
ASSEMBLY BILL NO. 234—ASSEMBLYMEN HORNE, FRIERSON,
FLORES, EISEN; BUSTAMANTE ADAMS, CARLTON, HEALEY
AND PIERCE

MARCH 11, 2013

JOINT SPONSORS: SENATORS SEGERBLOM,
SPEARMAN; ATKINSON AND KIHUEN

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to firearms.
(BDR 15-915)

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: Yes.

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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 firearms; requiring certain persons to request a background check before transferring a firearm to another person under certain circumstances; prohibiting the possession of certain bullets, projectiles or ammunition; establishing a civil cause of action for injuries arising from the unlawful transfer of a firearm; providing for the imposition and administration of a tax on firearms dealers for the privilege of selling firearms and ammunition to consumers; establishing the Fund for Treatment of Persons with Mental Illness; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law allows, but does not require, a private person to conduct a
2 background check of another person before transferring a firearm to the person.
3 (NRS 202.254) **Section 1** of this bill requires a private person to conduct such a
4 background check before transferring a firearm to another person, unless the person
5 to whom the firearm is transferred holds a permit to carry a concealed firearm.
6 **Section 1** further prohibits a private person from transferring a firearm until the
7 private person receives notice from the Central Repository of Nevada Records of



8 Criminal History that transfer of the firearm will not violate state or federal law or,
9 if the Central Repository does not send such notice, 3 business days from the date on
10 which a request was made to the Central Repository for the background check.
11 **Section 1** provides immunity from civil liability to a private person who transfers a
12 firearm to another person after conducting a background check as required by this
13 section. **Section 3** of this bill, however, authorizes a civil cause of action to be
14 brought against a person who fails to request a background check before
15 transferring a firearm to another person and provides for the recovery of any
16 punitive damages warranted by the facts.

17 Existing law makes it a gross misdemeanor to manufacture or sell any metal-
18 penetrating bullet capable of being fired from a handgun. (NRS 202.273) **Section 2**
19 of this bill also makes possession of any such metal penetrating bullet a gross
20 misdemeanor. Existing law makes it a misdemeanor to discharge any bullet,
21 projectile or ammunition of any kind which is tracer or incendiary in nature in
22 certain areas. **Section 32** of this bill repeals existing law that makes it a
23 misdemeanor to discharge any bullet, projectile or ammunition of any kind which is
24 trace or incendiary in nature in certain areas. (NRS 476.070) **Section 2** of this bill
25 instead makes it a gross misdemeanor to possess any such bullet, projectile or
26 ammunition which is tracer or incendiary in nature.

27 **Section 13** of this bill imposes an excise tax on each firearms dealer who sells
28 firearms or ammunition to consumers in this State. The amount of the tax, which
29 may be collected from the consumer, is \$25 for each firearm and 2 cents for each
30 round of ammunition sold. **Section 10** of this bill directs 50 percent of all proceeds
31 from the excise tax to be apportioned to the Fund for Treatment of Persons with
32 Mental Illness, established in **section 31** of this bill to be used for the treatment of
33 persons with mental illness, and 50 percent apportioned to the Fund for the
34 Compensation of Victims of Crime. **Sections 4-30** of this bill provide for the
35 administration, collection and enforcement of the tax by the Department of
36 Taxation in a manner similar to other state taxes.

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

1 **Section 1.** NRS 202.254 is hereby amended to read as follows:

2 202.254 1. A private person who wishes to transfer a firearm
3 to another person ~~may~~ *who is not a permittee shall*, before
4 transferring the firearm, request that ~~the~~ :

5 (a) *The Central Repository for Nevada Records of Criminal*
6 *History perform a background check on the person who wishes to*
7 *acquire the firearm* ~~it~~ ; or

8 (b) *A holder of a federal firearms license submit a request to*
9 *perform a background check on the person who wishes to acquire*
10 *the firearm to the Central Repository.*

11 2. The person who requests the information pursuant to
12 subsection 1 ~~shall~~ :

13 (a) *Shall* provide the Central Repository with identifying
14 information about the person who wishes to acquire the firearm.

