
SENATE BILL NO. 223—SENATORS HARDY, GUSTAVSON;
CEGAVSKE, GOICOECHEA AND SETTELMAYER

MARCH 7, 2013

JOINT SPONSORS: ASSEMBLYMEN FIORE, PAUL ANDERSON,
WHEELER, HARDY, HICKEY; ELLISON, STEWART AND
WOODBURY

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the carrying of
concealed firearms on school property.
(BDR 15-1062)

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 employees of
the Nevada System of Higher Education or a private or
public school who hold permits to carry concealed
firearms to carry concealed firearms on school property
under certain circumstances; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from carrying a concealed firearm on the
2 property of the Nevada System of Higher Education or a private or public school
3 unless the person: (1) is a peace officer; (2) is a school security guard; or (3) has
4 written permission from the president of a branch or facility of the Nevada System
5 of Higher Education or the principal of the school to carry the concealed firearm.
6 (NRS 202.265, 202.3673) **Sections 1 and 2** of this bill allow an employee of the
7 Nevada System of Higher Education or a private or public school to carry a
8 concealed firearm while on the property of the Nevada System of Higher Education
9 or a private or public school if the employee: (1) has a permit to carry a concealed
10 firearm; and (2) notifies the president of a branch or facility of the Nevada System
11 of Higher Education, the principal of the school or the designee of any such person
12 that the employee will be carrying a concealed firearm on the property.



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 pistol, revolver or other firearm; or
12 (f) Any device used to mark any part of a person with paint or
13 any other substance.
14 2. Any person who violates subsection 1 is guilty of a gross
15 misdemeanor.
16 3. This section does not prohibit the possession of a weapon
17 listed in subsection 1 on the property of:
18 (a) A private or public school or child care facility by a:
19 (1) Peace officer;
20 (2) School security guard; or
21 (3) Person having written permission from the president of a
22 branch or facility of the Nevada System of Higher Education or the
23 principal of the school or the person designated by a child care
24 facility to give permission to carry or possess the weapon.
25 (b) A child care facility which is located at or in the home of a
26 natural person by the person who owns or operates the facility so
27 long as the person resides in the home and the person complies with
28 any laws governing the possession of such a weapon.
29 4. ~~The~~ *This section does not prohibit the possession of a*
30 *firearm on the property of the Nevada System of Higher*
31 *Education or a private or public school or while in a vehicle of a*
32 *public or private school by an employee of the Nevada System of*
33 *Higher Education or a private or public school who holds a permit*
34 *to carry a concealed firearm issued pursuant to the provisions of*
35 *NRS 202.3653 to 202.369, inclusive, if the employee provides*
36 *written notification to, as applicable, the president of a branch or*
37 *facility of the Nevada System of Higher Education, the principal*
38 *of the school or the designee of any such person that the employee*
39 *will be carrying a concealed firearm on the property.*
40 5. *Except as otherwise provided in subsection 4, the*
41 provisions of this section apply to a child care facility located at or



1 in the home of a natural person only during the normal hours of
2 business of the facility.

3 ~~5.1~~ 6. For the purposes of this section:

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

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

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

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

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

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

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

17 202.3673 1. Except as otherwise provided in subsections 2
18 and 3, a permittee may carry a concealed firearm while the
19 permittee is on the premises of any public building.

20 2. A permittee shall not carry a concealed firearm while the
21 permittee is on the premises of a public building that is located on
22 the property of a public airport.

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

25 (a) A public building that is located on the property of a public
26 school or a child care facility or the property of the Nevada System
27 of Higher Education, unless ~~that~~:

28 (1) *The* permittee has obtained written permission to carry a
29 concealed firearm while he or she is on the premises of the public
30 building pursuant to subparagraph (3) of paragraph (a) of subsection
31 3 of NRS 202.265 ~~;~~ *or*

32 (2) *The permittee is an employee of a public school or the*
33 *Nevada System of Higher Education who is authorized to carry a*
34 *concealed firearm while he or she is on the premises of a public*
35 *building that is located on the property of a public school or the*
36 *Nevada System of Higher Education pursuant to subsection 4 of*
37 *NRS 202.265.*

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

43 4. The provisions of paragraph (b) of subsection 3 do not
44 prohibit:



1 (a) A permittee who is a judge from carrying a concealed
2 firearm in the courthouse or courtroom in which the judge presides
3 or from authorizing a permittee to carry a concealed firearm while in
4 the courtroom of the judge and while traveling to and from the
5 courtroom of the judge.

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

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

13 (d) A permittee from carrying a concealed firearm while he or
14 she is on the premises of the public building if the permittee has
15 received written permission from the person in control of the public
16 building to carry a concealed firearm while the permittee is on the
17 premises of the public building.

18 5. A person who violates subsection 2 or 3 is guilty of a
19 misdemeanor.

20 6. As used in this section:

21 (a) "Child care facility" has the meaning ascribed to it in
22 paragraph (a) of subsection ~~4~~ 6 of NRS 202.265.

23 (b) "Public building" means any building or office space
24 occupied by:

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

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

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

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

34 62C.060 1. If a child is taken into custody for an unlawful act
35 that involves the possession, use or threatened use of a firearm, the
36 child must not be released before a detention hearing is held
37 pursuant to NRS 62C.040.

38 2. At the detention hearing, the juvenile court shall, if the child
39 was taken into custody for:

40 (a) Carrying or possessing a firearm while on the property of the
41 Nevada System of Higher Education, a private or public school or
42 child care facility, or while in a vehicle of a private or public school
43 or child care facility, order the child to:

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



1 (2) Submit to a test to determine whether the child is using
2 any controlled substance.
3 (b) Committing an unlawful act involving a firearm other than
4 the act described in paragraph (a), determine whether to order the
5 child to be evaluated by a qualified professional.
6 3. If the juvenile court orders the child to be evaluated by a
7 qualified professional or to submit to a test to determine whether the
8 child is using any controlled substance, the evaluation or the results
9 from the test must be completed not later than 14 days after the
10 detention hearing. Until the evaluation or the test is completed, the
11 child must be:
12 (a) Detained at a facility for the detention of children; or
13 (b) Placed under a program of supervision in the home of the
14 child that may include electronic surveillance of the child.
15 4. If a child is evaluated by a qualified professional pursuant to
16 this section, the statements made by the child to the qualified
17 professional during the evaluation and any evidence directly or
18 indirectly derived from those statements may not be used for any
19 purpose in a proceeding which is conducted to prove that the child
20 committed a delinquent act or criminal offense. The provisions of
21 this subsection do not prohibit the district attorney from proving that
22 the child committed a delinquent act or criminal offense based upon
23 evidence obtained from sources or by means that are independent of
24 the statements made by the child to the qualified professional during
25 the evaluation.
26 5. As used in this section, "child care facility" has the meaning
27 ascribed to it in paragraph (a) of subsection ~~5~~ 6 of NRS 202.265.



