend.

After a break, the committee was asked for introduction of BDR 14-662, relating to records of criminal history, limiting liability of school district for failure to check records of criminal history of certain employees and other matters relating hereto.

ASSEMBLYMAN WISDOM MOVED COMMITTEE INTRODUCTION OF
BDR 14-662.

ASSEMBLYMAN DIAMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

The committee was then asked to take action on several bills previously heard in committee, but held for a variety of reasons.

ASSEMBLY BILL NO. 357 - Provides standard for measuring
performance of fiduciary.

ASSEMBLYMAN WISDOM MOVED A DO PASS ON A.B. 357.

ASSEMBLYMAN TRIGGS SECONDED THE MOTION.

After discussion regarding the use of the term "money" on page 1, line 7, as opposed to the term "funds," Chairman Sader opined the statute was sufficiently broad to embrace all the various types of funds, and the use of the term "money" would not affect the statute.

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THE MOTION CARRIED UNANIMOUSLY.

ASSEMBLY BILL NO. 346 - Prohibits persons from carrying or possessing certain weapons on property of school.

After discussion between Mr. Gaston and Chairman Sader regarding fiscal impact, it was decided to Amend A.B. 346 and Rerefer to the committee, in order to have the bill reprinted before again considering the bill. Chairman Sader decided to hold the bill and consider it with the group of bills which have been determined to have a potential impact on the prison system.

The amendments agreed to were as follows:

1. Adopt the two amendments set out in Exhibit D, a letter written from Chuck Gaw, Chief of Security of the Washoe County School District.
2. Adopt Mr. Regan's suggested amendment dealing with weapon confiscation and forfeiture.
3. Adopt Mr. Carpenter's suggestion to add language to paragraph 3.(c) of Exhibit D, which would include "Board of Regents" who could promulgate regulations in their jurisdiction.

ASSEMBLYMAN GASTON MOVED TO AMEND AND REREFER A.B. 346.

ASSEMBLYMAN DIAMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

ASSEMBLY BILL NO. 334 - Provides for indemnification of independent contractor who provides medical services at county jail.

Ms. Stern entered and explained a proposed amendment she had drafted, and which had been approved by Washoe County (see Exhibit E). Although Clark County was not affected, Ms. Stern said there had been a problem in obtaining insurance to cover the acts of independent contractors rendering medical services to the county jail. In order to bring required doctor services to inmates counties (other than Clark County) had to cover these acts under their own insurance; and typically, these counties were self-insured.



WASHOE COUNTY SCHOOL DISTRICT
425 EAST NINTH STREET
RENO, NEVADA 89520
(702) 348-0200

BOARD OF TRUSTEES

J. KAY LUDGOS, PRESIDENT

ROBERT G. WOLTERVOGEL, DEPUTY PRESIDENT

MICHAEL A. WRIGHT, CLERK

DORANN A. DE GOWING, MEMBER

THOMAS ROMAN, MEMBER

ROBERT KIRCHNER, MEMBER

EDWARD VAN GORP, MEMBER

MARVIN MOSS, SUPERINTENDENT

March 22, 1989

Mr. Robert Sader, Chairman
Assembly Committee on Judiciary
Nevada State Assembly
Carson City, NV 89711

RE: A.B. 346

Dear Chairman Sader:

The Washoe County School District supports A.B. 346 in concept; however, we would offer the following two areas for amendment consideration.

- 1) After the words - while on the property of a private or public school:, add -- or school bus.

Rationale: School buses are an integral part of the school system and with the number of students utilizing same it is felt that this area should also be covered.

3. (c) Delete existing wording add: Local school boards may promulgate regulations authorizing permission for person(s) to carry or possess the weapon.

Rationale: In order to ensure consistency in application of enforcement, it is deemed appropriate that any exception should be done uniformly throughout the individual school district.

Sincerely,

Chuck Gaw
Chief Of Security

cc: Members, Assembly Judiciary Committee
Dr. Marvin Moss, Superintendent, WCSD

1160

MINUTES OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Sixty-fifth Session
May 16, 1989

The Assembly Committee on Judiciary was called to order by the Chairman, Robert M. Sader, at 8:00 a.m. on Tuesday, May 16, 1989, in Room 240 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda.