15 (b) *Shall not transfer a firearm to the person who wishes to*
16 *acquire the firearm until:*



1 (1) *The person has received notification pursuant to*
2 *subsection 3 that the information available to the Central*
3 *Repository indicates that the receipt of a firearm by the person*
4 *who wishes to acquire the firearm would not violate a state or*
5 *federal law; or*

6 (2) *The person who requests the information has not*
7 *received notification from the Central Repository regarding the*
8 *request within 3 business days after making the request.*

9 3. Upon receiving a request from a private person pursuant to
10 subsection 1 and the identifying information required pursuant to
11 subsection 2, the Central Repository shall within ~~5~~ 3 business days
12 after receiving the request:

13 (a) Perform a background check on the person who wishes to
14 acquire the firearm; and

15 (b) Notify the person who requests the information whether the
16 information available to the Central Repository indicates that the
17 receipt of a firearm by the person who wishes to acquire the firearm
18 would violate a state or federal law.

19 4. If the person who requests the information does not receive
20 notification from the Central Repository regarding the request
21 within ~~5~~ 3 business days after making the request, the person may
22 presume that the receipt of a firearm by the person who wishes to
23 acquire the firearm would not violate a state or federal law.

24 5. The Central Repository may charge a reasonable fee for
25 performing a background check and notifying a person of the results
26 of the background check pursuant to this section.

27 6. ~~The failure of a person to request the Central Repository to~~
28 ~~perform a background check pursuant to this section before~~
29 ~~transferring a firearm to another person does not give rise to any~~
30 ~~civil cause of action.] A person who transfers a firearm in~~
31 ~~compliance with the provisions of this section is immune from civil~~
32 ~~liability for any claim arising out of the transfer of the firearm.~~

33 7. *As used in this section:*

34 (a) *“Background check” includes a report from the National*
35 *Instant Criminal Background Check System.*

36 (b) *“National Instant Criminal Background Check System”*
37 *has the meaning ascribed to it in NRS 179A.062.*

38 (c) *“Permittee” means a holder of a permit to carry a*
39 *concealed firearm issued pursuant to the provisions of NRS*
40 *202.3653 to 202.369, inclusive.*

41 **Sec. 2.** NRS 202.273 is hereby amended to read as follows:

42 202.273 1. Except as provided in subsection ~~2~~ 3, it is
43 unlawful to *possess*, manufacture or sell any metal-penetrating
44 bullet capable of being fired from a handgun.



1 2. *It is unlawful to possess any bullet, projectile or*
2 *ammunition of any kind which is tracer or incendiary in nature.*

3 3. A person may manufacture and sell metal-penetrating bullets
4 pursuant to an agreement with a law enforcement agency for the sale
5 of such bullets to that agency.

6 ~~13~~ 4. *This section does not apply to:*

7 (a) *Any member of the Armed Forces of the United States or*
8 *the Nevada National Guard while such member is on active duty;*

9 (b) *Any law enforcement officer of this State or the United*
10 *States; or*

11 (c) *The possession or use of such ammunition on land owned*
12 *or leased by the United States when possessed or used at the*
13 *direction of an authorized official of the United States.*

14 5. A person who violates the provisions of this section is guilty
15 of a gross misdemeanor.

16 ~~14~~ 6. As used in this section, "metal-penetrating bullet"
17 means a bullet whose core:

18 (a) Reduces the normal expansion of the bullet upon impact; and

19 (b) Is at least as hard as the maximum hardness attainable using
20 solid red metal alloys,

21 and which can be used in a handgun. The term does not include
22 any bullet with a copper or brass jacket and a core of lead or a lead
23 alloy, or a bullet made of lead or lead alloys.

24 Sec. 3. Chapter 41 of NRS is hereby amended by adding
25 thereto a new section to read as follows:

26 *A person who has suffered injury as the proximate result of a*
27 *violation of the provisions of NRS 202.254 may bring an action for*
28 *the recovery of the person's actual damages, costs and reasonable*
29 *attorney's fees and any punitive damages which the facts may*
30 *warrant.*

31 Sec. 4. Title 32 of NRS is hereby amended by adding thereto a
32 new chapter to consist of the provisions set forth as sections 5 to 26,
33 inclusive, of this act.

