AN ACT relating to firearms; expanding the rights and powers reserved for the Legislature relating to the regulation of firearms and ammunition; requiring the governing bodies of certain political subdivisions of this State to repeal certain ordinances and regulations; authorizing a person adversely affected by the enforcement of such an ordinance or regulation to seek declarative and injunctive relief and damages; providing that such a person is entitled to certain damages; deleting certain provisions relating to the registration of firearms capable of being concealed; revising the applicability of certain provisions pertaining to the regulation of firearms by certain political subdivisions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law provides that, except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State, and further provides that no county, city or town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222) Sections 1-3 of this bill expand such rights and powers of the Legislature to include those necessary to: (1) regulate the carrying and storage of firearms, firearm accessories and ammunition; and (2) define all such terms. Sections 1-3 provide that certain ordinances or regulations which are inconsistent with these rights and powers of the Legislature are null and void and require the governing bodies of certain political subdivisions of this State to repeal any such ordinance or regulation. Sections 1-3 also authorize any person who is adversely affected by the enforcement of any such ordinance or regulation on or
after October 1, 2013, to file suit in the appropriate court for declarative and injunctive relief and damages. Such a person is entitled to certain damages depending on whether and when the relevant governing body of a political subdivision repeals such an ordinance or a regulation.

Existing law also requires certain political subdivisions of this State in a county whose population is 700,000 or more (currently Clark County), which adopted ordinances or regulations before June 13, 1989, that require the registration of firearms capable of being concealed, to make certain amendments to such registration provisions. (NRS 244.364, 268.418, 269.222) Sections 1-3 additionally delete the provisions requiring certain political subdivisions of this State to make such amendments.

Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State. (Chapter 308, Statutes of Nevada 1989, pp. 652-53) However, section 5 of A.B. 147 provided that the preemptive effect of the bill applied only to ordinances or regulations adopted by certain political subdivisions on or after June 13, 1989. Section 4 of this bill amends section 5 of A.B. 147 to include and preempt ordinances or regulations adopted by certain political subdivisions before June 13, 1989.

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

Section 1. NRS 244.364 is hereby amended to read as follows:

244.364 1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the Constitution of the United States and the Constitution of the State of Nevada.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section shall be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No county may infringe upon those rights and powers. As used in this subsection, “firearm”...
means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

3. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. If a board of county commissioners in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:

--- (a) A period of at least 60 days of residency in the county before registration of such a firearm is required.
--- (b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

4. Except as otherwise provided in subsection 1, as

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.

5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed.

6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2013, may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

--- (a) Reimbursement of actual damages, reasonable attorney’s fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county
commissioners repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney’s fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney’s fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee’s official duties.

(d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.

(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) “Ammunition” includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.
(b) “Firearm” means, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of an explosive, other form of combustion.

—(b) “Firearm capable of being concealed” includes all firearms having a barrel less than 12 inches in length.

—(c) “Pistol” means a firearm capable of being concealed that is intended to be aimed and fired with one hand or expanding gases.

(c) “Firearm accessories” means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) “Person” includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and

(III) Is subject to the county ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) “Political subdivision” includes, without limitation, a state agency, county, city, town or school district.

(f) “Public employer” has the meaning ascribed to it in NRS 286.070.

Sec. 2. NRS 268.418 is hereby amended to read as follows:

268.418 1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized
by the Constitution of the United States and the Constitution of the
State of Nevada.

(b) The regulation of the transfer, sale, purchase, possession,
carrying, ownership, transportation, storage, registration and
licensing of firearms, firearm accessories and ammunition in this
State and the ability to define such terms is within the exclusive
domain of the Legislature, and any other law, regulation, rule or
ordinance to the contrary is null and void.

(c) This section shall be liberally construed to effectuate its
purpose.

2. Except as otherwise provided by specific statute, the
Legislature reserves for itself such rights and powers as are
necessary to regulate the transfer, sale, purchase, possession,
carrying ownership, transportation, storage, registration and
licensing of firearms, firearm accessories and ammunition in
Nevada and to define such terms. No city may infringe upon
those rights and powers. As used in this subsection, “firearm”
means any weapon from which a projectile is discharged by means
of an explosive, spring, gas, air or other force.

3. The governing body of a city may proscribe by
ordinance or regulation the unsafe discharge of firearms.

(a) If the governing body of a city in a county whose
population is 700,000 or more has required by ordinance or
regulation adopted before June 13, 1989, the registration of a
firearm capable of being concealed, the governing body shall amend
such an ordinance or regulation to require:

(i) A period of at least 60 days of residency in the city before
registration of such a firearm is required.

(ii) A period of at least 72 hours for the registration of a pistol
by a resident of the city upon transfer of title to the pistol to the
resident by purchase, gift or any other transfer.

4. Any ordinance or regulation which is inconsistent with this
section or which is designed to restrict or prohibit the sale,
purchase, transfer, manufacture or display of firearms, firearm
accessories or ammunition that is otherwise lawful under the laws
of this State is null and void, and any official action taken by an
employee or agent of a city in violation of this section is void.

5. The governing body of a city shall repeal any ordinance or
regulation described in subsection 4, and any such ordinance or
regulation that is posted within the city must be removed.

6. The governing body of a city shall cause to be destroyed
any ownership records of firearms owned by private persons
which are kept or maintained by the city or any city agency, board
or commission, including, without limitation, any law enforcement
agency, for the purposes of compliance with any ordinance or rule that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2013, may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney’s fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney’s fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney’s fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee’s official duties.