MEMBERS PRESENT:

Mr. Robert M. Sader, Chairman	
Mr. Gene T. Porter, Vice Chairman	Excused
Mr. John C. Carpenter	
Mrs. Vonne Chowning	
Mrs. Renee L. Diamond	
Mr. Robert E. Gaston	
Mr. James Gibbons	
Mr. Bill Kissam	Late
Mr. Mike McGinness	
Mr. John Regan	
Mrs. Gaylyn J. Spriggs	
Mr. Vincent L. Triggs	Excused
Mr. Wendell P. Williams	
Mrs. Jane A. Wisdom	

OTHERS PRESENT:

See attached guest list, Exhibit B

ASSEMBLY BILL NO. 714 Authorizes provision of temporary
shelter for abused or neglected older person.
(BDR 15-846)

Assemblyman Bob Gaston, Clark County Assembly District No. 16, prime sponsor of A.B. 714, explained this bill deals with the problem of elder abuse. He quoted from the research results provided by the United States House Select Subcommittee on Aging who had estimated: about 4 percent of the nations elderly, or about 1.1 million individuals, were victims of abuse on an annual basis; less than 10 percent of the elder abuse cases are currently reported; the research indicated 75 percent of those cases that are reported are substantiated.

rather than having exceptions every time we are audited." She explained her department collected in excess of \$150 million annually, "and the money comes in right after 5:30 every day and there is no way we can physically get it in the bank every day, so we are always in non compliance of the statutes."

There being no further public testimony for or against this bill, Chairman Sader closed the hearing on A.B. 686 and opened the hearing on A.B. 346.

*Librarian note:
Incorrect bill
title.
Amendments do
pertain to
AB 346.*

ASSEMBLY BILL NO. 346 Requires material witness who has been detained to be brought before judge or magistrate for review of his detention (BDR 14-533)

Assemblyman Bob Gaston presented a proposed amendment to A.B. 346.

ASSEMBLYMAN GASTON MOVED AMEND AND DO PASS A.B. 346.

Chairman Sader clarified, "We are downgrading from a felony to a gross misdemeanor on lines 10 through 12."

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

Discussion by the full committee continued within the motion.

Chairman Sader reiterated the amendments agreed upon by the committee:

- 1) Lines 10 through 12 downgrade from felony to gross misdemeanor.
- 2) Line 4, add real or personal property.
- 3) Line 17, after principal, add or chief adminis-
trator.
- 4) Add a section which deals with Chapter 179, allow-
ing forfeiture of weapons.

**THE MOTION CARRIED UNANIMOUSLY BY THOSE PRESENT WITH
ASSEMBLYMAN PORTER ABSENT FOR THE VOTE.**

Chairman Sader explained A.B. 693, and A.B. 696 would be held temporarily. A.B. 714 had been assigned to sub committee with Mr. Gaston serving as Chairman and Mr. Kissam

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 1989

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 15.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 3, 524, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 292, 386.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 378, 391.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 204.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 20.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Welfare:

Assembly Bill No. 843—An Act resolving a conflict between Senate Bill No. 73 and Assembly Bill No. 186 of this session; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 292.

Assemblyman Jeffrey moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 378.

Assemblyman Jeffrey moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 386.

Assemblyman Jeffrey moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 391.

Assemblyman Jeffrey moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 828.

Amend section 1, page 1, by deleting line 4 and inserting: "*possess, while on the property of the University of Nevada System or a private or public school, or in a vehicle of a private or public school:*".

Amend section 1, page 1, by deleting lines 10 through 12 and inserting:

"2. Any person who violates subsection 1 is guilty of a gross misdemeanor."

Amend section 1, page 1, by deleting line 17 and inserting:

"(c) Person having written permission from the president of the university or community college or the principal of the school to".

Amend section 1, page 1, after line 25 by inserting:

"(f) *'Vehicle'* has the meaning ascribed to it in NRS 484.148."

Amend the bill as a whole by adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including any tool, substance, weapon, machine, money or security, which is used as an instrumentality in the commission of or attempted commission of the crime of murder, robbery, kidnaping, burglary, grand larceny or pandering or of a violation of section 1 of this act or NRS 465.070 to 465.085, inclusive, is subject to forfeiture.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or such violation;

(b) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent; and

(c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited the appropriate law enforcement agency may pay off the existing balance and retain the conveyance for official use.

No person, other than the holder of a community property interest, whose name or interest does not appear on the certificate of registration or title for the conveyance is a proper party to any forfeiture proceeding pursuant to this subsection.

Sec. 3. NRS 386.360 is hereby amended to read as follows:

386.360 1. Each board of trustees [shall have the power to] *may* prescribe and enforce rules, not inconsistent with law or rules prescribed by the state board of education, for its own government and the government of public schools under its charge.