34 Sec. 5. *As used in this chapter, unless the context otherwise*
35 *requires, the words and terms defined in sections 6 to 9, inclusive,*
36 *of this act have the meanings ascribed to them in those sections.*

37 Sec. 6. "Commission" means the Nevada Tax Commission.

38 Sec. 7. "Firearm" has the meaning ascribed to it in
39 NRS 202.253.

40 Sec. 8. "Firearms dealer" means any person who has been
41 issued a license as a dealer pursuant to 18 U.S.C. § 923.

42 Sec. 9. "Taxpayer" means any person liable for the tax
43 imposed by this chapter.

44 Sec. 10. *The Department shall:*



1 1. *Administer and enforce the provisions of this chapter, and*
2 *may adopt such regulations as it deems appropriate for those*
3 *purposes.*

4 2. *Deposit all taxes, interest and penalties it receives pursuant*
5 *to this chapter in the State Treasury for credit to the State General*
6 *Fund for distribution in the following manner:*

7 (a) *Fifty percent to the Fund for Treatment of Persons with*
8 *Mental Illness created pursuant to section 31 of this act.*

9 (b) *Fifty percent to the Fund for the Compensation of Victims*
10 *of Crime created pursuant to NRS 217.260.*

11 **Sec. 11.** *1. Each person responsible for maintaining the*
12 *records of a taxpayer shall:*

13 (a) *Keep such records as may be necessary to determine the*
14 *amount of the liability of the taxpayer pursuant to the provisions*
15 *of this chapter;*

16 (b) *Preserve those records for 4 years or until any litigation or*
17 *prosecution pursuant to this chapter is finally determined,*
18 *whichever is longer; and*

19 (c) *Make the records available for inspection by the*
20 *Department upon demand at reasonable times during regular*
21 *business hours.*

22 2. *The Department may by regulation specify the types of*
23 *records which must be kept to determine the amount of the*
24 *liability of a taxpayer pursuant to the provisions of this chapter.*

25 3. *Any person who violates the provisions of subsection 1 is*
26 *guilty of a misdemeanor.*

27 **Sec. 12.** *1. To verify the accuracy of any return filed or, if*
28 *no return is filed by a taxpayer, to determine the amount required*
29 *to be paid, the Department, or any person authorized in writing by*
30 *the Department, may examine the books, papers and records of*
31 *any person who may be liable for the tax imposed by this chapter.*

32 2. *Any person who may be liable for the tax imposed by this*
33 *chapter and who keeps outside of this State any books, papers and*
34 *records relating thereto shall pay to the Department an amount*
35 *equal to the allowance provided for state officers and employees*
36 *generally while traveling outside of the State for each day or*
37 *fraction thereof during which an employee of the Department is*
38 *engaged in examining those documents, plus any other actual*
39 *expenses incurred by the employee while he or she is absent from*
40 *his or her regular place of employment to examine those*
41 *documents.*

42 **Sec. 13.** *1. An excise tax is hereby imposed upon each*
43 *firearms dealer for the privilege of selling firearms and*
44 *ammunition to consumers in this State at the rate of \$25 for each*



1 *firearm and 2 cents for each round of ammunition the firearms*
2 *dealer sells to a consumer in this State.*

3 *2. The tax imposed by this section does not apply to any*
4 *person or other entity that this State is prohibited from taxing*
5 *under the Constitution, laws or treaties of the United States or the*
6 *Nevada Constitution.*

7 *3. A firearms dealer who sells a firearm or any ammunition*
8 *to a consumer in this State is liable for the tax imposed pursuant*
9 *to this section, but is entitled to collect reimbursement therefor*
10 *from the consumer who purchases the firearm or ammunition.*

11 *4. Each firearms dealer who sells a firearm or any*
12 *ammunition to a consumer in this State during a calendar quarter*
13 *shall, on or before the last day of the month immediately following*
14 *that calendar quarter:*

15 *(a) File with the Department a return on a form prescribed by*
16 *the Department; and*

17 *(b) Remit to the Department any tax due pursuant to this*
18 *chapter for that calendar quarter.*

19 *5. As used in this section, "consumer" does not include any*
20 *government, governmental agency or political subdivision of a*
21 *government.*