(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.

(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.
(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) “Ammunition” includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) “Firearm” includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which, able to or able to be readily converted to expel a projectile through the barrel by the force of any explosive, other form of combustion. —

—(b) “Firearm capable of being concealed” includes all firearms having a barrel less than 12 inches in length.

—(c) “Pistol” means a firearm capable of being concealed that is intended to be aimed and fired with one hand or expanding gases.

(c) “Firearm accessories” means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) “Person” includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law; and

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city and

(III) Is subject to the city ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.
(e) “Political subdivision” includes, without limitation, a state
gency, county, city, town or school district.
(f) “Public employer” has the meaning ascribed to it in
NRS 286.070.

Sec. 3. NRS 269.222 is hereby amended to read as follows:
269.222  1. The Legislature hereby declares that:
   (a) The purpose of this section is to establish state control over
the regulation of and policies concerning firearms, firearm
accessories and ammunition to ensure that such regulation and
policies are uniform throughout this State and to ensure the
protection of the right to keep and bear arms, which is recognized
by the Constitution of the United States and the Constitution of the
State of Nevada.
   (b) The regulation of the transfer, sale, purchase, possession,
carrying, ownership, transportation, storage, registration and
licensing of firearms, firearm accessories and ammunition in this
State and the ability to define such terms is within the exclusive
domain of the Legislature, and any other law, regulation, rule or
ordinance to the contrary is null and void.
   (c) This section shall be liberally construed to effectuate its
purpose.
2. Except as otherwise provided by specific statute, the
Legislature reserves for itself such rights and powers as are
necessary to regulate the transfer, sale, purchase, possession,
carrying, ownership, transportation, storage, registration and
licensing of firearms, firearm accessories and ammunition in
Nevada [and not to define such terms. No town may infringe
upon those rights and powers. [As used in this subsection, “firearm”
means any weapon from which a projectile is discharged by means
of an explosive, spring, gas, air or other force.
   —2] 3. A town board may proscribe by ordinance or regulation
the unsafe discharge of firearms.
   [3. If a town board in a county whose population is 700,000 or
more has required by ordinance or regulation adopted before
June 13, 1989, the registration of a firearm capable of being
concealed, the town board shall amend such an ordinance or
regulation to require:
   (a) A period of at least 60 days of residency in the town before
registration of such a firearm is required.
   (b) A period of at least 72 hours for the registration of a pistol
by a resident of the town upon transfer of title to the pistol to the
resident by purchase, gift or any other transfer.
   —4. Except as otherwise provided in subsection 1, as]
purchase, transfer, manufacture or display of firearms, firearm
accessories or ammunition that is otherwise lawful under the laws
of this State is null and void, and any official action taken by an
employee or agent of a town in violation of this section is void.

5. A town board shall repeal any ordinance or regulation
described in subsection 4, and any such ordinance or regulation
that is posted within the town must be removed.

6. A town board shall cause to be destroyed any ownership
records of firearms owned by private persons which are kept or
maintained by the town or any town agency, board or commission,
including, without limitation, any law enforcement agency, for the
purposes of compliance with any ordinance or regulation that is
inconsistent with this section. The provisions of this subsection do
not apply to the ownership records of firearms purchased and
owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of
an ordinance or regulation that violates this section on or after
October 1, 2013, may file suit in the appropriate court for
declarative and injunctive relief and damages attributable to the
violation. Notwithstanding any other provision of law, such a
person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney’s
fees and costs which the person has incurred if, within 30 days
after the person commenced the action but before a final
determination has been issued by the court, the town board repeals
the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the
actual damages, reasonable attorney’s fees and costs incurred by
the person if, more than 30 days after the person commenced the
action but before a final determination has been issued by the
court, the town board repeals the ordinance or regulation that
violates this section.

(c) Liquidated damages in an amount equal to three times the
actual damages, reasonable attorney’s fees and costs incurred by
the person if the court makes a final determination in favor of the
person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from
promulgating and enforcing its own rules pertaining to firearms,
firearm accessories or ammunition that are issued to or used by
peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and
resolving a case or controversy or issuing an opinion or order on a
matter within its jurisdiction.
(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee’s official duties.

(d) The enactment or enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.

(e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enacting any statute of this State.

9. As used in this section:

(a) “Ammunition” includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) “Firearm” means, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which, able to or able to be readily converted to expel a projectile may be expelled through the barrel by the force of action of any explosion or an explosive, other form of combustion.

(b) “Firearm capable of being concealed” includes all firearms having a barrel less than 12 inches in length.

(c) “Pistol” means a firearm capable of being concealed that is intended to be aimed and fired with one hand, or expanding gases.

(c) “Firearm accessories” means:

1. Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

2. Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) “Person” includes, without limitation:

1. Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

2. Any person who:
(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a town; and

(III) Is subject to the town ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) “Political subdivision” includes, without limitation, a state agency, county, city, town or school district.

(f) “Public employer” has the meaning ascribed to it in NRS 286.070.

Sec. 4. Section 5 of chapter 308, Statutes of Nevada 1989, as amended by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as follows:

Sec. 4. Section 5 of chapter 308, Statutes of Nevada 1989, at page 653, is hereby amended to read as follows:

Sec. 5. Except as otherwise provided in subsection 2, the provisions of this act apply to ordinances or regulations adopted on or after June 13, 1989.

The provisions of this act, as amended on October 1, 2007, apply to ordinances or regulations adopted before, on or after June 13, 1989.

Sec. 5. This act becomes effective upon passage and approval.