

Assembly Bill No. 167—Assemblymen Fiore, Shelton, Seaman, Ellison, Hansen; Armstrong, Dickman, Dooling, Gardner, Hambrick, Jones, Kirner, Moore, O’Neill, Oscarson, Silberkraus, Stewart, Titus, Trowbridge, Wheeler and Woodbury

Joint Sponsors: Senators Gustavson, Atkinson; and Goicoechea

CHAPTER.....

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 in the presence of a foster child in certain circumstances; providing that an agency which provides child welfare services is immune from liability for any injury caused by a firearm on the premises of a family foster home or that was carried in the presence of a foster child; 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 law enforcement officer or person who holds a permit to carry a concealed firearm to possess the firearm or ammunition on the premises of a family foster home if it is stored in a locked secure storage container except when used for certain lawful purposes, when carried lawfully, to clean or service the firearm or if the firearm or ammunition is inoperable and solely ornamental. This bill requires any key, combination or access code to the locked storage container to be kept in the reasonably secure possession of an adult or in a locked combination or biometric safe. This bill also authorizes a law enforcement officer or person who holds a permit to carry a concealed firearm to carry a firearm on his or her person while in the presence of a foster child if the person: (1) keeps the firearm in a holster or other similarly secure case; (2) carries the firearm in a manner which ensures that the firearm is inaccessible to the foster child and is in the possession or control of the provider or other person; and (3) returns the firearm to a locked secure storage container when it is not being carried or in use.

Finally, this bill provides that an agency which provides child welfare services is immune from liability for any injury caused by a firearm that is stored on the premises of a family foster home or carried by a provider of family foster care or any other person who resides in a family foster home.

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 listed in paragraph (a) of subsection 4 of NRS 202.350 or holds a permit to carry a concealed firearm pursuant to NRS 202.3653 to 202.369, inclusive, may possess the firearm, whether loaded or unloaded, or ammunition while on the premises of a family foster home in accordance with the provisions of this section.

2. Except as otherwise provided in subsection 4, a person described in subsection 1 who possesses a firearm or ammunition while on the premises of a family foster home must store the firearm or ammunition in a locked secure storage container except:

(a) When used for a lawful purpose, which may include, without limitation, for an educational or recreational purpose, for hunting, for the defense of a person or property, or to clean or service the firearm; or

(b) If the firearm or ammunition is inoperable and solely ornamental.

3. A person who stores a firearm or ammunition on the premises of a family foster home in a locked secure storage container as required pursuant to subsection 2 shall ensure that any key, combination or access code to the locked secure storage container is kept in the reasonably secure possession of an adult or a locked combination or biometric safe.

4. A person who is authorized to possess a firearm on the premises of a family foster home pursuant to subsection 1 may carry a firearm on his or her person while in the presence of a foster child, including, without limitation, while operating or riding in a motor vehicle, if the person:

(a) Keeps the firearm in a holster or similarly secure case; and

(b) Carries the firearm in a manner which ensures that the firearm is inaccessible to any foster child and is in the possession and control of the provider or other person; and

(c) Returns the firearm to a locked storage container when the firearm is on the premises of a foster home or in the presence of a foster child and is not being carried on his or her person in accordance with this subsection or used for a lawful purpose.

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5. An agency which provides child welfare services is immune from civil and criminal liability for any injury resulting from the use of a firearm or ammunition that is stored on the premises of a family foster home or is carried by a provider of family foster care or any other person who resides in a family foster home.

6. 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, secure 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, a biometric lock 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 **[]**, **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.