

ASSEMBLY BILL NO. 355—ASSEMBLYMEN JAUREGUI,
YEAGER AND MONROE-MORENO

MARCH 20, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to firearms.
(BDR 15-937)

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.

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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 firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a child under the age of 18 years from handling, possessing or controlling a firearm under certain circumstances. (NRS 202.300) **Section 1** of this bill makes it a gross misdemeanor for a person who is less than 21 years of age to possess or control a: (1) semiautomatic shotgun; or (2) semiautomatic centerfire rifle.

Existing law provides that a person does not aid or knowingly permit a child to handle, possess or control a firearm if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure. Under existing law, a person who aids or knowingly permits a child to handle, possess or control a firearm is guilty of: (1) for the first offense, a misdemeanor; (2) for a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, a category C felony; and (3) for a second or any subsequent offense, a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years. (NRS 202.300)

Section 1: (1) provides the same penalties for a person who aids or knowingly



17 permits a person who is less than 21 years of age to handle, possess or control
18 certain firearms; and (2) includes similar provisions concerning the circumstances
19 in which a person does not aid or knowingly permit a person who is less than 21
20 years of age to handle, possess or control such firearms.

21 Existing law makes it a misdemeanor for a person to negligently store or leave
22 a firearm at a location under his or her control if the person knows or has reason to
23 know that there is a substantial risk that a child, who is otherwise prohibited from
24 handling, possessing or controlling a firearm, may obtain the firearm. (NRS
25 202.300) **Section 1** adds a similar provision imposing the same penalty for a person
26 who negligently stores or leaves a firearm at a similar location from which a person
27 who is less than 21 years of age may obtain the firearm.

28 Existing law authorizes a child who is 14 years of age or older and who, among
29 other requirements, has a valid hunting license, to handle, possess or control a: (1)
30 rifle or shotgun; or (2) firearm capable of being concealed upon the person.
31 However, existing law provides that the rifle or shotgun must not be a fully
32 automatic firearm. (NRS 202.300) **Section 3** of this bill prohibits a child who is 14
33 years of age or older from handling, possessing or controlling a semiautomatic
34 shotgun or semiautomatic centerfire rifle.

35 Under certain circumstances, existing law authorizes a child who is 14 years of
36 age or older to handle, possess or control a rifle or shotgun that is not a fully
37 automatic firearm at his or her residence. (NRS 202.300) **Section 3:** (1) provides
38 that the rifle or shotgun must not be a semiautomatic shotgun or semiautomatic
39 centerfire rifle; and (2) requires that the rifle or shotgun, while not in use, must
40 remain unloaded and stored in a securely locked container under the possession of
41 certain persons.

42 **Section 2** of this bill makes a conforming change to indicate the proper
43 placement of **section 1** in the Nevada Revised Statutes.

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. A person who is less than 21 years of age shall not handle**
4 **or have in his or her possession or under his or her control any:**

5 **(a) Semiautomatic shotgun; or**

6 **(b) Semiautomatic centerfire rifle.**

7 **↪ A person who violates this subsection is guilty of a gross**
8 **misdemeanor.**

9 **2. A person who aids or knowingly permits a person who is**
10 **less than 21 years of age to violate subsection 1:**

11 **(a) Except as otherwise provided in paragraph (b), for the first**
12 **offense, is guilty of a misdemeanor.**

13 **(b) For a first offense, if the person knows or has reason to**
14 **know that there is a substantial risk that the person who is less**
15 **than 21 years of age will use the firearm to commit a violent act, is**
16 **guilty of a category C felony and shall be punished as provided in**
17 **NRS 193.130.**



1 (c) For a second or any subsequent offense, is guilty of a
2 category B felony and shall be punished by imprisonment in the
3 state prison for a minimum term of not less than 1 year and a
4 maximum term of not more than 6 years, and may be further
5 punished by a fine of not more than \$5,000.

6 3. A person does not aid or knowingly permit a person who is
7 less than 21 years of age to violate subsection 1 if:

8 (a) The firearm was stored in a securely locked container or at
9 a location which a reasonable person would have believed to be
10 secure;

11 (b) The person who is less than 21 years of age obtained the
12 firearm as a result of an unlawful entry by any person in or upon
13 the premises where the firearm was stored;

14 (c) The injury or death resulted from an accident which was
15 incident to target shooting, sport shooting or hunting; or

16 (d) The person who is less than 21 years of age gained
17 possession of the firearm from a member of the Armed Forces of
18 the United States or a law enforcement officer while the member
19 or law enforcement officer was carrying out official duties.

