

ASSEMBLY BILL NO. 368—ASSEMBLYMEN BEERS, HUMKE, BERMAN,
HETTRICK, ANDERSON, BROWER, BROWN, CHOWNING, CLABORN,
COLLINS, DE BRAGA, DINI, FREEMAN, GIBBONS, GIUNCHIGLIANI,
GOLDWATER, LEE, MANENDO, MARVEL, NOLAN, OCEGUERA,
PARKS, PERKINS, PRICE AND VON TOBEL

MARCH 14, 2001

JOINT SPONSORS: SENATORS RAWSON, O'DONNELL, AMODEI, CARLTON,
COFFIN, MCGINNESS, RAGGIO, SCHNEIDER, SHAFFER, TITUS,
TOWNSEND AND WASHINGTON

Referred to Committee on Judiciary

SUMMARY—Increases penalty for person previously convicted of felony who possesses
firearm. (BDR 15-919)

FISCAL NOTE: Effect on Local Government: No.
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; increasing the penalty for a person previously convicted of a
felony who possesses a firearm; and providing other matters properly relating
thereto.

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

- 1 **Section 1.** NRS 202.360 is hereby amended to read as follows:
2 202.360 1. A person who has been convicted of a felony in this or
3 any other state, or in any political subdivision thereof, or of a felony in
4 violation of the laws of the United States of America, unless he has
5 received a pardon and the pardon does not restrict his right to bear arms,
6 shall not own or have in his possession or under his custody or control any
7 firearm.
8 2. ~~{As used in this section, "firearm" includes any firearm that is~~
9 ~~loaded or unloaded and operable or inoperable.~~
10 ~~3. A~~ ***Except as otherwise provided in subsection 3, a*** person who
11 violates the provisions of ~~{this section}~~ ***subsection 1*** is guilty of a category
12 B felony and shall be punished by imprisonment in the state prison for a
13 minimum term of not less than 1 year and a maximum term of not more



1 than 6 years, and may be further punished by a fine of not more than
2 \$5,000.

3 *3. A person who violates the provisions of subsection 1 who has*
4 *previously been two times convicted, whether in this state or elsewhere, of*
5 *any felony is guilty of a category B felony and shall be punished by*
6 *imprisonment in the state prison for a minimum term of 4 years and a*
7 *maximum term of 10 years, and may be further punished by a fine of not*
8 *less than \$5,000 and not more than \$10,000.*

9 *4. For the purposes of subsection 3, the facts concerning any*
10 *previous conviction of a felony:*

11 *(a) Must be alleged in the accusatory pleading;*

12 *(b) Must not be read to the jury or proved at trial; and*

13 *(c) Must be proved at the time of sentencing.*

14 *5. As used in this section, "firearm" includes any firearm that is*
15 *loaded or unloaded and operable or inoperable.*

16 **Sec. 2.** 1. Except as otherwise provided in subsection 2, the
17 amendatory provisions of this act do not apply to offenses committed
18 before October 1, 2001.

19 2. The amendatory provisions of this act apply to offenses committed
20 before October 1, 2001, for the purpose of determining whether a person is
21 subject to the provisions of subsection 3 of NRS 202.360, as amended by
22 this act.

