

Amendment No. 321

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| Assembly Amendment to Assembly Bill No. 355 | (BDR 15-937) |
| Proposed by: Assembly Committee on Judiciary | |
| Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No | |

| ASSEMBLY ACTION | | | Initial and Date | SENATE ACTION | | | Initial and Date | | |
|-----------------|--------------------------|------|--------------------------|---------------|--------------|--------------------------|------------------|--------------------------|-------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MR/BAW



Date: 4/18/2023

A.B. No. 355—Revises provisions relating to firearms. (BDR 15-937)



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

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

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

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

37 **Section 2** of this bill makes a conforming change to indicate the proper placement of
 38 **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 thereto a new
 2 section to read as follows:

3 *1. A person who is less than 21 years of age shall not handle or have in his*
 4 *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 misdemeanor.*

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

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

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

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

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

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

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

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

29 *(d) The person who is less than 21 years of age gained possession of the*
 30 *firearm from a member of the Armed Forces of the United States, a reserve*
 31 *component thereof or the National Guard or a law enforcement officer while the*
 32 *member or law enforcement officer was carrying out official duties.*

33 *4. The provisions of subsection 1 do not apply to a person who is less than*
 34 *21 years of age and who ~~is~~:*

1 (a) Is a member of the Armed Forces of the United States ~~performing out~~
2 ~~official duties~~, a reserve component thereof or the National Guard;

3 (b) Was discharged or released from service in the Armed Forces of the
4 United States, a reserve component thereof or the National Guard under
5 honorable conditions; or

6 (c) Is a law enforcement officer who is employed by a federal, state or local
7 law enforcement agency.

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

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

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

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

17 202.253 As used in NRS 202.253 to 202.369, inclusive ~~(1)~~, and section 1 of
18 this act:

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

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

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

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

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

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

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

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

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

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

39 (c) Is not a machine gun.

40 9. "Unfinished frame or receiver" means a blank, a casting or a machined
41 body that is intended to be turned into the frame or lower receiver of a firearm with
42 additional machining and which has been formed or machined to the point at which
43 most of the major machining operations have been completed to turn the blank,
44 casting or machined body into a frame or lower receiver of a firearm even if the
45 fire-control cavity area of the blank, casting or machined body is still completely
46 solid and unmachined.

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

48 202.300 1. Except as otherwise provided in this section, a child under the
49 age of 18 years shall not handle or have in his or her possession or under his or her
50 control, except while accompanied by or under the immediate charge of his or her
51 parent or guardian or an adult person authorized by his or her parent or guardian to
52 have control or custody of the child, any firearm of any kind for hunting or target
53 practice or for other purposes. A child who violates this subsection commits a

1 delinquent act and the court may order the detention of the child in the same
2 manner as if the child had committed an act that would have been a felony if
3 committed by an adult.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 and the child is traveling to the area in which the child will be hunting or
49 returning from that area and the firearm is not loaded, or the child is hunting
50 pursuant to that license.

51 7. Except as otherwise provided in subsection 9, a child who is 14 years of
52 age or older may handle or have in his or her possession or under his or her control
53 a rifle or shotgun that is not a *semiautomatic shotgun, semiautomatic centerfire*

1 *rifle* or fully automatic firearm if the child is not otherwise prohibited by law from
2 possessing the rifle or shotgun, without being accompanied by his or her parent or
3 guardian or an adult person authorized by his or her parent or guardian to have
4 control or custody of the child, if the child has the permission of his or her parent or
5 guardian to handle or have in his or her possession or under his or her control the
6 rifle or shotgun and the child is:

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

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

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

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

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

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

20 (g) At his or her residence ~~H~~, *so long as the rifle or shotgun, when not in*
21 *use, is unloaded and stored in a securely locked container under the possession of*
22 *his or her parent or guardian or an adult person authorized by his or her parent*
23 *or guardian to have control or custody of the child.*

24 8. Except as otherwise provided in subsection 9, a child who is 14 years of
25 age or older may handle or have in his or her possession or under his or her control,
26 for the purpose of engaging in any of the activities listed in paragraphs (a) to (g),
27 inclusive, of subsection 7, a firearm capable of being concealed upon the person,
28 without being accompanied by his or her parent or guardian or an adult person
29 authorized by his or her parent or guardian to have control or custody of the child,
30 if the child:

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

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

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

37 (a) An occupant of a motor vehicle;

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

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

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

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

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

48 (c) There is a cartridge in the magazine and the magazine is in the firearm or
49 there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

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