
ASSEMBLY BILL NO. 231—ASSEMBLYMEN GOEDHART, HARDY;
ELLISON, GOICOECHEA, GRADY, HAMBRICK, HICKEY,
KIRNER, KITE, SHERWOOD AND STEWART

MARCH 3, 2011

JOINT SPONSORS: SENATORS GUSTAVSON;
MCGINNESS AND RHOADS

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing concealed firearms.
(BDR 15-894)

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 concealed firearms; removing the prohibition against carrying a concealed firearm; repealing all provisions governing permits to carry concealed firearms; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from carrying certain concealed weapons,
2 including firearms, without a permit. (NRS 202.350, 202.3653-202.369) **Section 2**
3 of this bill removes firearms from the list of weapons which a person is prohibited
4 from carrying in a concealed manner, and **section 7** of this bill repeals all
5 provisions governing permits to carry concealed firearms.

1 WHEREAS, The Second Amendment to the Constitution of the
2 United States clearly states that “the right of the people to keep and
3 bear Arms, shall not be infringed” and conveys an inalienable right
4 to all American citizens to keep and bear arms in defense of life or
5 liberty and in the pursuit of all other legitimate endeavors; and

6 WHEREAS, The framers of the Second Amendment to the
7 Constitution of the United States and those who ratified the Second
8 Amendment intended that an individual retain the right to keep and
9 bear arms in order to protect life, liberty and property and to protect



1 our nation from those who would attempt to destroy our freedom;
2 and

3 WHEREAS, The Supreme Court of the United States, in *District*
4 *of Columbia v. Heller*, 554 U.S. 570 (2008), found an individual
5 right to keep and bear arms inherent in the language of the Second
6 Amendment to the Constitution of the United States; and

7 WHEREAS, Unconscionable abridgements of the Second
8 Amendment to the Constitution of the United States have been
9 undertaken over the years by state and local governmental bodies
10 and have been allowed by the courts to stand uncorrected; and

11 WHEREAS, The constitutional right to keep and bear arms
12 supersedes the power and authority of any government and includes
13 the right to bear arms both openly and discreetly; and

14 WHEREAS, The laws of this State infringe upon a person's
15 constitutional right to keep and bear arms by requiring a person to
16 obtain a permit to carry a concealed firearm before he or she may
17 lawfully carry a concealed firearm; and

18 WHEREAS, Other states have enacted laws or proposed
19 legislation which reiterates a person's constitutional right to keep
20 and bear arms and which provides that a law-abiding person may
21 carry a concealed firearm without obtaining a permit; now,
22 therefore,

23

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

26

27 **Section 1.** NRS 202.253 is hereby amended to read as follows:

28 202.253 As used in NRS 202.253 to ~~202.369,~~ 202.362,
29 inclusive:

30 1. "Explosive or incendiary device" means any explosive or
31 incendiary material or substance that has been constructed, altered,
32 packaged or arranged in such a manner that its ordinary use would
33 cause destruction or injury to life or property.

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

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

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

41 **Sec. 2.** NRS 202.350 is hereby amended to read as follows:

42 202.350 1. Except as otherwise provided in this section and
43 NRS 202.355 ~~and 202.3653 to 202.369, inclusive,~~ , or by specific
44 statute, a person within this State shall not:



