AN ACT relating to foster care; authorizing the storage of a firearm and ammunition on the premises of a family foster home in certain circumstances; authorizing certain persons to carry a firearm on their person while off of the premises of a family foster home in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations to establish requirements for the licensure of family foster homes, specialized foster homes, independent living foster homes and group foster homes. (NRS 424.020) Existing regulations require all weapons on the premises of a foster home to be unstrung and unloaded at all times when children are in the home and stored in locked containers or rooms out of the reach of children or made inoperable. Ammunition is required to be kept in a separate locked container and weapons may not be transported in a vehicle in which children are riding unless the weapons are made inoperable and inaccessible. (NAC 424.600) This bill authorizes a person lawfully in possession of a firearm or ammunition to store the firearm or ammunition on the premises of a family foster home in certain circumstances.
family foster home in a locked secure storage container. This bill also authorizes a provider of family foster care or other person who resides in a family foster home to carry a firearm on his or her person while off of the premises of a family foster home but in the presence of a foster child in a manner which ensures that the firearm is inaccessible to the foster child if the provider or other person is a law enforcement officer or has a permit to carry a concealed firearm.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is lawfully in possession of a firearm or ammunition may store the firearm, whether loaded or unloaded, or ammunition on the premises of a family foster home in a locked secure storage container.

2. A provider of family foster care or any other person who resides in a family foster home may carry a firearm on his or her person while off of the premises of the family foster home but in the presence of a foster child, including, without limitation, while operating or riding in a motor vehicle, if the provider or other person carries the firearm in a manner which ensures that the firearm is inaccessible to any foster child and the provider or other person is a person who:

   (a) Is listed in paragraph (a) of subsection 4 of NRS 202.350; or

   (b) Has been issued a permit to carry a concealed firearm pursuant to NRS 202.3653 to 202.369, inclusive.

3. As used in this section:

   (a) “Firearm” has the meaning ascribed to it in NRS 202.253.

   (b) “Secure storage container” means any device, including, without limitation, a safe, gun safe, gun case or lock box, that is marketed commercially for storing a firearm or ammunition and is designed to be unlocked only by means of a key, a combination or other similar means.

Sec. 2. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, and section 1 of this act do not apply to homes in which:

1. Care is provided only for a neighbor’s or friend’s child on an irregular or occasional basis for a brief period, not to exceed 90 days.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.
4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:
   (a) The caregiver is related to the child within the fifth degree of consanguinity; and
   (b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive [424.020 to 424.090, inclusive], and section 1 of this act.

Sec. 3. Any regulations adopted pursuant to NRS 424.020 that conflict with section 1 of this act are void.

Sec. 4. This act becomes effective upon passage and approval.