

Senate Bill No. 233—Committee on Judiciary

CHAPTER.....

AN ACT relating to correctional officers; providing that any person employed by the department of prisons who has certain responsibilities must be a correctional officer who has the powers of a peace officer; clarifying that correctional officers employed by the department 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:

Section 1. NRS 209.131 is hereby amended to read as follows:

209.131 The director shall:

1. Administer the department under the direction of the board.
2. Supervise the administration of all institutions and facilities of the department.
3. Receive, retain and release in accordance with law offenders sentenced to imprisonment in the state prison.
4. Be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his jurisdiction.
5. *Ensure that any person employed by the department whose primary responsibilities are:*
 - (a) *The supervision, custody, security, discipline, safety and transportation of an offender;*
 - (b) *The security and safety of the staff; and*
 - (c) *The security and safety of an institution or facility of the department,**is a correctional officer who has the powers of a peace officer pursuant to subsection 1 of NRS 289.220.*

6. Establish regulations with the approval of the board and enforce all laws governing the administration of the department and the custody, care and training of offenders.

~~16-1~~ 7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the department.

~~17-1~~ 8. Cause to be placed from time to time in conspicuous places about each institution and facility copies of laws and regulations relating to visits and correspondence between offenders and others.

~~18-1~~ 9. Provide for the holding of religious services in the institutions and facilities and make available to the offenders copies of appropriate religious materials.

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

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

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

(b) Carry concealed upon his person any:

- (1) Explosive substance, other than ammunition or any components thereof;
 - (2) Dirk, dagger or machete;
 - (3) Pistol, revolver or other firearm, or other dangerous or deadly weapon; or
 - (4) Knife which is made an integral part of a belt buckle.
2. Except as otherwise provided in this section, it is unlawful for a person to possess or use a:
- (a) Nunchaku or trefoil with the intent to inflict harm upon the person of another; or
 - (b) Machine gun or a silencer.
3. Except as otherwise provided in NRS 202.275 and 212.185, a person who violates any of the provisions of subsection 1 or 2 is guilty:
- (a) For the first offense, of a gross misdemeanor.
 - (b) For any subsequent offense, of a category D felony, and shall be punished as provided in NRS 193.130.
4. Except as otherwise provided in this subsection, the sheriff of any county may, upon written application by a resident of that county showing the reason or the purpose for which a concealed weapon is to be carried, issue a permit authorizing the applicant to carry in this state the concealed weapon described in the permit. The sheriff shall not issue a permit to a person to carry a switchblade knife. This subsection does not authorize the sheriff to issue a permit to a person to carry a pistol, revolver or other firearm.
5. Except as otherwise provided in subsection 6, this section does not apply to:
- (a) