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A.B. 148

ASSEMBLY BILL NO. 148—ASSEMBLYMEN FIORE, SEAMAN, DICKMAN, SHELTON, OSCARSON; ARMSTRONG, DOOLING, ELLISON, GARDNER, HAMBRICK, HANSEN, JONES, KIRNER, MOORE, O’NEILL, TITUS, TROWBRIDGE, WHEELER AND WOODBURY

FEBRUARY 13, 2015

JOINT SPONSORS: SENATORS GUSTAVSON;
AND GOICOECHEA

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing concealed firearms. (BDR 20-242)

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 a person who holds a permit to carry a concealed firearm to do so on certain property of a public airport and on the property of the Nevada System of Higher Education, a private or public school or child care facility under certain circumstances; revising the provisions governing the carrying of a concealed firearm in a public building; 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 a permit to carry a concealed firearm 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.



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5 Existing law prohibits a person from carrying a concealed firearm while on the
6 property of the Nevada System of Higher Education, a private or public school or a
7 child care facility, unless the person holds a permit to carry a concealed firearm and
8 has written permission from the president of a branch or facility of the System, the
9 principal of the school or the person designated by the child care facility to give
10 permission to carry or possess a weapon to carry the concealed firearm. Existing
11 law also prohibits a person from carrying a concealed firearm: (1) while on the
12 premises of a public building that is located on the property of a public airport; and
13 (2) while on the premises of a public building that has a metal detector at each
14 public entrance or a sign posted at each public entrance indicating that no firearms
15 are allowed in the building. (NRS 202.265, 202.3673) **Sections 3 and 4** of this bill
16 authorize a person who holds such a permit to carry a concealed firearm while on
17 the property of the System, a private or public school or a child care facility.
18 **Section 4** also revises provisions governing the carrying of a concealed firearm to
19 prohibit the carrying by a permittee of a concealed firearm only in a secure area of
20 a public airport. Finally, **section 4** provides that the carrying of a concealed firearm
21 in a public building is prohibited if the building has both a metal detector and a sign
22 at each public entrance indicating that no firearms are allowed in the building.
23 **Section 5** of this bill authorizes the Police Department for the System to
24 provide to persons who hold a permit to carry a concealed firearm information
25 concerning instructors and organizations that offer courses in firearm safety which
26 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 a concealed*
5 *firearm 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 child is taken into custody for an unlawful act
11 that involves the possession, use or threatened use of a firearm, the
12 child must not be released before a detention hearing is held
13 pursuant to NRS 62C.040.

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

16 (a) Carrying or possessing a firearm while on the property of the
17 Nevada System of Higher Education, a private or public school or
18 child care facility, or while in a vehicle of a private or public school
19 or child care facility, order the child to:

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

21 (2) Submit to a test to determine whether the child is using
22 any controlled substance.



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

4 3. If the juvenile court orders the child to be evaluated by a
5 qualified professional or to submit to a test to determine whether the
6 child is using any controlled substance, the evaluation or the results
7 from the test must be completed not later than 14 days after the
8 detention hearing. Until the evaluation or the test is completed, the
9 child must be:

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

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

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

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

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

27 202.265 1. Except as otherwise provided in this section, a
28 person shall not carry or possess while on the property of the
29 Nevada System of Higher Education, a private or public school or
30 child care facility, or while in a vehicle of a private or public school
31 or child care facility:

32 (a) An explosive or incendiary device;

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

34 (c) A nunchaku or trefoil;

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

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

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

39 2. Any person who violates subsection 1 is guilty of a gross
40 misdemeanor.

41 3. This section does not prohibit the possession of a weapon
42 listed in subsection 1 *while* on the property of:

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

45 (1) Peace officer;



- 1 (2) School security guard; or
- 2 (3) Person having written permission from the president of a
- 3 branch or facility of the Nevada System of Higher Education or the
- 4 principal of the school or the person designated by a child care
- 5 facility to give permission to carry or possess the weapon.

6 (b) A child care facility which is located at or in the home of a

7 natural person by the person who owns or operates the facility so

8 long as the person resides in the home and the person complies with

9 any laws governing the possession of such a weapon.

10 4. *This section does not prohibit the possession of a firearm*

11 *while on the property of the Nevada System of Higher Education,*

12 *a private or public school or a child care facility by a person who*

13 *is authorized to carry a concealed firearm pursuant to the*

14 *provisions of NRS 202.3653 to 202.369, inclusive.*

15 5. The provisions of this section apply to a child care facility

16 located at or in the home of a natural person only during the normal

17 hours of business of the facility.

