

SENATE BILL NO. 233—COMMITTEE ON JUDICIARY

FEBRUARY 22, 2001

Referred to Committee on Judiciary

SUMMARY—Makes changes pertaining to correctional officers employed by department of prisons. (BDR 16-1179)

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 correctional officers; providing that direct supervision, custody, security and discipline of offenders must be conducted by correctional officers who are designated as peace officers; clarifying that correctional officers who are designated as peace officers are exempt from certain provisions pertaining to weapons; 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 209.131 is hereby amended to read as follows:  
2     209.131 The director shall:  
3     1. Administer the department under the direction of the board.  
4     2. Supervise the administration of all institutions and facilities of the  
5     department.  
6     3. Receive, retain and release in accordance with law offenders  
7     sentenced to imprisonment in the state prison.  
8     4. Be responsible for the supervision, custody, treatment, care, security  
9     and discipline of all offenders under his jurisdiction.  
10    5. *Ensure that any direct supervision, custody, security and discipline*  
11    *of an offender is conducted by a correctional officer who is designated as*  
12    *having the powers of a peace officer pursuant to subsection 1 of NRS*  
13    *289.220.*  
14    6. Establish regulations with the approval of the board and enforce all  
15    laws governing the administration of the department and the custody, care  
16    and training of offenders.  
17    ~~6.7~~ 7. Take proper measures to protect the health and safety of the  
18    staff and offenders in the institutions and facilities of the department.  
19    ~~7.8~~ 8. Cause to be placed from time to time in conspicuous places  
20    about each institution and facility copies of laws and regulations relating to  
21    visits and correspondence between offenders and others.



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1 ~~18.1~~ 9. Provide for the holding of religious services in the institutions  
2 and facilities and make available to the offenders copies of appropriate  
3 religious materials.

4 **Sec. 2.** NRS 202.350 is hereby amended to read as follows:

5 202.350 1. Except as otherwise provided in this section and NRS  
6 202.3653 to 202.369, inclusive, it is unlawful for a person within this state  
7 to:

8 (a) Manufacture or cause to be manufactured, or import into the state, or  
9 keep, offer or expose for sale, or give, lend or possess any knife which is  
10 made an integral part of a belt buckle or any instrument or weapon of the  
11 kind commonly known as a switchblade knife, blackjack, slung shot, billy,  
12 sand-club, sandbag or metal knuckles; or

13 (b) Carry concealed upon his person any:

14 (1) Explosive substance, other than ammunition or any components  
15 thereof;

16 (2) Dirk, dagger or machete;

17 (3) Pistol, revolver or other firearm, or other dangerous or deadly  
18 weapon; or

19 (4) Knife which is made an integral part of a belt buckle.

20 2. Except as otherwise provided in this section, it is unlawful for a  
21 person to possess or use a:

22 (a) Nunchaku or trefoil with the intent to inflict harm upon the person of  
23 another; or

24 (b) Machine gun or a silencer.

25 3. Except as otherwise provided in NRS 202.275 and 212.185, a  
26 person who violates any of the provisions of subsection 1 or 2 is guilty:

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

28 (b) For any subsequent offense, of a category D felony, and shall be  
29 punished as provided in NRS 193.130.

30 4. Except as otherwise provided in this subsection, the sheriff of any  
31 county may, upon written application by a resident of that county showing  
32 the reason or the purpose for which a concealed weapon is to be carried,  
33 issue a permit authorizing the applicant to carry in this state the concealed  
34 weapon described in the permit. The sheriff shall not issue a permit to a  
35 person to carry a switchblade knife. This subsection does not authorize the  
36 sheriff to issue a permit to a person to carry a pistol, revolver or other  
37 firearm.

38 5. Except as otherwise provided in subsection 6, this section does not  
39 apply to:

40 (a) Sheriffs, constables, marshals, peace officers, *correctional officers*  
41 *who are designated as having the powers of a peace officer pursuant to*  
42 *subsection 1 of NRS 289.220*, special police officers, police officers of this  
43 state, whether active or honorably retired, or other appointed officers.

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

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



1 (d) Members of the Armed Forces of the United States when on duty.  
2 6. The exemptions provided in subsection 5 do not include a former  
3 peace officer who is retired for disability unless his former employer has  
4 approved his fitness to carry a concealed weapon.

5 7. The provisions of paragraph (b) of subsection 2 do not apply to any  
6 person who is licensed, authorized or permitted to possess or use a machine  
7 gun or silencer pursuant to federal law. The burden of establishing federal  
8 licensure, authorization or permission is upon the person possessing the  
9 license, authorization or permission.

10 8. As used in this section:

11 (a) “Concealed weapon” means a weapon described in this section that  
12 is carried upon a person in such a manner as not to be discernible by  
13 ordinary observation.

14 (b) “Honorably retired” means retired in Nevada after completion of 10  
15 years of creditable service as a member of the public employees’  
16 retirement system. A former peace officer is not “honorably retired” if he  
17 was discharged for cause or resigned before the final disposition of  
18 allegations of serious misconduct.

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

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

25 (e) “Silencer” means any device for silencing, muffling or diminishing  
26 the report of a firearm, including any combination of parts, designed or  
27 redesigned, and intended for use in assembling or fabricating a silencer or  
28 muffler, and any part intended only for use in such assembly or fabrication.

29 (f) “Switchblade knife” means a spring-blade knife, snap-blade knife or  
30 any other knife having the appearance of a pocket knife, any blade of  
31 which is 2 or more inches long and which can be released automatically by  
32 a flick of a button, pressure on the handle or other mechanical device, or is  
33 released by any type of mechanism.

34 (g) “Trefoil” means an instrument consisting of a metal plate having  
35 three or more radiating points with sharp edges, designed in the shape of a  
36 star, cross or other geometric figure and used as a weapon for throwing.

37 **Sec. 3.** This act becomes effective on July 1, 2001.

