

SENATE BILL NO. 171—SENATOR LESLIE

FEBRUARY 17, 2011

Referred to Committee on Judiciary

SUMMARY—Revises the provisions governing the possession of dangerous weapons at certain locations. (BDR 15-867)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. 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 weapons; revising the provisions governing the possession of dangerous weapons at certain locations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from possessing or carrying certain weapons  
2 while on the property of the Nevada System of Higher Education, a private or  
3 public school or a child care facility, or while in a vehicle of a private or public  
4 school or child care facility. A person who possesses a prohibited weapon is guilty  
5 of a gross misdemeanor. (NRS 202.265) Additionally, a person who commits a  
6 gross misdemeanor on the property of a private or public school, at an activity  
7 sponsored by a private or public school, on a school bus or at a bus stop must be  
8 punished by imprisonment in the county jail for not fewer than 15 days, and may be  
9 punished by a fine of not more than \$2,000. (NRS 193.1605)

10 This bill: (1) specifies additional weapons which a person is prohibited from  
11 possessing or carrying while on the property of the Nevada System of Higher  
12 Education, a private or public school or a child care facility, or while in a vehicle of  
13 a private or public school or child care facility; and (2) prohibits the possession of  
14 such weapons at an activity sponsored by a private or public school or child care  
15 facility.

16 This bill also prohibits a person from knowingly possessing or carrying a  
17 dangerous knife: (1) while on the property of a private or public school during  
18 school hours or a child care facility during the normal hours of business of the  
19 facility; or (2) while in a vehicle of a private or public school or child care facility.  
20 An exception to this prohibition is provided for certain circumstances in which use  
21 of a knife is necessary for an employee to perform his or her job or in which use of  
22 a knife is authorized as part of a class or program.



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

1       **Section 1.** NRS 202.265 is hereby amended to read as follows:  
2       202.265 1. Except as otherwise provided in this section, a  
3 person shall not carry or possess while on the property of the  
4 Nevada System of Higher Education, a private or public school or  
5 child care facility, or while in a vehicle of a private or public school  
6 or child care facility:

- 7       (a) An explosive or incendiary device;  
8       (b) A dirk, dagger or switchblade knife;  
9       (c) A nunchaku or trefoil;  
10       (d) A blackjack or billy club or metal knuckles;  
11       (e) *A sword;*  
12       (f) *An ax or a hatchet;*  
13       (g) *A machete;*  
14       (h) A pistol, revolver or other firearm; ~~for~~  
15 ~~—(f) (i) Any other deadly weapon; or~~  
16       (j) Any device used to mark any part of a person with paint or  
17 any other substance.

18       2. *Except as otherwise provided in this section, a person shall*  
19 *not carry or possess any of the items set forth in subsection 1 at an*  
20 *activity sponsored by a private or public school or child care*  
21 *facility.*

22       3. *Except as otherwise provided in this subsection, a person*  
23 *shall not knowingly carry or possess a dangerous knife while on*  
24 *the property of a private or public school during school hours,*  
25 *while on the property of a child care facility during the normal*  
26 *hours of business of the facility or while in a vehicle of a private*  
27 *or public school or child care facility. This subsection does not*  
28 *prohibit a person from carrying or possessing a knife in such*  
29 *situations if the person is:*

30       (a) *An employee of the school or child care facility and the*  
31 *knife is necessary to perform the functions of his or her job.*

32       (b) *A pupil who is enrolled in a class or program in which a*  
33 *knife must be used and the knife is provided to the pupil by the*  
34 *teacher of the class or the person responsible for the program for*  
35 *use in the class or as part of the program.*

36       4. Any person who violates ~~[subsection 1]~~ *this section* is guilty  
37 of a gross misdemeanor.

38       ~~[3-]~~ 5. This section does not prohibit the possession of a  
39 weapon listed in ~~[subsection 1]~~ *this section* on the property of:

- 40       (a) A private or public school or child care facility by a:



- 1 (1) Peace officer;
- 2 (2) School security guard; or
- 3 (3) Person having written permission from the president of a
- 4 branch or facility of the Nevada System of Higher Education or the
- 5 principal of the school or the person designated by a child care
- 6 facility to give permission to carry or possess the weapon.

7 (b) A child care facility which is located at or in the home of a

8 natural person by the person who owns or operates the facility so

9 long as the person resides in the home and the person complies with

10 any laws governing the possession of such a weapon.

11 ~~(4)~~ 6. The provisions of this section apply to a child care

12 facility located at or in the home of a natural person only during the

13 normal hours of business of the facility.

14 ~~(5)~~ 7. For the purposes of this section:

15 (a) "Child care facility" means any child care facility that is

16 licensed pursuant to chapter 432A of NRS or licensed by a city or

17 county.

18 (b) *"Dangerous knife" means a knife having a blade that is 2*

19 *inches or more in length when measured from the tip of the knife*

20 *which is customarily sharpened to the unsharpened extension of*

21 *the blade which forms the hinge connecting the blade to the*

22 *handle.*

23 (c) "Firearm" includes any device from which a metallic

24 projectile, including any ball bearing or pellet, may be expelled by

25 means of spring, gas, air or other force.