18 ~~5.~~ 6. For the purposes of this section:

19 (a) "Child care facility" means any child care facility that is

20 licensed pursuant to chapter 432A of NRS or licensed by a city or

21 county.

22 (b) "Firearm" includes any device from which a metallic

23 projectile, including any ball bearing or pellet, may be expelled by

24 means of spring, gas, air or other force.

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

26 (d) "Switchblade knife" has the meaning ascribed to it in

27 NRS 202.350.

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

29 (f) "Vehicle" has the meaning ascribed to "school bus" in

30 NRS 484A.230.

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

32 202.3673 1. Except as otherwise provided in subsections 2

33 and 3, a permittee may carry a concealed firearm while the

34 permittee is on the premises of any public building.

35 2. A permittee shall not carry a concealed firearm while the

36 permittee is ~~[on the premises]~~ *in a secure area* of a ~~[public building~~

37 ~~that is located on the property of a]~~ public airport.

38 3. A permittee shall not carry a concealed firearm while the

39 permittee is on the premises of ~~[-~~

40 ~~—(a) A public building that is located on the property of a public~~

41 ~~school or a child care facility or the property of the Nevada System~~

42 ~~of Higher Education, unless the permittee has obtained written~~

43 ~~permission to carry a concealed firearm while he or she is on the~~

44 ~~premises of the public building pursuant to subparagraph (3) of~~

45 ~~paragraph (a) of subsection 3 of NRS 202.265.~~



1 ~~—(b) A~~ a public building that has a metal detector at each public
2 entrance ~~for~~ and a sign posted at each public entrance indicating
3 that no firearms are allowed in the building, unless the permittee is
4 not prohibited from carrying a concealed firearm while he or she is
5 on the premises of the public building pursuant to subsection 4.

6 4. The provisions of ~~paragraph (b) of~~ subsection 3 do not
7 prohibit:

8 (a) A permittee who is a judge from carrying a concealed
9 firearm in the courthouse or courtroom in which the judge presides
10 or from authorizing a permittee to carry a concealed firearm while in
11 the courtroom of the judge and while traveling to and from the
12 courtroom of the judge.

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

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

20 (d) A permittee from carrying a concealed firearm while he or
21 she is on the premises of the public building if the permittee has
22 received written permission from the person in control of the public
23 building to carry a concealed firearm while the permittee is on the
24 premises of the public building.

25 5. A person who violates subsection 2 or 3 is guilty of a
26 misdemeanor.

27 6. As used in this section:

28 (a) ~~“Child care facility” has the meaning ascribed to it in~~
29 ~~paragraph (a) of subsection 5 of NRS 202.265.~~

30 ~~—(b)~~ “Public building” means any building or office space
31 occupied by:

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

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

37 ➤ If only part of the building is occupied by an entity described in
38 this ~~subsection,~~ **paragraph**, the term means only that portion of the
39 building which is so occupied.

40 (b) *“Secure area” means a portion of a public airport to which*
41 *access is generally controlled through the screening of persons*
42 *and property in accordance with an airport security program*
43 *approved by the Transportation Security Administration of the*
44 *United States Department of Homeland Security pursuant to 49*
45 *C.F.R. § 1542.101.*



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

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

9 **Sec. 6.** NRS 396.110 is hereby amended to read as follows:

10 396.110 1. The Board of Regents may prescribe rules for:

- 11 (a) Its own government; and
12 (b) The government of the System.

13 2. The Board of Regents shall prescribe rules for the granting
14 of permission to carry or possess a weapon pursuant to NRS
15 202.265. *The rules prescribed by the Board of Regents pursuant to*
16 *this subsection must not require a person who is authorized to*
17 *carry a concealed firearm pursuant to the provisions of NRS*
18 *202.3653 to 202.369, inclusive, to obtain permission to carry a*
19 *concealed firearm.*

20 3. *Any rules prescribed by the Board of Regents pursuant to*
21 *subsection 2 before, on or after July 1, 2015, that are inconsistent*
22 *with the provisions of subsection 2 are void.*

23 **Sec. 7.** The Board of Regents of the University of Nevada
24 shall, on or before September 1, 2015, prescribe the rules for the
25 granting of permission to carry or possess a weapon pursuant to
26 NRS 202.265 required by subsection 2 of NRS 396.110, as amended
27 by section 6 of this act.

28 **Sec. 8.** This act becomes effective on July 1, 2015.



