

ASSEMBLY BILL NO. 291—ASSEMBLYWOMAN JAUREGUI

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public safety. (BDR 15-759)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to public safety; prohibiting certain acts relating to the modification of a semiautomatic firearm; reducing the concentration of alcohol that may be present in the blood or breath of a person while in possession of a firearm; repealing state preemption of the authority of counties, cities and towns to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearms accessories and ammunition; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Section 1 of this bill prohibits a person from importing, selling, manufacturing,
2 transferring, receiving or possessing: (1) any manual, power-driven or electronic
3 firearm that is designed such that when the device is attached to a semiautomatic
4 firearm, the device materially increases the rate of fire of the semiautomatic firearm
5 or approximates the action or rate of fire of a machine gun; (2) any device, part or
6 combination of parts that functions to materially increase the rate of fire of a
7 semiautomatic firearm by eliminating the need for the operator of the
8 semiautomatic firearm to make a separate movement for each individual function of
9 the trigger; or (3) any semiautomatic firearm that has been modified in any way that
10 materially increases the rate of fire of the semiautomatic firearm or approximates
11 the action or rate of fire of a machine gun. Section 1 does not apply to employees
12 of a law enforcement agency or members of the Armed Forces of the United States
13 who are carrying out official duties.

14 Section 3 of this bill reduces the allowable concentration of alcohol that may be
15 present in the blood or breath of a person who is in possession of a firearm from
16 0.10 to 0.08. (NRS 202.257)



17 Existing law provides that: (1) except as otherwise provided by specific statute,
18 the Legislature reserves for itself such rights and powers as are necessary to
19 regulate the transfer, sale, purchase, possession, carrying, ownership,
20 transportation, storage, registration and licensing of firearms, firearm accessories
21 and ammunition in Nevada and to define such terms; and (2) no county, city or
22 town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222)
23 **Section 6** of this bill repeals such state preemption of the authority of counties,
24 cities and towns to regulate the transfer, sale, purchase, possession, carrying,
25 ownership, transportation, storage, registration and licensing of firearms, firearm
26 accessories and ammunition. **Section 5** of this bill makes a corresponding change to
27 the provision authorizing a person who holds a permit to carry a concealed firearm
28 to carry a concealed firearm in a public building under certain circumstances to
29 reflect the possibility that a local government having jurisdiction over the public
30 building may enact an ordinance prohibiting the carrying of a concealed firearm in
31 the public building. (NRS 202.3673)

32 **Sections 2 and 4** of this bill make conforming changes.

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

1 **Section 1.** Chapter 202 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 person*
4 *shall not import, sell, manufacture, transfer, receive or possess:*

5 *(a) Any manual, power-driven or electronic device that is*
6 *designed such that when the device is attached to a semiautomatic*
7 *firearm, the device:*

8 *(1) Materially increases the rate of fire of the*
9 *semiautomatic firearm; or*

10 *(2) Approximates the action or rate of fire of a machine*
11 *gun;*

12 *(b) Any device, part or combination of parts that is designed*
13 *and functions to materially increase the rate of fire of a*
14 *semiautomatic firearm by eliminating the need for the operator of*
15 *the semiautomatic firearm to make a separate movement for each*
16 *individual function of the trigger; or*

17 *(c) Any semiautomatic firearm that has been modified in any*
18 *way that:*

19 *(1) Materially increases the rate of fire of the*
20 *semiautomatic firearm; or*

21 *(2) Approximates the action or rate of fire of a machine*
22 *gun.*

23 *2. A person who violates any provision of this section is guilty*
24 *of a category D felony and shall be punished as provided in*
25 *NRS 193.130.*

26 *3. This section does not apply to:*



1 *(a) Any employee of a federal, state or local law enforcement*
2 *agency carrying out official duties.*

3 *(b) Any member of the Armed Forces of the United States*
4 *carrying out official duties.*

5 **Sec. 2.** NRS 202.253 is hereby amended to read as follows:

6 202.253 As used in NRS 202.253 to 202.369, inclusive ~~§~~ ,
7 *and section 1 of this act:*

8 1. "Explosive or incendiary device" means any explosive or
9 incendiary material or substance that has been constructed, altered,
10 packaged or arranged in such a manner that its ordinary use would
11 cause destruction or injury to life or property.