2. *Each board of trustees shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to section 1 of this act.*

Sec. 4. NRS 396.110 is hereby amended to read as follows:

396.110 1. The board of regents [shall have the power to] *may* prescribe rules for:

[1.] (a) Its own government; and

[2.] (b) The government of the university.

2. *The board of regents shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to section 1 of this act."*

Assemblyman Gaston moved the adoption of the amendment.

Remarks by Assemblyman Gaston.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 544.

Bill read second time.

The following amendment was proposed by the Committee on Elections:

Amendment No. 764.

Amend the bill as a whole by deleting sections 1 through 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 293B.205 is hereby amended to read as follows:

293B.205 1. The officers charged with the duty of providing ballots for any polling place shall provide the polling place with two sample ballots, which must be arranged in the form of:

(a) A booklet or full sheet of paper printed to display a facsimile of the page or several pages which constitute the list of offices and candidates and the statements of measures to be voted on which will be in use at that election; or

(b) A diagram showing that part of the face of the mechanical recording device which will be used at that election containing the list of offices and candidates and the statements of measures to be voted on.

2. All sample ballots must include:

(a) The fiscal note, as provided pursuant to NRS 218.276, for each proposed constitutional amendment or statewide measure.

(b) An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it.

(c) The full text of each proposed constitutional amendment [.] , *statewide measure and local proposition, including bonding measures."*

Amend the title of the bill to read as follows:

"An Act relating to mechanical voting systems; requiring the full text of each proposition to be included on each sample ballot; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"Summary—Requires sample ballot to contain full text of all propositions. (BDR 24-1586)".

**(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT**

A.B. 346

ASSEMBLY BILL NO. 346—ASSEMBLYMAN GASTON (by request)

MARCH 14, 1989

Referred to Committee on Judiciary

SUMMARY—Prohibits persons from carrying or possessing certain weapons on property of school. (BDR 15-848)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.



EXPLANATION—Matter in italics is new; matter in brackets [] is material to be omitted.

AN ACT relating to weapons; prohibiting persons from carrying or possessing certain weapons on the property of a school; providing certain exceptions; providing a penalty; and providing other matters properly relating thereto.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not carry or possess, while on the property of the University of Nevada System or a private or public school, or in a vehicle of a private or public school:

(a) An explosive or incendiary device;

(b) A dirk, dagger or switchblade knife;

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles; or

(e) A pistol, revolver or other firearm.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of a private or public school by a:

(a) Peace officer;

(b) School security guard; or

(c) Person having written permission from the president of the university or community college or the principal of the school to carry or possess the weapon.

4. For the purposes of this section:

(a) "Explosive or incendiary device" has the meaning ascribed to it in NRS 202.260.

(b) "Firearm" has the meaning ascribed to it in NRS 202.253.

(c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(d) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

1 (e) "Trefoil" has the meaning ascribed to it in NRS 202.350.

2 (f) "Vehicle" has the meaning ascribed to it in NRS 484.148.

3 Sec. 2. NRS 179.121 is hereby amended to read as follows:

4 179.121 1. All personal property, including any tool, substance,
5 weapon, machine, money or security, which is used as an instrumentality in
6 the commission of or attempted commission of the crime of murder, robbery,
7 kidnaping, burglary, grand larceny or pandering or of a violation of *section 1*
8 *of this act* or NRS 465.070 to 465.085, inclusive, is subject to forfeiture.

9 2. Except as otherwise provided for conveyances forfeitable pursuant to
10 NRS 453.301, all conveyances, including aircraft, vehicles or vessels, which
11 are used or intended for use during the commission of a felony or a violation
12 of NRS 465.070 to 465.085, inclusive, are subject to forfeiture except that:

13 (a) No conveyance used by any person as a common carrier in the transac-
14 tion of business as a common carrier is subject to forfeiture under this section
15 unless it appears that the owner or other person in charge of the conveyance is
16 a consenting party or privy to the felony or such violation;

17 (b) No conveyance is subject to forfeiture under this section by reason of
18 any act or omission established by the owner thereof to have been committed
19 or omitted without his knowledge or consent; and

20 (c) A forfeiture of a conveyance encumbered by a bona fide security
21 interest is subject to the interest of the secured party if he neither had
22 knowledge of nor consented to the felony. If a conveyance is forfeited the
23 appropriate law enforcement agency may pay off the existing balance and
24 retain the conveyance for official use.

25 No person, other than the holder of a community property interest, whose
26 name or interest does not appear on the certificate of registration or title for
27 the conveyance is a proper party to any forfeiture proceeding pursuant to this
28 subsection.

29 Sec. 3. NRS 386.360 is hereby amended to read as follows:

30 386.360 1. Each board of trustees [shall have the power to] *may* pre-
31 scribe and enforce rules, not inconsistent with law or rules prescribed by the
32 state board of education, for its own government and the government of
33 public schools under its charge.

34 2. *Each board of trustees shall prescribe rules for the granting of permis-*
35 *sion to carry or possess a weapon pursuant to section 1 of this act.*

36 Sec. 4. NRS 396.110 is hereby amended to read as follows:

37 396.110 1. The board of regents [shall have the power to] *may* prescribe
38 rules for:

39 [1.] (a) Its own government; and

40 [2.] (b) The government of the university.

41 2. *The board of regents shall prescribe rules for the granting of permis-*
42 *sion to carry or possess a weapon pursuant to section 1 of this act.*

Thank you, Mr. Speaker. To you and through you to my colleague from Douglas County, you've just answered your own question. A lobbyist is only a lobbyist during the session and therefore this only applies during the session.

Mr. Speaker, to you and through you for the second time. This was discussed with our legislative bill drafter and it was her opinion that because a lobbyist is only a registered lobbyist during the session that was why the other language was left out. That was her legal opinion.

Assemblyman Bergevin moved that Assembly Bill No. 244 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bergevin.

Motion carried.

Assembly Bill No. 346.

Bill read third time.

Remarks by Assemblyman Gaston.

Roll call on Assembly Bill No. 346:

YEAS—42.

NAYS—None.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 552.

Bill read third time.

Remarks by Assemblyman Diamond.

Roll call on Assembly Bill No. 552:

YEAS—41.

NAYS—Spriggs.

Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sheerin moved that Assembly Bill No. 678 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sheerin.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 617.

Bill read third time.

Remarks by Assemblyman Gaston.

Roll call on Assembly Bill No. 617:

YEAS—40.

NAYS—Swain, Triggs—2.

Assembly Bill No. 617 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Sixty-fifth Session
June 5, 1989

The Senate Committee on Judiciary was called to order by Vice Chairman R. Hal Smith, at 8:10 a.m., on Monday, June 5, 1989, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Sue Wagner, Chairman
Senator R. Hal Smith, Vice Chairman
Senator Nicholas J. Horn
Senator Mike Malone
Senator Charles W. Joerg
Senator Dina Titus

STAFF MEMBERS PRESENT:

Jennifer Stern, Legal Counsel
Judi Bishop, Committee Secretary

COMMITTEE MEMBERS ABSENT:

Senator Joe Neal

SENATE BILL 419 - Revises definition of "gross revenue" of gaming licensee.

As the Chairman was required to testify in another committee and would not be available for a short period of time, Vice Chairman Smith opened the hearing by forming a subcommittee consisting of the following members, including himself:

Senator Nicholas Horn
Senator Mike Malone
Senator Charles Joerg
Senator Dina Titus

Testimony of William Bible, Chairman, State Gaming Control Board, and Dennis Amerine, Member, State Gaming Control Board.

notice that on line 23 it's changed to January 1, 1990. And that's the only effect on this.

There being no further testimony, the hearing on A.B. 841 was closed.

The Chairman advised this hearing would go into a subcommittee status at this time.

ASSEMBLY BILL 346 - Prohibits persons from carrying or possessing certain weapons on property of school.

Testimony of Assemblyman Bob Gaston, District No. 16, Clark County.

Mr. Gaston pointed out this bill was requested by individuals in Clark County who work with juveniles. He proposed this bill addresses another gang issue. Currently, he insisted, individuals can go onto school property with a "registered firearm or anything that is legally registered" and cannot be arrested for possessing that item on school property. Mr. Gaston insisted this bill would preclude an individual from coming onto the school grounds with a firearm, whether registered or not, and additionally, will expand that prohibition to any dangerous weapon. He added the penalty was reduced to a gross misdemeanor, due to the prison impact of a felony penalty provision. Mr. Gaston reported there are exceptions to this rule which include the peace officer/security guard and "anyone who legitimately has a reason to bring a dangerous weapon [on school grounds] after having received permission." Referring to section 2 on page 2, Mr. Gaston stated this provides for forfeiture of the dangerous weapon, which provision was requested by the law enforcement agencies. Section 3, he continued, allows the Board of Trustees and the Board of Regents at the University System to prepare rules to grant permission for those who legitimately should be allowed to carry weapons.

Senator Wagner voiced concern that adults attending the university who possess in their vehicles a registered firearm or, as an example, perhaps martial arts paraphernalia for a martial arts class attended upon leaving the school grounds, would be in violation of this statute. Mr. Gaston concurred that would be correct if the car is on the school "proper." However, he pointed out there is no weapon listed in this bill that is not an illegal weapon, with the exception of the firearm, if legally registered. He contended in such a

situation, the individual would be guilty of a gross misdemeanor under this bill. Mr. Gaston remarked the University System was not a part of this initially as the original intent was directed at high schools, but they requested to be included.

Senator Wagner pointed out section 3 has discretionary as well as mandatory language and asked Mr. Gaston to address this area. He replied the "may" is a change by the bill drafter to make it more consistent and clear and means the same as "shall have the power to." He insisted there was no substantive change in this area.

Testimony of Charlie Silvestri, Clark County School District.

Mr. Silvestri registered support of A.B. 346 and concurred with the comments made by Mr. Gaston.

Testimony of Jerry Connor, Nevada Association of School Administrators.

Mr. Connor voiced support of A.B. 346 as well.

The Chairman requested Mr. Connor's comments on the kinds of problems relating to this legislation seen in the high schools in Nevada. Mr. Connor advised he is an executive director and not on the school grounds on a day-by-day basis, but cited a case in Reno where an administrator was shot, another case where teachers have been shot and increased incidents, as the gang activity increases in the Las Vegas area.

Testimony of Henry Etchemendy, Nevada Association of School Boards.

Mr. Etchemendy also urged passage of this bill. He drew attention to page 2, line 34, which states "each board of trustees shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to section 1 of this act." He commented this was suggested for the purpose of providing a uniform policy within the district as to how this authority would be granted by the individual principals.

There being no further testimony, the hearing on A.B. 346 was closed.

ASSEMBLY BILL 663 - Revises procedures relating to compromise of claims of minors.

SENATOR JOERG SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NEAL WAS ABSENT FOR THE VOTE.)

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The Chairman called upon Ms. Stern to clarify the provisions of A.B. 735. Ms. Stern stated:

Once you get a judgment in court, in order to enforce that judgment, unless the debtor complies, you have to bring the debtor into court and examine him as to where the assets are that you can execute on. The court will usually send you out into the hallway to do that - they don't take the court's time to do it - and what this would do is rather than bringing the debtor into court, you could notify the debtor to come to a law office and you could have the oath administered by a notary public, instead of the clerk of the court; you must have the proceedings recorded electronically; the recording must be preserved for 2 years so [in the event] ... there is any discrepancy in terms of what the debtor has said in answering the questions proposed to him; and then the judge will still issue the order as far as where that proceeding will take place, and when, so that then if the debtor fails to show, you can have him punished by contempt. (Editing added.)

SENATOR JOERG MOVED TO DO PASS A.B. 735.

SENATOR SMITH SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NEAL WAS ABSENT FOR THE VOTE.)

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SENATOR SMITH MOVED TO DO PASS A.B. 841.

SENATOR HORN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NEAL WAS ABSENT FOR THE VOTE.)

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SENATOR MALONE MOVED TO DO PASS A.B. 346.

SENATOR HORN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NEAL WAS ABSENT FOR THE VOTE.)

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SENATOR JOERG MOVED TO DO PASS A.B. 663.

Senator Horn pointed out "on page 2 there is a question -- . The one judge from the Reno area indicated that we could virtually omit lines 36 through 40 because there in section 5 it says that they would have a blocked trust account that would be mandated...., if you do that they can't have access to funds therefore negating the annual filing which is in [lines] 36 through 40." The Chairman requested Ms. Stern to address this concern. Ms. Stern suggested: "I think in order to remedy that all you need to do is make it discretionary with the court, upon court order, to annually file with the court a verified report rather than have it mandatory." Senator Wagner asked where this language would be changed to make it discretionary. Ms. Stern replied a change in the term "shall" to "may" on line 38 would accomplish this, and would require added language to specify it would be required upon court order.

SENATOR JOERG AMENDED HIS MOTION TO AMEND AND DO PASS A.B. 663, AMENDING AS TO THE DISCRETION OF THE COURT PER PREVIOUS DISCUSSION.

SENATOR HORN SECONDED THE NEW MOTION.

THE MOTION CARRIED. (SENATOR NEAL WAS ABSENT FOR THE VOTE.)

* * * * *

ASSEMBLY BILL 432 - Expands list of items recoverable as costs by successful litigant.

As this bill was heard some time ago, the Chairman called upon Ms. Stern to summarize the intent of this bill. Ms. Stern stated this bill would expand the definition of what are reasonable fees and costs. She said what happens now is the successful litigant (the person who wins the case), will petition the court to have the loser of the case pay for the fees or costs. She indicated this bill spells out what kinds of costs the loser of the case would have to pay.

SENATOR JOERG MOVED TO DO PASS A.B. 432.

SENATOR MALONE SECONDED THE MOTION.

Roll call on Senate Bill No. 499:

YEAS—21.

NAYS—None.

Senate Bill No. 499 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 501.

Bill read third time.

Remarks by Senators Titus and Raggio.

Roll call on Senate Bill No. 501:

YEAS—21.

NAYS—None.

Senate Bill No. 501 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 346.

Bill read third time.

Roll call on Assembly Bill No. 346:

YEAS—21.

NAYS—None.

Assembly Bill No. 346 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 432.

Bill read third time.

Roll call on Assembly Bill No. 432:

YEAS—21.

NAYS—None.

Assembly Bill No. 432 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 669.

Bill read third time.

Roll call on Assembly Bill No. 669:

YEAS—21.

NAYS—None.

Assembly Bill No. 669 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 735.

Bill read third time.

Remarks by Senators Raggio and Joerg.

Assembly Bill No. 346—Assemblyman Gaston (by request)

CHAPTER 311

AN ACT relating to weapons; prohibiting persons from carrying or possessing certain weapons on the property of a school; providing certain exceptions; providing a penalty; and providing other matters properly relating thereto.

[Approved June 13, 1989]

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not carry or possess, while on the property of the University of Nevada System or a private or public school, or in a vehicle of a private or public school:

- (a) An explosive or incendiary device;*
- (b) A dirk, dagger or switchblade knife;*
- (c) A nunchaku or trefoil;*
- (d) A blackjack or billy club or metal knuckles; or*
- (e) A pistol, revolver or other firearm.*

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of a private or public school by a:

- (a) Peace officer;*
- (b) School security guard; or*
- (c) Person having written permission from the president of the university or community college or the principal of the school to carry or possess the weapon.*

4. For the purposes of this section:

- (a) "Explosive or incendiary device" has the meaning ascribed to it in NRS 202.260.*
- (b) "Firearm" has the meaning ascribed to it in NRS 202.253.*
- (c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.*
- (d) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.*
- (e) "Trefoil" has the meaning ascribed to it in NRS 202.350.*
- (f) "Vehicle" has the meaning ascribed to it in NRS 484.148.*

Sec. 2. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including any tool, substance, weapon, machine, money or security, which is used as an instrumentality in the commission of or attempted commission of the crime of murder, robbery, kidnaping, burglary, grand larceny or pandering or of a violation of *section 1 of this act or NRS 465.070 to 465.085, inclusive*, is subject to forfeiture.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 465.070 to 465.085, inclusive, are subject to forfeiture except that:

- (a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section

STATUTES OF NEVADA 1989

unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or such violation;

(b) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent; and

(c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited the appropriate law enforcement agency may pay off the existing balance and retain the conveyance for official use.

No person, other than the holder of a community property interest, whose name or interest does not appear on the certificate of registration or title for the conveyance is a proper party to any forfeiture proceeding pursuant to this subsection.

Sec. 3. NRS 386.360 is hereby amended to read as follows:

386.360 1. Each board of trustees [shall have the power to] *may* prescribe and enforce rules, not inconsistent with law or rules prescribed by the state board of education, for its own government and the government of public schools under its charge.

2. *Each board of trustees shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to section 1 of this act.*

Sec. 4. NRS 396.110 is hereby amended to read as follows:

396.110 1. The board of regents [shall have the power to] *may* prescribe rules for:

[1.] (a) Its own government; and

[2.] (b) The government of the university.

2. *The board of regents shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to section 1 of this act.*

Senate Bill No. 246—Committee on Commerce and Labor

CHAPTER 312

AN ACT relating to public utilities; authorizing a public utility to record and disclose the content of telephone calls concerning emergencies and service outages; and providing other matters properly relating thereto.

[Approved June 13, 1989]

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A public utility may record any telephone call:*

(a) *Concerning an emergency; or*

(b) *Relating to a service outage,*