22 **Sec. 14.** *Upon written application made before the date on*
23 *which payment must be made, the Department may for good cause*
24 *extend by 30 days the time within which a taxpayer is required to*
25 *pay the tax imposed by this chapter. If the tax is paid during the*
26 *period of extension, no penalty or late charge may be imposed for*
27 *failure to pay at the time required, but the taxpayer shall pay*
28 *interest at the rate of 1 percent per month from the date on which*
29 *the amount would have been due without the extension until the*
30 *date of payment, unless otherwise provided in NRS 360.232 or*
31 *360.320.*

32 **Sec. 15.** *If the Department determines that any tax, penalty*
33 *or interest has been paid more than once or has been erroneously*
34 *or illegally collected or computed, the Department shall set forth*
35 *that fact in the records of the Department and certify to the State*
36 *Board of Examiners the amount collected in excess of the amount*
37 *legally due and the person from whom it was collected or by whom*
38 *it was paid. If approved by the State Board of Examiners, the*
39 *excess amount collected or paid must, after being credited against*
40 *any amount then due from the person in accordance with NRS*
41 *360.236, be refunded to the person or his or her successors in*
42 *interest.*

43 **Sec. 16.** *1. Except as otherwise provided in NRS 360.235*
44 *and 360.395:*



1 (a) *No refund may be allowed unless a claim for it is filed with*
2 *the Department within 3 years after the last day of the month*
3 *following the calendar quarter for which the overpayment was*
4 *made.*

5 (b) *No credit may be allowed after the expiration of the period*
6 *specified for filing claims for refund unless a claim for credit is*
7 *filed with the Department within that period.*

8 2. *Each claim must be in writing and must state the specific*
9 *grounds upon which the claim is founded.*

10 3. *Failure to file a claim within the time prescribed in this*
11 *chapter constitutes a waiver of any demand against the State on*
12 *account of overpayment.*

13 4. *Within 30 days after rejecting any claim in whole or in*
14 *part, the Department shall serve notice of its action on the*
15 *claimant in the manner prescribed for service of notice of a*
16 *deficiency determination.*

17 **Sec. 17.** 1. *Except as otherwise provided in this section,*
18 *NRS 360.320 or any other specific statute, interest must be paid*
19 *upon any overpayment of any amount of the taxes imposed by this*
20 *chapter at the rate set forth in, and in accordance with the*
21 *provisions of, NRS 360.2937.*

22 2. *If the Department determines that any overpayment has*
23 *been made intentionally or by reason of carelessness, the*
24 *Department shall not allow any interest on the overpayment.*

25 **Sec. 18.** 1. *No injunction, writ of mandate or other legal or*
26 *equitable process may issue in any suit, action or proceeding in*
27 *any court against this State or against any officer of the State to*
28 *prevent or enjoin the collection under this chapter of the tax*
29 *imposed by this chapter or any amount of tax, penalty or interest*
30 *required to be collected.*

31 2. *No suit or proceeding may be maintained in any court for*
32 *the recovery of any amount alleged to have been erroneously or*
33 *illegally determined or collected unless a claim for refund or credit*
34 *has been filed.*

35 **Sec. 19.** 1. *Within 90 days after a final decision upon a*
36 *claim filed pursuant to this chapter is rendered by the*
37 *Commission, the claimant may bring an action against the*
38 *Department on the grounds set forth in the claim in a court of*
39 *competent jurisdiction in Carson City, the county of this State*
40 *where the claimant resides or maintains his or her principal place*
41 *of business or a county in which any relevant proceedings were*
42 *conducted by the Department, for the recovery of the whole or any*
43 *part of the amount with respect to which the claim has been*
44 *disallowed.*



1 2. *Failure to bring an action within the time specified*
2 *constitutes a waiver of any demand against the State on account of*
3 *alleged overpayments.*

4 **Sec. 20.** *1. If the Department fails to mail notice of action*
5 *on a claim within 6 months after the claim is filed, the claimant*
6 *may consider the claim disallowed and file an appeal with the*
7 *Commission within 30 days after the last day of the 6-month*
8 *period. If the claimant is aggrieved by the decision of the*
9 *Commission rendered on appeal, the claimant may, within 90 days*
10 *after the decision is rendered, bring an action against the*
11 *Department on the grounds set forth in the claim for the recovery*
12 *of the whole or any part of the amount claimed as an*
13 *overpayment.*