12 2. "Firearm" means any device designed to be used as a
13 weapon from which a projectile may be expelled through the barrel
14 by the force of any explosion or other form of combustion.

15 3. "Firearm capable of being concealed upon the person"
16 applies to and includes all firearms having a barrel less than 12
17 inches in length.

18 4. *"Machine gun" means any weapon which shoots, is*
19 *designed to shoot or can be readily restored to shoot more than*
20 *one shot, without manual reloading, by a single function of the*
21 *trigger.*

22 5. "Motor vehicle" means every vehicle that is self-propelled.

23 6. *"Semiautomatic firearm" means any firearm that:*

24 *(a) Uses a portion of the energy of a firing cartridge to extract*
25 *the fired cartridge case and chamber the next shell or round;*

26 *(b) Requires a separate function of the trigger to fire each*
27 *cartridge; and*

28 *(c) Is not a machine gun.*

29 **Sec. 3.** NRS 202.257 is hereby amended to read as follows:

30 202.257 1. It is unlawful for a person who:

31 (a) Has a concentration of alcohol of ~~0.10~~ 0.08 or more in his
32 or her blood or breath; or

33 (b) Is under the influence of any controlled substance, or is
34 under the combined influence of intoxicating liquor and a controlled
35 substance, or any person who inhales, ingests, applies or otherwise
36 uses any chemical, poison or organic solvent, or any compound or
37 combination of any of these, to a degree which renders him or her
38 incapable of safely exercising actual physical control of a firearm,

39 ↪ to have in his or her actual physical possession any firearm. This
40 prohibition does not apply to the actual physical possession of a
41 firearm by a person who was within the person's personal residence
42 and had the firearm in his or her possession solely for self-defense.

43 2. Any evidentiary test to determine whether a person has
44 violated the provisions of subsection 1 must be administered in the
45 same manner as an evidentiary test that is administered pursuant to



1 NRS 484C.160 to 484C.250, inclusive, except that submission to
2 the evidentiary test is required of any person who is requested by a
3 police officer to submit to the test. If a person to be tested fails to
4 submit to a required test as requested by a police officer, the officer
5 may apply for a warrant or court order directing that reasonable
6 force be used to the extent necessary to obtain the samples of blood
7 from the person to be tested, if the officer has reasonable cause to
8 believe that the person to be tested was in violation of this section.

9 3. Any person who violates the provisions of subsection 1 is
10 guilty of a misdemeanor.

11 4. A firearm is subject to forfeiture pursuant to NRS 179.1156
12 to 179.1205, inclusive, only if, during the violation of subsection 1,
13 the firearm is brandished, aimed or otherwise handled by the person
14 in a manner which endangered others.

15 5. As used in this section, the phrase "concentration of alcohol
16 of ~~[0.10]~~ 0.08 or more in his or her blood or breath" means ~~[0.10]~~
17 0.08 gram or more of alcohol per 100 milliliters of the blood of a
18 person or per 210 liters of his or her breath.