26 ~~(e)~~ (d) "Nunchaku" has the meaning ascribed to it in

27 NRS 202.350.

28 ~~(f)~~ (e) "Switchblade knife" has the meaning ascribed to it in

29 NRS 202.350.

30 ~~(g)~~ (f) "Trefoil" has the meaning ascribed to it in

31 NRS 202.350.

32 ~~(h)~~ (g) "Vehicle" has the meaning ascribed to "school bus" in

33 NRS 484A.230.

34 **Sec. 2.** NRS 202.3673 is hereby amended to read as follows:

35 202.3673 1. Except as otherwise provided in subsections 2

36 and 3, a permittee may carry a concealed firearm while the

37 permittee is on the premises of any public building.

38 2. A permittee shall not carry a concealed firearm while the

39 permittee is on the premises of a public building that is located on

40 the property of a public airport.

41 3. A permittee shall not carry a concealed firearm while the

42 permittee is on the premises of:

43 (a) A public building that is located on the property of a public

44 school or a child care facility or the property of the Nevada System

45 of Higher Education, unless the permittee has obtained written



1 permission to carry a concealed firearm while he or she is on the  
2 premises of the public building pursuant to subparagraph (3) of  
3 paragraph (a) of subsection ~~3~~ 5 of NRS 202.265.

4 (b) A public building that has a metal detector at each public  
5 entrance or a sign posted at each public entrance indicating that no  
6 firearms are allowed in the building, unless the permittee is not  
7 prohibited from carrying a concealed firearm while he or she is on  
8 the premises of the public building pursuant to subsection 4.

9 4. The provisions of paragraph (b) of subsection 3 do not  
10 prohibit:

11 (a) A permittee who is a judge from carrying a concealed  
12 firearm in the courthouse or courtroom in which the judge presides  
13 or from authorizing a permittee to carry a concealed firearm while in  
14 the courtroom of the judge and while traveling to and from the  
15 courtroom of the judge.

16 (b) A permittee who is a prosecuting attorney of an agency or  
17 political subdivision of the United States or of this State from  
18 carrying a concealed firearm while he or she is on the premises of a  
19 public building.

20 (c) A permittee who is employed in the public building from  
21 carrying a concealed firearm while he or she is on the premises of  
22 the public building.

23 (d) A permittee from carrying a concealed firearm while he or  
24 she is on the premises of the public building if the permittee has  
25 received written permission from the person in control of the public  
26 building to carry a concealed firearm while the permittee is on the  
27 premises of the public building.

28 5. A person who violates subsection 2 or 3 is guilty of a  
29 misdemeanor.

30 6. As used in this section:

31 (a) "Child care facility" has the meaning ascribed to it in  
32 paragraph (a) of subsection ~~3~~ 7 of NRS 202.265.

33 (b) "Public building" means any building or office space  
34 occupied by:

35 (1) Any component of the Nevada System of Higher  
36 Education and used for any purpose related to the System; or

37 (2) The Federal Government, the State of Nevada or any  
38 county, city, school district or other political subdivision of the State  
39 of Nevada and used for any public purpose.

40 ➤ If only part of the building is occupied by an entity described in  
41 this subsection, the term means only that portion of the building  
42 which is so occupied.

43 **Sec. 3.** NRS 62C.060 is hereby amended to read as follows:

44 62C.060 1. If a peace officer or probation officer has  
45 probable cause to believe that a child is committing or has



1 committed an unlawful act that involves the possession, use or  
2 threatened use of a firearm, the officer shall take the child into  
3 custody.

4 2. If a child is taken into custody for an unlawful act described  
5 in this section, the child must not be released before a detention  
6 hearing is held pursuant to NRS 62C.040.

7 3. At the detention hearing, the juvenile court shall, if the child  
8 was taken into custody for:

9 (a) Carrying or possessing a firearm while on the property of the  
10 Nevada System of Higher Education, a private or public school or  
11 child care facility, or while in a vehicle of a private or public school  
12 or child care facility, order the child to:

13 (1) Be evaluated by a qualified professional; and

14 (2) Submit to a test to determine whether the child is using  
15 any controlled substance.

16 (b) Committing an unlawful act involving a firearm other than  
17 the act described in paragraph (a), determine whether to order the  
18 child to be evaluated by a qualified professional.

19 4. If the juvenile court orders the child to be evaluated by a  
20 qualified professional or to submit to a test to determine whether the  
21 child is using any controlled substance, the evaluation or the results  
22 from the test must be completed not later than 14 days after the  
23 detention hearing. Until the evaluation or the test is completed, the  
24 child must be:

25 (a) Detained at a facility for the detention of children; or

26 (b) Placed under a program of supervision in the home of the  
27 child that may include electronic surveillance of the child.

28 5. If a child is evaluated by a qualified professional pursuant to  
29 this section, the statements made by the child to the qualified  
30 professional during the evaluation and any evidence directly or  
31 indirectly derived from those statements may not be used for any  
32 purpose in a proceeding which is conducted to prove that the child  
33 committed a delinquent act or criminal offense. The provisions of  
34 this subsection do not prohibit the district attorney from proving that  
35 the child committed a delinquent act or criminal offense based upon  
36 evidence obtained from sources or by means that are independent of  
37 the statements made by the child to the qualified professional during  
38 the evaluation.

39 6. As used in this section, "child care facility" has the meaning  
40 ascribed to it in paragraph (a) of subsection ~~5~~ 7 of NRS 202.265.

41 **Sec. 4.** This act becomes effective on July 1, 2011.