20 4. The provisions of subsection 1 do not apply to a person
21 who is less than 21 years of age and who is a member of the
22 Armed Forces of the United States carrying out official duties.

23 5. Unless a greater penalty is provided by law, a person is
24 guilty of a misdemeanor who:

25 (a) Negligently stores or leaves a firearm at a location under
26 his or her control; and

27 (b) Knows or has reason to know that there is a substantial
28 risk that a person who is less than 21 years of age and who is
29 prohibited from handling or having in his or her possession or
30 under his or her control any firearm pursuant to this section may
31 obtain such a firearm.

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

33 202.253 As used in NRS 202.253 to 202.369, inclusive **[H]** ,
34 **and section 1 of this act:**

35 1. "Antique firearm" has the meaning ascribed to it in 18
36 U.S.C. § 921(a)(16).

37 2. "Explosive or incendiary device" means any explosive or
38 incendiary material or substance that has been constructed, altered,
39 packaged or arranged in such a manner that its ordinary use would
40 cause destruction or injury to life or property.

41 3. "Firearm" means any device designed to be used as a
42 weapon from which a projectile may be expelled through the barrel
43 by the force of any explosion or other form of combustion.



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

4 5. "Firearms importer or manufacturer" means a person
5 licensed to import or manufacture firearms pursuant to 18 U.S.C.
6 Chapter 44.

7 6. "Machine gun" means any weapon which shoots, is
8 designed to shoot or can be readily restored to shoot more than one
9 shot, without manual reloading, by a single function of the trigger.

10 7. "Motor vehicle" means every vehicle that is self-propelled.

11 8. "Semiautomatic firearm" means any firearm that:

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

14 (b) Requires a separate function of the trigger to fire each
15 cartridge; and

16 (c) Is not a machine gun.

17 9. "Unfinished frame or receiver" means a blank, a casting or a
18 machined body that is intended to be turned into the frame or lower
19 receiver of a firearm with additional machining and which has been
20 formed or machined to the point at which most of the major
21 machining operations have been completed to turn the blank, casting
22 or machined body into a frame or lower receiver of a firearm even if
23 the fire-control cavity area of the blank, casting or machined body is
24 still completely solid and unmachined.

25 **Sec. 3.** NRS 202.300 is hereby amended to read as follows:

26 202.300 1. Except as otherwise provided in this section, a
27 child under the age of 18 years shall not handle or have in his or her
28 possession or under his or her control, except while accompanied by
29 or under the immediate charge of his or her parent or guardian or an
30 adult person authorized by his or her parent or guardian to have
31 control or custody of the child, any firearm of any kind for hunting
32 or target practice or for other purposes. A child who violates this
33 subsection commits a delinquent act and the court may order the
34 detention of the child in the same manner as if the child had
35 committed an act that would have been a felony if committed by an
36 adult.

37 2. A person who aids or knowingly permits a child to violate
38 subsection 1:

39 (a) Except as otherwise provided in paragraph (b), for the first
40 offense, is guilty of a misdemeanor.

41 (b) For a first offense, if the person knows or has reason to know
42 that there is a substantial risk that the child will use the firearm to
43 commit a violent act, is guilty of a category C felony and shall be
44 punished as provided in NRS 193.130.



1 (c) For a second or any subsequent offense, is guilty of a
2 category B felony and shall be punished by imprisonment in the
3 state prison for a minimum term of not less than 1 year and a
4 maximum term of not more than 6 years, and may be further
5 punished by a fine of not more than \$5,000.

6 3. A person does not aid or knowingly permit a child to violate
7 subsection 1 if:

8 (a) The firearm was stored in a securely locked container or at a
9 location which a reasonable person would have believed to be
10 secure;

11 (b) The child obtained the firearm as a result of an unlawful
12 entry by any person in or upon the premises where the firearm was
13 stored;

14 (c) The injury or death resulted from an accident which was
15 incident to target shooting, sport shooting or hunting; or

16 (d) The child gained possession of the firearm from a member of
17 the military or a law enforcement officer, while the member or
18 officer was performing his or her official duties.

19 4. The provisions of subsection 1 do not apply to a child who is
20 a member of the Armed Forces of the United States.

21 5. Unless a greater penalty is provided by law, a person is
22 guilty of a misdemeanor who:

23 (a) Negligently stores or leaves a firearm at a location under his
24 or her control; and

25 (b) Knows or has reason to know that there is a substantial risk
26 that a child prohibited from handling or having in his or her
27 possession or under his or her control any firearm pursuant to this
28 section may obtain such a firearm.