19 **Sec. 4.** NRS 202.350 is hereby amended to read as follows:

20 202.350 1. Except as otherwise provided in this section and
21 NRS 202.3653 to 202.369, inclusive, a person within this State shall
22 not:

23 (a) Manufacture or cause to be manufactured, or import into the
24 State, or keep, offer or expose for sale, or give, lend or possess any
25 instrument or weapon of the kind commonly known as a blackjack,
26 slungshot, billy, sand-club, sandbag or metal knuckles;

27 (b) Manufacture or cause to be manufactured, or import into the
28 State, or keep, offer or expose for sale, or give, lend, possess or use
29 a machine gun or a silencer, unless authorized by federal law;

30 (c) With the intent to inflict harm upon the person of another,
31 possess or use a nunchaku or trefoil; or

32 (d) Carry concealed upon his or her person any:

33 (1) Explosive substance, other than ammunition or any
34 components thereof;

35 (2) Machete; or

36 (3) Pistol, revolver or other firearm, other dangerous or
37 deadly weapon or pneumatic gun.

38 2. Except as otherwise provided in NRS 202.275 and 212.185,
39 a person who violates any of the provisions of:

40 (a) Paragraph (a) or (c) of subsection 1 or subparagraph (2) of
41 paragraph (d) of subsection 1 is guilty:

42 (1) For the first offense, of a gross misdemeanor.

43 (2) For any subsequent offense, of a category D felony and
44 shall be punished as provided in NRS 193.130.



1 (b) Paragraph (b) of subsection 1 or subparagraph (1) or (3) of
2 paragraph (d) of subsection 1 is guilty of a category C felony and
3 shall be punished as provided in NRS 193.130.

4 3. Except as otherwise provided in this subsection, the sheriff
5 of any county may, upon written application by a resident of that
6 county showing the reason or the purpose for which a concealed
7 weapon is to be carried, issue a permit authorizing the applicant to
8 carry in this State the concealed weapon described in the permit.
9 This subsection does not authorize the sheriff to issue a permit to a
10 person to carry a pistol, revolver or other firearm.

11 4. Except as otherwise provided in subsection 5, this section
12 does not apply to:

13 (a) Sheriffs, constables, marshals, peace officers, correctional
14 officers employed by the Department of Corrections, special police
15 officers, police officers of this State, whether active or honorably
16 retired, or other appointed officers.

17 (b) Any person summoned by any peace officer to assist in
18 making arrests or preserving the peace while the person so
19 summoned is actually engaged in assisting such an officer.

20 (c) Any full-time paid peace officer of an agency of the United
21 States or another state or political subdivision thereof when carrying
22 out official duties in the State of Nevada.

23 (d) Members of the Armed Forces of the United States when on
24 duty.

25 5. The exemptions provided in subsection 4 do not include a
26 former peace officer who is retired for disability unless his or her
27 former employer has approved his or her fitness to carry a concealed
28 weapon.

29 6. The provisions of paragraph (b) of subsection 1 do not apply
30 to any person who is licensed, authorized or permitted to possess or
31 use a machine gun or silencer pursuant to federal law. The burden of
32 establishing federal licensure, authorization or permission is upon
33 the person possessing the license, authorization or permission.

34 7. This section shall not be construed to prohibit a qualified
35 law enforcement officer or a qualified retired law enforcement
36 officer from carrying a concealed weapon in this State if he or she is
37 authorized to do so pursuant to 18 U.S.C. § 926B or 926C.

38 8. As used in this section:

39 (a) "Concealed weapon" means a weapon described in this
40 section that is carried upon a person in such a manner as not to be
41 discernible by ordinary observation.

42 (b) "Honorably retired" means retired in Nevada after
43 completion of 10 years of creditable service as a member of the
44 Public Employees' Retirement System. A former peace officer is
45 not "honorably retired" if he or she was discharged for cause or



1 resigned before the final disposition of allegations of serious
2 misconduct.

3 (c) ~~“Machine gun” means any weapon which shoots, is~~
4 ~~designed to shoot or can be readily restored to shoot more than one~~
5 ~~shot, without manual reloading, by a single function of the trigger.~~

6 ~~—(d)~~ “Nunchaku” means an instrument consisting of two or more
7 sticks, clubs, bars or rods connected by a rope, cord, wire or chain
8 used as a weapon in forms of Oriental combat.

