

ASSEMBLY BILL NO. 121—ASSEMBLYMEN WHEELER, ELLISON,
JONES; DICKMAN, MOORE, O’NEILL AND OSCARSON

FEBRUARY 6, 2015

Referred to Committee on Education

SUMMARY—Revises provisions governing the discipline of
pupils. (BDR 34-173)

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 education; prohibiting a school from
disciplining a pupil for simulating a firearm or dangerous
weapon or wearing clothing or accessories that depict a
firearm or dangerous weapon or express certain opinions
except in certain circumstances; and providing other
matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a school to suspend or expel a pupil for possessing a
2 firearm or dangerous weapon while on the premises of any public school, attending
3 an activity sponsored by a public school or on any school bus. (NRS 392.466). This
4 bill prohibits a school from disciplining a pupil for simulating a firearm or
5 dangerous weapon while playing or for wearing clothing or accessories that depict
6 a firearm or dangerous weapon or express an opinion regarding a constitutional
7 right to keep and bear arms except in certain circumstances.

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

1 **Section 1.** Chapter 392 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in subsection 3, a pupil may*
4 *not be disciplined, including, without limitation, pursuant to NRS*
5 *392.466, for:*

6 *(a) Simulating a firearm or dangerous weapon while playing;*
7 *or*



1 (b) *Wearing clothing or accessories that depict a firearm or*
2 *dangerous weapon or express an opinion regarding a*
3 *constitutional right to keep and bear arms.*

4 2. *Simulating a firearm or dangerous weapon includes,*
5 *without limitation:*

6 (a) *Brandishing a partially consumed pastry or other food item*
7 *to simulate a firearm or dangerous weapon;*

8 (b) *Possessing a toy firearm or dangerous weapon that is 2*
9 *inches or less in length;*

10 (c) *Possessing a toy firearm or dangerous weapon made of*
11 *plastic building blocks which snap together;*

12 (d) *Using a finger or hand to simulate a firearm or dangerous*
13 *weapon;*

14 (e) *Drawing a picture or possessing an image of a firearm or*
15 *dangerous weapon; and*

16 (f) *Using a pencil, pen or other writing or drawing implement*
17 *to simulate a firearm or dangerous weapon.*

18 3. *A pupil who simulates a firearm or dangerous weapon may*
19 *be disciplined when disciplinary action is consistent with a policy*
20 *adopted by the board of trustees of the school district and such*
21 *simulation:*

22 (a) *Substantially disrupts learning by pupils at the school;*

23 (b) *Causes bodily harm to another person; or*

24 (c) *Places another person in reasonable fear of bodily harm.*

25 4. *A school, school district, board of trustees of a school*
26 *district or other entity shall not adopt any policy, ordinance or*
27 *regulation which conflicts with this section.*

28 5. *As used in this section:*

29 (a) *“Dangerous weapon” has the meaning ascribed to it in*
30 *paragraph (b) of subsection 7 of NRS 392.466.*

31 (b) *“Firearm” has the meaning ascribed to it in paragraph (c)*
32 *of subsection 7 of NRS 392.466.*

33 **Sec. 2.** 1. Any policy, ordinance or regulation adopted by a
34 local government existing on the effective date of this act which
35 conflicts with any provision of section 1 of this act is void and must
36 not be given effect to the extent of the conflict.

37 2. As used in this section, “local government” means any
38 political subdivision of this State, including, without limitation, a
39 county, city, town or school district.

40 **Sec. 3.** This act becomes effective upon passage and approval.