29 6. Except as otherwise provided in subsection 9, a child who is
30 14 years of age or older, who has in his or her possession a valid
31 license to hunt, may handle or have in his or her possession or under
32 his or her control, without being accompanied by his or her parent or
33 guardian or an adult person authorized by his or her parent or
34 guardian to have control or custody of the child:

35 (a) A rifle or shotgun that is not a *semiautomatic shotgun,*
36 *semiautomatic centerfire rifle or* fully automatic firearm, if the
37 child is not otherwise prohibited by law from possessing the rifle or
38 shotgun and the child has the permission of his or her parent or
39 guardian to handle or have in his or her possession or under his
40 or her control the rifle or shotgun; or

41 (b) A firearm capable of being concealed upon the person, if the
42 child has the written permission of his or her parent or guardian to
43 handle or have in his or her possession or under his or her control
44 such a firearm and the child is not otherwise prohibited by law from
45 possessing such a firearm,



1 ↪ and the child is traveling to the area in which the child will be
2 hunting or returning from that area and the firearm is not loaded, or
3 the child is hunting pursuant to that license.

4 7. Except as otherwise provided in subsection 9, a child who is
5 14 years of age or older may handle or have in his or her possession
6 or under his or her control a rifle or shotgun that is not a
7 *semiautomatic shotgun, semiautomatic centerfire rifle or* fully
8 automatic firearm if the child is not otherwise prohibited by law
9 from possessing the rifle or shotgun, without being accompanied by
10 his or her parent or guardian or an adult person authorized by his or
11 her parent or guardian to have control or custody of the child, if the
12 child has the permission of his or her parent or guardian to handle or
13 have in his or her possession or under his or her control the rifle or
14 shotgun and the child is:

15 (a) Attending a course of instruction in the responsibilities of
16 hunters or a course of instruction in the safe use of firearms;

17 (b) Practicing the use of a firearm at an established firing range
18 or at any other area where the discharge of a firearm is permitted;

19 (c) Participating in a lawfully organized competition or
20 performance involving the use of a firearm;

21 (d) Within an area in which the discharge of firearms has not
22 been prohibited by local ordinance or regulation and the child is
23 engaging in a lawful hunting activity in accordance with chapter 502
24 of NRS for which a license is not required;

25 (e) Traveling to or from any activity described in paragraph (a),
26 (b), (c) or (d), and the firearm is not loaded;

27 (f) On real property that is under the control of an adult, and the
28 child has the permission of that adult to possess the firearm on the
29 real property; or

30 (g) *At his or her residence [↪], so long as the rifle or shotgun,*
31 *when not in use, is unloaded and stored in a securely locked*
32 *container under the possession of his or her parent or guardian or*
33 *an adult person authorized by his or her parent or guardian to*
34 *have control or custody of the child.*

35 8. Except as otherwise provided in subsection 9, a child who is
36 14 years of age or older may handle or have in his or her possession
37 or under his or her control, for the purpose of engaging in any of the
38 activities listed in paragraphs (a) to (g), inclusive, of subsection 7, a
39 firearm capable of being concealed upon the person, without being
40 accompanied by his or her parent or guardian or an adult person
41 authorized by his or her parent or guardian to have control or
42 custody of the child, if the child:

43 (a) Has the written permission of his or her parent or guardian to
44 handle or have in his or her possession or under his or her control
45 such a firearm for the purpose of engaging in such an activity; and



1 (b) Is not otherwise prohibited by law from possessing such a
2 firearm.

3 9. A child shall not handle or have in his or her possession or
4 under his or her control a loaded firearm if the child is:

5 (a) An occupant of a motor vehicle;

6 (b) Within any residence, including his or her residence, or any
7 building other than a facility licensed for target practice, unless
8 possession of the firearm is necessary for the immediate defense of
9 the child or another person; or

10 (c) Within an area designated by a county or municipal
11 ordinance as a populated area for the purpose of prohibiting the
12 discharge of weapons, unless the child is within a facility licensed
13 for target practice.

14 10. For the purposes of this section, a firearm is loaded if:

15 (a) There is a cartridge in the chamber of the firearm;

16 (b) There is a cartridge in the cylinder of the firearm, if the
17 firearm is a revolver; or

18 (c) There is a cartridge in the magazine and the magazine is in
19 the firearm or there is a cartridge in the chamber, if the firearm is a
20 semiautomatic firearm.

21 **Sec. 4.** This act becomes effective on July 1, 2023.