9 ~~{(e)}~~ (d) “Pneumatic gun” has the meaning ascribed to it in
10 NRS 202.265.

11 ~~{(f)}~~ (e) “Qualified law enforcement officer” has the meaning
12 ascribed to it in 18 U.S.C. § 926B(c).

13 ~~{(g)}~~ (f) “Qualified retired law enforcement officer” has the
14 meaning ascribed to it in 18 U.S.C. § 926C(c).

15 ~~{(h)}~~ (g) “Silencer” means any device for silencing, muffling or
16 diminishing the report of a firearm, including any combination of
17 parts, designed or redesigned, and intended for use in assembling or
18 fabricating a silencer or muffler, and any part intended only for use
19 in such assembly or fabrication.

20 ~~{(i)}~~ (h) “Trefoil” means an instrument consisting of a metal
21 plate having three or more radiating points with sharp edges,
22 designed in the shape of a star, cross or other geometric figure and
23 used as a weapon for throwing.

24 **Sec. 5.** NRS 202.3673 is hereby amended to read as follows:

25 202.3673 1. Except as otherwise provided in subsections 2
26 ~~and 3.~~, **3 and 4**, a permittee may carry a concealed firearm while
27 the permittee is on the premises of any public building.

28 2. *A permittee shall not carry a concealed firearm while the*
29 *permittee is on the premises of any public building if the local*
30 *government having jurisdiction over the public building has*
31 *enacted an ordinance prohibiting the carrying of a concealed*
32 *firearm on the premises of the public building.*

33 3. A permittee shall not carry a concealed firearm while the
34 permittee is on the premises of a public building that is located on
35 the property of a public airport.

36 ~~{3.}~~ 4. A permittee shall not carry a concealed firearm while the
37 permittee is on the premises of:

38 (a) A public building that is located on the property of a public
39 school or a child care facility or the property of the Nevada System
40 of Higher Education, unless the permittee has obtained written
41 permission to carry a concealed firearm while he or she is on the
42 premises of the public building pursuant to subparagraph (3) of
43 paragraph (a) of subsection 3 of NRS 202.265.

44 (b) A public building that has a metal detector at each public
45 entrance or a sign posted at each public entrance indicating that no



1 firearms are allowed in the building, unless the permittee is not
2 prohibited from carrying a concealed firearm while he or she is on
3 the premises of the public building pursuant to subsection ~~4~~.

4 ~~4.~~ 5.

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

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

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

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

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

24 ~~5.~~ 6. A person who violates ~~subsection 2 or 3~~ *this section* is
25 guilty of a misdemeanor.

26 ~~6.~~ 7. As used in this section:

27 (a) "Child care facility" has the meaning ascribed to it in
28 paragraph (a) of subsection 5 of NRS 202.265.

29 (b) "Public building" means any building or office space
30 occupied by:

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

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

36 ↪ If only part of the building is occupied by an entity described in
37 this subsection, the term means only that portion of the building
38 which is so occupied.

39 **Sec. 6.** NRS 244.364, 268.418 and 269.222 are hereby
40 repealed.

41 **Sec. 7.** This act becomes effective upon passage and approval.



TEXT OF REPEALED SECTIONS

244.364 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of county; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.

1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No county may infringe upon those rights and powers.

3. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.

5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed.



6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the



county, including, without limitation, an indoor or outdoor shooting range.

(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and

(III) Is subject to the county ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.



(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

268.418 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of city; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.

1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No city may infringe upon those rights and powers.

3. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a city in violation of this section is void.

5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.

6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or



regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.

(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.



(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city; and

(III) Is subject to the city ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

269.222 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of town; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.

1. The Legislature hereby declares that:



(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No town may infringe upon those rights and powers.

3. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a town in violation of this section is void.

5. A town board shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the town must be removed.

6. A town board shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the town or any town agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the



violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.

(e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.



(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a town; and

(III) Is subject to the town ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