- 1 (a) Manufacture or cause to be manufactured, or import into the
2 State, or keep, offer or expose for sale, or give, lend or possess any
3 knife which is made an integral part of a belt buckle or any
4 instrument or weapon of the kind commonly known as a
5 switchblade knife, blackjack, slungshot, billy, sand-club, sandbag or
6 metal knuckles;
- 7 (b) Manufacture or cause to be manufactured, or import into the
8 State, or keep, offer or expose for sale, or give, lend, possess or use
9 a machine gun or a silencer, unless authorized by federal law;
- 10 (c) With the intent to inflict harm upon the person of another,
11 possess or use a nunchaku or trefoil; or
- 12 (d) Carry concealed upon his or her person any:
- 13 (1) Explosive substance, other than ammunition or any
14 components thereof;
- 15 (2) Dirk, dagger or machete;
- 16 (3) ~~[Pistol, revolver or other firearm, or other dangerous]~~
17 *Dangerous* or deadly weapon ~~[;]~~, *other than a pistol, revolver or*
18 *other firearm;* or
- 19 (4) Knife which is made an integral part of a belt buckle.
- 20 2. Except as otherwise provided in NRS 202.275 and 212.185,
21 a person who violates any of the provisions of:
- 22 (a) Paragraph (a) or (c) or subparagraph (2) or (4) of paragraph
23 (d) of subsection 1 is guilty:
- 24 (1) For the first offense, of a gross misdemeanor.
- 25 (2) For any subsequent offense, of a category D felony and
26 shall be punished as provided in NRS 193.130.
- 27 (b) Paragraph (b) or subparagraph (1) or (3) of paragraph (d) of
28 subsection 1 is guilty of a category C felony and shall be punished
29 as provided in NRS 193.130.
- 30 3. Except as otherwise provided in this subsection, the sheriff
31 of any county may, upon written application by a resident of that
32 county showing the reason or the purpose for which a concealed
33 weapon is to be carried, issue a permit authorizing the applicant to
34 carry in this State the concealed weapon described in the permit.
35 The sheriff shall not issue a permit to a person to carry a
36 switchblade knife. ~~[This subsection does not authorize the sheriff to~~
37 ~~issue a permit to a person to carry a pistol, revolver or other~~
38 ~~firearm.]~~
- 39 4. Except as otherwise provided in subsection 5, this section
40 does not apply to:
- 41 (a) Sheriffs, constables, marshals, peace officers, correctional
42 officers employed by the Department of Corrections, special police
43 officers, police officers of this State, whether active or honorably
44 retired, or other appointed officers.



1 (b) Any person summoned by any peace officer to assist in
2 making arrests or preserving the peace while the person so
3 summoned is actually engaged in assisting such an officer.

4 (c) Any full-time paid peace officer of an agency of the United
5 States or another state or political subdivision thereof when carrying
6 out official duties in the State of Nevada.

7 (d) Members of the Armed Forces of the United States when on
8 duty.

9 5. The exemptions provided in subsection 4 do not include a
10 former peace officer who is retired for disability unless his or her
11 former employer has approved his or her fitness to carry a concealed
12 weapon.

13 6. The provisions of paragraph (b) of subsection 1 do not apply
14 to any person who is licensed, authorized or permitted to possess or
15 use a machine gun or silencer pursuant to federal law. The burden of
16 establishing federal licensure, authorization or permission is upon
17 the person possessing the license, authorization or permission.

18 7. This section shall not be construed to prohibit a qualified
19 law enforcement officer or a qualified retired law enforcement
20 officer from carrying a concealed weapon in this State if he or she is
21 authorized to do so pursuant to 18 U.S.C. § 926B or 926C.

22 8. As used in this section:

23 (a) "Concealed weapon" means a weapon described in this
24 section that is carried upon a person in such a manner as not to be
25 discernible by ordinary observation.

26 (b) "Honorably retired" means retired in Nevada after
27 completion of 10 years of creditable service as a member of the
28 Public Employees' Retirement System. A former peace officer is
29 not "honorably retired" if he or she was discharged for cause or
30 resigned before the final disposition of allegations of serious
31 misconduct.

32 (c) "Machine gun" means any weapon which shoots, is designed
33 to shoot or can be readily restored to shoot more than one shot,
34 without manual reloading, by a single function of the trigger.

35 (d) "Nunchaku" means an instrument consisting of two or more
36 sticks, clubs, bars or rods connected by a rope, cord, wire or chain
37 used as a weapon in forms of Oriental combat.

38 (e) "Qualified law enforcement officer" has the meaning
39 ascribed to it in 18 U.S.C. § 926B(c).