14 2. *If judgment is rendered for the plaintiff, the amount of the*
15 *judgment must first be credited towards any tax due from the*
16 *plaintiff.*

17 3. *The balance of the judgment must be refunded to the*
18 *plaintiff.*

19 **Sec. 21.** *In any judgment, interest must be allowed at the rate*
20 *of 3 percent per annum upon the amount found to have been*
21 *illegally collected from the date of payment of the amount to the*
22 *date of allowance of credit on account of the judgment, or to a*
23 *date preceding the date of the refund warrant by not more than 30*
24 *days. The date must be determined by the Department.*

25 **Sec. 22.** *A judgment may not be rendered in favor of the*
26 *plaintiff in any action brought against the Department to recover*
27 *any amount paid when the action is brought by or in the name of*
28 *an assignee of the person paying the amount or by any person*
29 *other than the person who paid the amount.*

30 **Sec. 23.** *1. The Department may recover a refund or any*
31 *part thereof which is erroneously made and any credit or part*
32 *thereof which is erroneously allowed in an action brought in a*
33 *court of competent jurisdiction in Carson City or Clark County in*
34 *the name of the State of Nevada.*

35 2. *The action must be tried in Carson City or Clark County*
36 *unless the court, with the consent of the Attorney General, orders*
37 *a change of place of trial.*

38 3. *The Attorney General shall prosecute the action, and the*
39 *provisions of NRS, the Nevada Rules of Civil Procedure and the*
40 *Nevada Rules of Appellate Procedure relating to service of*
41 *summons, pleadings, proofs, trials and appeals are applicable to*
42 *the proceedings.*

43 **Sec. 24.** *1. If any amount in excess of \$25 has been*
44 *illegally determined, either by the Department or by the person*
45 *filing the return, the Department shall certify this fact to the State*



1 *Board of Examiners, and the latter shall authorize the*
2 *cancellation of the amount upon the records of the Department.*

3 2. *If an amount not exceeding \$25 has been illegally*
4 *determined, either by the Department or by the person filing the*
5 *return, the Department, without certifying this fact to the State*
6 *Board of Examiners, shall authorize the cancellation of the*
7 *amount upon the records of the Department.*

8 **Sec. 25. 1. A person shall not:**

9 (a) *Make, cause to be made or permit to be made any false or*
10 *fraudulent return or declaration or false statement in any return*
11 *or declaration with intent to defraud the State or to evade payment*
12 *of the tax or any part of the tax imposed by this chapter.*

13 (b) *Make, cause to be made or permit to be made any false*
14 *entry in books, records or accounts with intent to defraud the State*
15 *or to evade the payment of the tax or any part of the tax imposed*
16 *by this chapter.*

17 (c) *Keep, cause to be kept or permit to be kept more than one*
18 *set of books, records or accounts with intent to defraud the State*
19 *or to evade the payment of the tax or any part of the tax imposed*
20 *by this chapter.*

21 2. *Any person who violates the provisions of subsection 1 is*
22 *guilty of a gross misdemeanor.*

23 **Sec. 26. The remedies of the State provided for in this**
24 **chapter are cumulative, and no action taken by the Department or**
25 **the Attorney General constitutes an election by the State to pursue**
26 **any remedy to the exclusion of any other remedy for which**
27 **provision is made in this chapter.**

28 **Sec. 27. NRS 360.2937 is hereby amended to read as follows:**

29 360.2937 1. Except as otherwise provided in this section,
30 NRS 360.320 or any other specific statute, and notwithstanding the
31 provisions of NRS 360.2935, interest must be paid upon an
32 overpayment of any tax provided for in chapter 362, 363A, 363B,
33 369, 370, 372, 374, 377 or 377A of NRS, **or sections 5 to 26,**
34 **inclusive, of this act,** any fee provided for in NRS 444A.090 or
35 482.313, or any assessment provided for in NRS 585.497, at the rate
36 of 0.25 percent per month from the last day of the calendar month
37 following the period for which the overpayment was made.

