

SENATE BILL NO. 231—SENATORS LEE, SETTELMAYER, HARDY, MANENDO, DENIS; CEGAVSKE, COPENING, GUSTAVSON, HALSETH AND ROBERSON

MARCH 9, 2011

JOINT SPONSORS: ASSEMBLYMEN ANDERSON, HICKEY, HAMBRICK, CARRILLO, HANSEN; DALY, FLORES, GOEDHART, GOICOECHEA, HAMMOND, KIRNER, KITE, LIVERMORE AND OHRENSCHALL

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to concealed firearms. (BDR 20-742)

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; authorizing a sheriff to provide certain information concerning the availability of certain courses relating to firearm safety; authorizing persons who hold permits to carry concealed firearms to carry concealed firearms on the property of the Nevada System of Higher Education under certain circumstances; authorizing the Police Department for the System to provide certain information concerning the availability of certain courses relating to firearm safety; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Section 1** of this bill authorizes the sheriff of a county to provide to persons
- 2 who hold permits to carry concealed firearms information concerning instructors
- 3 and organizations that offer courses in firearm safety which focus on issues relating
- 4 to firearm safety in an educational environment.
- 5 Existing law prohibits a person from carrying a concealed firearm on the
- 6 property of the Nevada System of Higher Education, unless the person holds a
- 7 permit to carry a concealed firearm and has written permission from the president
- 8 of a branch or facility of the System to carry the concealed firearm. (NRS 202.265,



* S B 2 3 1 R 1 *

9 202.3673) **Sections 3, 4 and 6** of this bill authorize a person who holds a permit to
10 carry a concealed firearm to carry a concealed firearm while on the property of the
11 Nevada System of Higher Education unless the person is attending an event held at
12 a sporting venue with a seating capacity of 1,000 or more.

13 **Section 5** of this bill authorizes the Police Department for the System to
14 provide to persons who hold permits to carry concealed firearms information
15 concerning instructors and organizations that offer courses in firearm safety which
16 focus on issues relating to firearm safety in an educational environment.

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

1 **Section 1.** Chapter 248 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The sheriff of each county may, within the limits of available*
4 *money, provide to persons who are authorized to carry concealed*
5 *firearms pursuant to the provisions of NRS 202.3653 to 202.369,*
6 *inclusive, information concerning instructors and organizations*
7 *that offer courses in firearm safety which focus on issues relating*
8 *to firearm safety in an educational environment.*

9 **Sec. 2.** NRS 62C.060 is hereby amended to read as follows:

10 62C.060 1. If a peace officer or probation officer has
11 probable cause to believe that a child is committing or has
12 committed an unlawful act that involves the possession, use or
13 threatened use of a firearm, the officer shall take the child into
14 custody.

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

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

20 (a) Carrying or possessing a firearm while on the property of the
21 Nevada System of Higher Education, a private or public school or
22 child care facility, or while in a vehicle of a private or public school
23 or child care facility, order the child to:

- 24 (1) Be evaluated by a qualified professional; and
25 (2) Submit to a test to determine whether the child is using
26 any controlled substance.

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

30 4. If the juvenile court orders the child to be evaluated by a
31 qualified professional or to submit to a test to determine whether the
32 child is using any controlled substance, the evaluation or the results
33 from the test must be completed not later than 14 days after the



1 detention hearing. Until the evaluation or the test is completed, the
2 child must be:

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

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

6 5. If a child is evaluated by a qualified professional pursuant to
7 this section, the statements made by the child to the qualified
8 professional during the evaluation and any evidence directly or
9 indirectly derived from those statements may not be used for any
10 purpose in a proceeding which is conducted to prove that the child
11 committed a delinquent act or criminal offense. The provisions of
12 this subsection do not prohibit the district attorney from proving that
13 the child committed a delinquent act or criminal offense based upon
14 evidence obtained from sources or by means that are independent of
15 the statements made by the child to the qualified professional during
16 the evaluation.

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

19 **Sec. 3.** NRS 202.265 is hereby amended to read as follows:

20 202.265 1. Except as otherwise provided in this section, a
21 person shall not carry or possess while on the property of the
22 Nevada System of Higher Education, a private or public school or
23 child care facility, or while in a vehicle of a private or public school
24 or child care facility:

25 (a) An explosive or incendiary device;

26 (b) A dirk, dagger or switchblade knife;

27 (c) A nunchaku or trefoil;

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

29 (e) A pistol, revolver or other firearm; or

30 (f) Any device used to mark any part of a person with paint or
31 any other substance.

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

34 3. This section does not prohibit the possession of a weapon
35 listed in subsection 1 on the property of:

36 (a) ~~EA~~ *The Nevada System of Higher Education, a* private or
37 public school or child care facility by a:

38 (1) Peace officer;

39 (2) School security guard; or

40 (3) Person having written permission from the president of a
41 branch or facility of the Nevada System of Higher Education or the
42 principal of the school or the person designated by a child care
43 facility to give permission to carry or possess the weapon.

44 (b) A child care facility which is located at or in the home of a
45 natural person by the person who owns or operates the facility so



1 long as the person resides in the home and the person complies with
2 any laws governing the possession of such a weapon.

3 4. *This section does not prohibit the possession of a firearm*
4 *on the property of the Nevada System of Higher Education by a*
5 *person who is authorized to carry a concealed firearm pursuant to*
6 *the provisions of NRS 202.3653 to 202.369, inclusive, except*
7 *during any period in which the person attends an event specified*
8 *in subsection 4 of NRS 202.3673.*

9 5. The provisions of this section apply to a child care facility
10 located at or in the home of a natural person only during the normal
11 hours of business of the facility.