40 (f) "Qualified retired law enforcement officer" has the meaning
41 ascribed to it in 18 U.S.C. § 926C(c).

42 (g) "Silencer" means any device for silencing, muffling or
43 diminishing the report of a firearm, including any combination of
44 parts, designed or redesigned, and intended for use in assembling or



1 fabricating a silencer or muffler, and any part intended only for use
2 in such assembly or fabrication.

3 (h) "Switchblade knife" means a spring-blade knife, snap-blade
4 knife or any other knife having the appearance of a pocketknife, any
5 blade of which is 2 or more inches long and which can be released
6 automatically by a flick of a button, pressure on the handle or other
7 mechanical device, or is released by any type of mechanism. The
8 term does not include a knife which has a blade that is held in place
9 by a spring if the blade does not have any type of automatic release.

10 (i) "Trefoil" means an instrument consisting of a metal plate
11 having three or more radiating points with sharp edges, designed in
12 the shape of a star, cross or other geometric figure and used as a
13 weapon for throwing.

14 **Sec. 3.** NRS 33.018 is hereby amended to read as follows:

15 33.018 1. Domestic violence occurs when a person commits
16 one of the following acts against or upon the person's spouse or
17 former spouse, any other person to whom the person is related by
18 blood or marriage, any other person with whom the person is or was
19 actually residing, any other person with whom the person has had or
20 is having a dating relationship, any other person with whom the
21 person has a child in common, the minor child of any of those
22 persons, the person's minor child or any other person who has been
23 appointed the custodian or legal guardian for the person's minor
24 child:

25 (a) A battery.

26 (b) An assault.

27 (c) Compelling the other person by force or threat of force to
28 perform an act from which the other person has the right to refrain
29 or to refrain from an act which the other person has the right to
30 perform.

31 (d) A sexual assault.

32 (e) A knowing, purposeful or reckless course of conduct
33 intended to harass the other person. Such conduct may include, but
34 is not limited to:

35 (1) Stalking.

36 (2) Arson.

37 (3) Trespassing.

38 (4) Larceny.

39 (5) Destruction of private property.

40 (6) ~~Carrying~~ *Unlawfully carrying* a concealed weapon
41 without a permit.

42 (7) Injuring or killing an animal.

43 (f) A false imprisonment.



1 (g) Unlawful entry of the other person's residence, or forcible
2 entry against the other person's will if there is a reasonably
3 foreseeable risk of harm to the other person from the entry.

4 2. As used in this section, "dating relationship" means
5 frequent, intimate associations primarily characterized by the
6 expectation of affectional or sexual involvement. The term does not
7 include a casual relationship or an ordinary association between
8 persons in a business or social context.

9 **Sec. 4.** NRS 171.1225 is hereby amended to read as follows:

10 171.1225 1. When investigating an act of domestic violence,
11 a peace officer shall:

12 (a) Make a good faith effort to explain the provisions of NRS
13 171.137 pertaining to domestic violence and advise victims of all
14 reasonable means to prevent further abuse, including advising each
15 person of the availability of a shelter or other services in the
16 community.

17 (b) Provide a person suspected of being the victim of an act of
18 domestic violence with a written copy of the following statements:

19 (1) My name is officer (naming the
20 investigating officer). Nevada law requires me to inform you of the
21 following information.

22 (2) If I have probable cause to believe that a battery has been
23 committed against you, your minor child or the minor child of the
24 person believed to have committed the battery in the last 24 hours
25 by your spouse, your former spouse, any other person to whom you
26 are related by blood or marriage, a person with whom you are or
27 were actually residing, a person with whom you have had or are
28 having a dating relationship or a person with whom you have a child
29 in common, I am required, unless mitigating circumstances exist, to
30 arrest the person suspected of committing the act.

31 (3) If I am unable to arrest the person suspected of
32 committing the battery, you have the right to request that the
33 prosecutor file a criminal complaint against the person. I can
34 provide you with information on this procedure. If convicted, the
35 person who committed the battery may be placed on probation,
36 ordered to see a counselor, put in jail or fined.

37 (4) The law provides that you may seek a court order for the
38 protection of you or your minor children against further threats or
39 acts of domestic violence. You do not need to hire a lawyer to
40 obtain such an order for protection.

41 (5) An order for protection may require the person who
42 committed or threatened the act of domestic violence against you to:

43 (I) Stop threatening, harassing or injuring you or your
44 children;

45 (II) Move out of your residence;



- 1 (III) Stay away from your place of employment;
 - 2 (IV) Stay away from the school attended by your
 - 3 children;
 - 4 (V) Stay away from any place you or your children
 - 5 regularly go; and
 - 6 (VI) Avoid or limit all communication with you or your
 - 7 children.
- 8 (6) A court may make future orders for protection which
- 9 award you custody of your children and require the person who
- 10 committed or threatened the act of domestic violence against you to
- 11 pay:

- 12 (I) The rent or mortgage due on the place in which you
- 13 live;
- 14 (II) The amount of money necessary for the support of
- 15 your children; and
- 16 (III) Part or all of the costs incurred by you in obtaining
- 17 the order for protection.

18 (7) To get an order for protection, go to room number
19 (state the room number of the office at the court) at the court, which
20 is located at (state the address of the court). Ask the
21 clerk of the court to provide you with the forms for an order of
22 protection.

23 (8) If the person who committed or threatened the act of
24 domestic violence against you violates the terms of an order for
25 protection, the person may be arrested and, if:

- 26 (I) The arresting officer determines that such a violation
- 27 is accompanied by a direct or indirect threat of harm;
- 28 (II) The person has previously violated a temporary or
- 29 extended order for protection; or
- 30 (III) At the time of the violation or within 2 hours after
- 31 the violation, the person has a concentration of alcohol of 0.08 or
- 32 more in the person's blood or breath or an amount of a prohibited
- 33 substance in the person's blood or urine that is equal to or greater
- 34 than the amount set forth in subsection 3 of NRS 484C.110,

35 ➔ the person will not be admitted to bail sooner than 12 hours after
36 arrest.

37 (9) You may obtain emergency assistance or shelter by
38 contacting your local program against domestic violence at
39 (state name, address and telephone number of local
40 program) or you may call, without charge to you, the Statewide
41 Program Against Domestic Violence at (state
42 toll-free telephone number of Statewide Program).

43 2. As used in this section, "act of domestic violence" means
44 any of the following acts committed by a person against his or her
45 spouse, former spouse, any other person to whom he or she is



1 related by blood or marriage, a person with whom he or she is or
2 was actually residing, a person with whom he or she has had or is
3 having a dating relationship, a person with whom he or she has a
4 child in common, the minor child of any of those persons or his or
5 her minor child:

6 (a) A battery.

7 (b) An assault.

8 (c) Compelling the other by force or threat of force to perform
9 an act from which he or she has the right to refrain or to refrain from
10 an act which he or she has the right to perform.

11 (d) A sexual assault.

12 (e) A knowing, purposeful or reckless course of conduct
13 intended to harass the other. Such conduct may include, but is not
14 limited to:

15 (1) Stalking.

16 (2) Arson.

17 (3) Trespassing.

18 (4) Larceny.

19 (5) Destruction of private property.

20 (6) ~~Carrying~~ *Unlawfully carrying* a concealed weapon
21 without a permit.

22 (f) False imprisonment.

23 (g) Unlawful entry of the other's residence, or forcible entry
24 against the other's will if there is a reasonably foreseeable risk of
25 harm to the other from the entry.

26 3. The failure of a peace officer to carry out the requirements
27 set forth in subsection 1 is not a defense in a criminal prosecution
28 for the commission of an act of domestic violence, nor may such an
29 omission be considered as negligence or as causation in any civil
30 action against the peace officer or the officer's employer.

31 4. As used in this section, "dating relationship" means
32 frequent, intimate associations primarily characterized by the
33 expectation of affectional or sexual involvement. The term does not
34 include a casual relationship or an ordinary association between
35 persons in a business or social context.

36 **Sec. 5.** NRS 217.400 is hereby amended to read as follows:

37 217.400 As used in NRS 217.400 to 217.475, inclusive, unless
38 the context otherwise requires:

39 1. "Dating relationship" means frequent, intimate associations
40 primarily characterized by the expectation of affectional or sexual
41 involvement. The term does not include a casual relationship or an
42 ordinary association between persons in a business or social context.

43 2. "Division" means the Division of Child and Family Services
44 of the Department of Health and Human Services.

45 3. "Domestic violence" means:



1 (a) The attempt to cause or the causing of bodily injury to a
2 family or household member or the placing of the member in fear of
3 imminent physical harm by threat of force.

4 (b) Any of the following acts committed by a person against a
5 family or household member, a person with whom he or she had or
6 is having a dating relationship or with whom he or she has a child in
7 common, or upon his or her minor child or a minor child of that
8 person:

9 (1) A battery.

10 (2) An assault.

11 (3) Compelling the other by force or threat of force to
12 perform an act from which he or she has the right to refrain or to
13 refrain from an act which he or she has the right to perform.

14 (4) A sexual assault.

15 (5) A knowing, purposeful or reckless course of conduct
16 intended to harass the other. Such conduct may include, without
17 limitation:

18 (I) Stalking.

19 (II) Arson.

20 (III) Trespassing.

21 (IV) Larceny.

22 (V) Destruction of private property.

23 (VI) ~~Carrying~~ **Unlawfully carrying** a concealed weapon
24 without a permit.

25 (6) False imprisonment.

26 (7) Unlawful entry of the other's residence, or forcible entry
27 against the other's will if there is a reasonably foreseeable risk of
28 harm to the other from the entry.

29 4. "Family or household member" means a spouse, a former
30 spouse, a parent or other adult person who is related by blood or
31 marriage or is or was actually residing with the person committing
32 the act of domestic violence.

33 5. "Participant" means an adult, child or incompetent person
34 for whom a fictitious address has been issued pursuant to NRS
35 217.462 to 217.471, inclusive.

36 6. "Victim of domestic violence" includes the dependent
37 children of the victim.

38 7. "Victim of sexual assault" means a person who has been
39 sexually assaulted as defined in NRS 200.366 or a person upon
40 whom a sexual assault has been attempted.

41 8. "Victim of stalking" means a person who is a victim of the
42 crime of stalking or aggravated stalking as set forth in NRS 200.575.

43 **Sec. 6.** NRS 433A.715 is hereby amended to read as follows:

44 433A.715 1. A court shall seal all court records relating to
45 the admission and treatment of any person who was admitted,



1 voluntarily or as the result of a noncriminal proceeding, to a public
2 or private hospital or mental health facility in this State for the
3 purpose of obtaining mental health treatment.

4 2. Except as otherwise provided in subsections 4 and 5, a
5 person or governmental entity that wishes to inspect records that are
6 sealed pursuant to this section must file a petition with the court that
7 sealed the records. Upon the filing of a petition, the court shall fix a
8 time for a hearing on the matter. The petitioner must provide notice
9 of the hearing and a copy of the petition to the person who is the
10 subject of the records. If the person who is the subject of the records
11 wishes to oppose the petition, the person must appear before the court
12 at the hearing. If the person appears before the court at the
13 hearing, the court must provide the person an opportunity to be
14 heard on the matter.

15 3. After the hearing described in subsection 2, the court may
16 order the inspection of records that are sealed pursuant to this
17 section if:

18 (a) A law enforcement agency must obtain or maintain
19 information concerning persons who have been admitted to a public
20 or private hospital or mental health facility in this State pursuant to
21 state or federal law;

22 (b) A prosecuting attorney or an attorney who is representing the
23 person who is the subject of the records in a criminal action requests
24 to inspect the records; or

25 (c) The person who is the subject of the records petitions the
26 court to permit the inspection of the records by a person named in
27 the petition.