38 2. No refund or credit may be made of any interest imposed on
39 the person making the overpayment with respect to the amount
40 being refunded or credited.

41 3. The interest must be paid:

42 (a) In the case of a refund, to the last day of the calendar month
43 following the date upon which the person making the overpayment,
44 if the person has not already filed a claim, is notified by the
45 Department that a claim may be filed or the date upon which the



1 claim is certified to the State Board of Examiners, whichever is
2 earlier.

3 (b) In the case of a credit, to the same date as that to which
4 interest is computed on the tax or the amount against which the
5 credit is applied.

6 **Sec. 28.** NRS 360.300 is hereby amended to read as follows:

7 360.300 1. If a person fails to file a return or the Department
8 is not satisfied with the return or returns of any tax, contribution or
9 premium or amount of tax, contribution or premium required to be
10 paid to the State by any person, in accordance with the applicable
11 provisions of this chapter, chapter 360B, 362, 363A, 363B, 369,
12 370, 372, 372A, 374, 377, 377A or 444A of NRS, *or sections 5 to*
13 *26, inclusive, of this act*, NRS 482.313, or chapter 585 or 680B of
14 NRS as administered or audited by the Department, it may compute
15 and determine the amount required to be paid upon the basis of:

16 (a) The facts contained in the return;

17 (b) Any information within its possession or that may come into
18 its possession; or

19 (c) Reasonable estimates of the amount.

20 2. One or more deficiency determinations may be made with
21 respect to the amount due for one or for more than one period.

22 3. In making its determination of the amount required to be
23 paid, the Department shall impose interest on the amount of tax
24 determined to be due, calculated at the rate and in the manner set
25 forth in NRS 360.417, unless a different rate of interest is
26 specifically provided by statute.

27 4. The Department shall impose a penalty of 10 percent in
28 addition to the amount of a determination that is made in the case of
29 the failure of a person to file a return with the Department.

30 5. When a business is discontinued, a determination may be
31 made at any time thereafter within the time prescribed in NRS
32 360.355 as to liability arising out of that business, irrespective of
33 whether the determination is issued before the due date of the
34 liability.

35 **Sec. 29.** NRS 360.417 is hereby amended to read as follows:

36 360.417 Except as otherwise provided in NRS 360.232 and
37 360.320, and unless a different penalty or rate of interest is
38 specifically provided by statute, any person who fails to pay any tax
39 provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377,
40 377A, 444A or 585 of NRS, *or sections 5 to 26, inclusive, of this*
41 *act*, or any fee provided for in NRS 482.313, and any person or
42 governmental entity that fails to pay any fee provided for in NRS
43 360.787, to the State or a county within the time required, shall pay
44 a penalty of not more than 10 percent of the amount of the tax or fee
45 which is owed, as determined by the Department, in addition to the



1 tax or fee, plus interest at the rate of 0.75 percent per month, or
2 fraction of a month, from the last day of the month following the
3 period for which the amount or any portion of the amount should
4 have been reported until the date of payment. The amount of any
5 penalty imposed must be based on a graduated schedule adopted by
6 the Nevada Tax Commission which takes into consideration the
7 length of time the tax or fee remained unpaid.

8 **Sec. 30.** NRS 360.510 is hereby amended to read as follows:

9 360.510 1. If any person is delinquent in the payment of any
10 tax or fee administered by the Department or if a determination has
11 been made against the person which remains unpaid, the
12 Department may:

13 (a) Not later than 3 years after the payment became delinquent
14 or the determination became final; or

15 (b) Not later than 6 years after the last recording of an abstract
16 of judgment or of a certificate constituting a lien for tax owed,

17 ↪ give a notice of the delinquency and a demand to transmit
18 personally or by registered or certified mail to any person,
19 including, without limitation, any officer or department of this State
20 or any political subdivision or agency of this State, who has in his or
21 her possession or under his or her control any credits or other
22 personal property belonging to the delinquent, or owing any debts to
23 the delinquent or person against whom a determination has been
24 made which remains unpaid, or owing any debts to the delinquent or
25 that person. In the case of any state officer, department or agency,
26 the notice must be given to the officer, department or agency before
27 the Department presents the claim of the delinquent taxpayer to the
28 State Controller.