12 ~~5-] 6.~~ For the purposes of this section:

13 (a) "Child care facility" means any child care facility that is
14 licensed pursuant to chapter 432A of NRS or licensed by a city or
15 county.

16 (b) "Firearm" includes any device from which a metallic
17 projectile, including any ball bearing or pellet, may be expelled by
18 means of spring, gas, air or other force.

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

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

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

23 (f) "Vehicle" has the meaning ascribed to "school bus" in
24 NRS 484A.230.

25 **Sec. 4.** NRS 202.3673 is hereby amended to read as follows:

26 202.3673 1. *Except as otherwise provided in subsection 4, a*
27 *permittee may carry a concealed firearm while the permittee is on*
28 *the property of the Nevada System of Higher Education or on the*
29 *premises of a public building that is located on the property of the*
30 *Nevada System of Higher Education.* Except as otherwise provided
31 in subsections 2 and 3, a permittee may carry a concealed firearm
32 while the permittee is on the premises of any public building.

33 2. A permittee shall not carry a concealed firearm while the
34 permittee is on the premises of a public building that is located on
35 the property of a public airport.

36 3. A permittee shall not carry a concealed firearm while the
37 permittee is on the premises of:

38 (a) A public building that is located on the property of a public
39 school or a child care facility , ~~for the property of the Nevada~~
40 ~~System of Higher Education,~~ unless the permittee has obtained
41 written permission *from the principal of the school or the person*
42 *designated by a child care facility* to carry a concealed firearm
43 while he or she is on the premises of the public building pursuant to
44 subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.



1 (b) A public building that has a metal detector at each public
2 entrance or a sign posted at each public entrance indicating that no
3 firearms are allowed in the building, unless ~~the~~ :

4 *(1) The public building is located on the property of the*
5 *Nevada System of Higher Education; or*

6 *(2) The* permittee is not prohibited from carrying a concealed
7 firearm while he or she is on the premises of the public building
8 pursuant to subsection ~~4.~~ 5.

9 4. *A permittee shall not carry a concealed firearm while the*
10 *permittee is attending any event held on the premises of a stadium,*
11 *arena, field house or other athletic facility with a seating capacity*
12 *of 1,000 or more that is located on the property of the Nevada*
13 *System of Higher Education.*

14 5. The provisions of paragraph (b) of subsection 3 do not
15 prohibit:

16 (a) A permittee who is a judge from carrying a concealed
17 firearm in the courthouse or courtroom in which the judge presides
18 or from authorizing a permittee to carry a concealed firearm while in
19 the courtroom of the judge and while traveling to and from the
20 courtroom of the judge.

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

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

28 (d) A permittee from carrying a concealed firearm while he or
29 she is on the premises of the public building if the permittee has
30 received written permission from the person in control of the public
31 building to carry a concealed firearm while the permittee is on the
32 premises of the public building.

33 ~~5.~~ 6. A person who violates subsection 2 or 3 is guilty of a
34 misdemeanor.

35 ~~6.~~ 7. As used in this section:

36 (a) "Child care facility" has the meaning ascribed to it in
37 paragraph (a) of subsection ~~5.~~ 6 of NRS 202.265.

38 (b) "Public building" means any building or office space
39 occupied by:

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

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



1 ↪ If only part of the building is occupied by an entity described in
2 this subsection, the term means only that portion of the building
3 which is so occupied.

4 **Sec. 5.** Chapter 396 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 *The Police Department for the System may, within the limits of*
7 *available money, provide to persons who are authorized to carry*
8 *concealed firearms pursuant to the provisions of NRS 202.3653 to*
9 *202.369, inclusive, information concerning instructors and*
10 *organizations that offer courses in firearm safety which focus on*
11 *issues relating to firearm safety in an educational environment.*

12 **Sec. 6.** NRS 396.110 is hereby amended to read as follows:
13 396.110 1. The Board of Regents may prescribe rules for:

- 14 (a) Its own government; and
15 (b) The government of the System.

16 2. The Board of Regents shall prescribe rules for the granting
17 of permission to carry or possess a weapon pursuant to NRS
18 202.265. *The rules prescribed by the Board of Regents pursuant to*
19 *this subsection:*

20 (a) *Must allow a person to carry a concealed firearm if the*
21 *person is authorized to carry a concealed firearm pursuant to the*
22 *provisions of NRS 202.3653 to 202.369, inclusive.*

23 (b) *Must not require a person who is authorized to carry a*
24 *concealed firearm pursuant to the provisions of NRS 202.3653 to*
25 *202.369, inclusive, to obtain permission to carry a concealed*
26 *firearm.*

27 (c) *Except as otherwise provided in paragraphs (a) and (b),*
28 *must provide for the storage of firearms in dormitories,*
29 *apartments and other facilities for housing that are located on the*
30 *property of the System.*

31 (d) *Must include provisions concerning the carrying of a*
32 *concealed firearm in a parking area that is located on the property*
33 *of the System during any period in which the parking area is used*
34 *or available for use by persons attending an event described in*
35 *subsection 4 of NRS 202.3673, or on any other property of the*
36 *System which is set aside for, or otherwise used or available for*
37 *use by, persons to park or gather before attending an event*
38 *described in subsection 4 of NRS 202.3673.*

39 ↪ *Any rules prescribed by the Board of Regents before, on or*
40 *after July 1, 2011, that are inconsistent with the provisions of*
41 *paragraphs (a) to (d), inclusive, are void.*

42 **Sec. 7.** This act becomes effective on July 1, 2011.