28 4. A governmental entity is entitled to inspect court records
29 that are sealed pursuant to this section without following the
30 procedure described in subsection 2 if:

31 (a) The governmental entity has made a conditional offer of
32 employment to the person who is the subject of the records;

33 (b) The position of employment conditionally offered to the
34 person concerns public safety, including, without limitation,
35 employment as a firefighter or peace officer;

36 (c) The governmental entity is required by law, rule, regulation
37 or policy to obtain the mental health records of each individual
38 conditionally offered the position of employment; and

39 (d) An authorized representative of the governmental entity
40 presents to the court a written authorization signed by the person
41 who is the subject of the records and notarized by a notary public or
42 judicial officer in which the person who is the subject of the records
43 consents to the inspection of the records.

44 5. Upon its own order, any court of this State may inspect court
45 records that are sealed pursuant to this section without following the



1 procedure described in subsection 2 if the records are necessary and
2 relevant for the disposition of a matter pending before the court. The
3 court may allow a party in the matter to inspect the records without
4 following the procedure described in subsection 2 if the court deems
5 such inspection necessary and appropriate.

6 6. Following the sealing of records pursuant to this section, the
7 admission of the person who is the subject of the records to the
8 public or private hospital or mental health facility is deemed never
9 to have occurred, and the person may answer accordingly any
10 question related to its occurrence, except in connection with:

11 (a) ~~[An application for a permit to carry a concealed firearm~~
12 ~~pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;~~

13 ~~—(b)]~~ A transfer of a firearm; or

14 ~~[(e)]~~ (b) An application for a position of employment described
15 in subsection 4.

16 7. As used in this section:

17 (a) “Firefighter” means a person who is a salaried employee of a
18 fire-fighting agency and whose principal duties are to control,
19 extinguish, prevent and suppress fires. As used in this paragraph,
20 “fire-fighting agency” means a public fire department, fire
21 protection district or other agency of this State or a political
22 subdivision of this State, the primary functions of which are to
23 control, extinguish, prevent and suppress fires.

24 (b) “Peace officer” has the meaning ascribed to it in
25 NRS 289.010.

26 (c) “Seal” means placing records in a separate file or other
27 repository not accessible to the general public.

28 **Sec. 7.** NRS 202.3653, 202.3657, 202.366, 202.3662,
29 202.3663, 202.3665, 202.3667, 202.367, 202.3673, 202.3677,
30 202.3678, 202.368, 202.3683, 202.3687, 202.3688, 202.3689 and
31 202.369 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

202.3653 Definitions.

**202.3657 Application for permit; eligibility; denial or
revocation of permit.**

**202.366 Investigation of applicant for permit; issuance or
denial of permit; expiration of permit.**

**202.3662 Confidentiality of information about applicant for
permit and permittee.**

202.3663 Judicial review of denial of application for permit.



202.3665 Duties of sheriff upon receiving notification that applicant or permittee has been charged with or convicted of crime involving use or threatened use of force or violence.

202.3667 Permittee to carry permit and proper identification when in possession of concealed firearm; penalty.

202.367 Duplicate permit; notification to sheriff of recovered permit; penalty.

202.3673 Permittee authorized to carry concealed firearm while on premises of public building; exceptions; penalty.

202.3677 Application for renewal of permit; fees; demonstrated continued competence required.

202.3678 Application for certification as qualified retired law enforcement officer; law enforcement agency required to offer certain officers opportunity to obtain qualifications necessary for certification; fees.

202.368 Fees to be deposited with county treasurer.

202.3683 Immunity of state and local governments from civil liability.

202.3687 Temporary permits.

202.3688 Circumstances in which holder of permit issued by another state may carry concealed firearm in this State; holder of permit issued by another state subject to same restrictions and requirements as holder of permit issued in this State.

202.3689 Department to prepare list of states that meet certain requirements concerning permits; Department to provide copy of list to law enforcement agencies in this State; Department to make list available to public.

202.369 Regulations.