29 2. A state officer, department or agency which receives such a
30 notice may satisfy any debt owed to it by that person before it
31 honors the notice of the Department.

32 3. After receiving the demand to transmit, the person notified
33 by the demand may not transfer or otherwise dispose of the credits,
34 other personal property, or debts in his or her possession or under
35 his or her control at the time the person received the notice until the
36 Department consents to a transfer or other disposition.

37 4. Every person notified by a demand to transmit shall, within
38 10 days after receipt of the demand to transmit, inform the
39 Department of and transmit to the Department all such credits, other
40 personal property or debts in his or her possession, under his or her
41 control or owing by that person within the time and in the manner
42 requested by the Department. Except as otherwise provided in
43 subsection 5, no further notice is required to be served to that
44 person.



1 5. If the property of the delinquent taxpayer consists of a series
2 of payments owed to him or her, the person who owes or controls
3 the payments shall transmit the payments to the Department until
4 otherwise notified by the Department. If the debt of the delinquent
5 taxpayer is not paid within 1 year after the Department issued the
6 original demand to transmit, the Department shall issue another
7 demand to transmit to the person responsible for making the
8 payments informing him or her to continue to transmit payments to
9 the Department or that his or her duty to transmit the payments to
10 the Department has ceased.

11 6. If the notice of the delinquency seeks to prevent the transfer
12 or other disposition of a deposit in a bank or credit union or other
13 credits or personal property in the possession or under the control of
14 a bank, credit union or other depository institution, the notice must
15 be delivered or mailed to any branch or office of the bank, credit
16 union or other depository institution at which the deposit is carried
17 or at which the credits or personal property is held.

18 7. If any person notified by the notice of the delinquency
19 makes any transfer or other disposition of the property or debts
20 required to be withheld or transmitted, to the extent of the value of
21 the property or the amount of the debts thus transferred or paid, that
22 person is liable to the State for any indebtedness due pursuant to this
23 chapter, or chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A,
24 374, 377, 377A or 444A of NRS, *or sections 5 to 26, inclusive, of
25 this act*, NRS 482.313, or chapter 585 or 680B of NRS from the
26 person with respect to whose obligation the notice was given if
27 solely by reason of the transfer or other disposition the State is
28 unable to recover the indebtedness of the person with respect to
29 whose obligation the notice was given.

30 **Sec. 31.** Chapter 433 of NRS is hereby amended by adding
31 thereto a new section to read as follows:

32 *1. The Fund for Treatment of Persons with Mental Illness is
33 hereby created in the State Treasury as a special revenue fund, to
34 be administered by the Administrator. The money in the Fund
35 must be used for the treatment of persons with mental illness.*

36 *2. The Administrator may apply for and accept gifts, grants,
37 bequests and donations from any source for deposit in the Fund.*

38 *3. The Fund is a continuing fund without reversion. The
39 interest and income earned on the money in the Fund, after
40 deducting any applicable charges, must be credited to the Fund.*

41 **Sec. 32.** NRS 476.070 is hereby repealed.

42 **Sec. 33.** 1. This section and sections 1, 2, 3, 31 and 32 of this
43 act become effective upon passage and approval.

44 2. Sections 4 to 30, inclusive, of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting
- 2 regulations and performing any other preparatory administrative
- 3 tasks that are necessary to carry out the provisions of this act; and
- 4 (b) On January 1, 2014, for all other purposes.

TEXT OF REPEALED SECTION

476.070 Discharge of tracer or incendiary ammunition within certain areas; penalty; exceptions.

1. Any person who discharges any bullet, projectile or ammunition of any kind which is tracer or incendiary in nature on any grass, brush, forest or crop-covered land is guilty of a misdemeanor.

2. This section does not apply to:

(a) Any member of the Armed Forces of the United States or the Nevada National Guard while such member is on active duty;

(b) Any law enforcement officer of this State or the United States; or

(c) The possession or use of such ammunition on land owned or leased by the United States when possessed or used at the direction of an authorized official of the United States.

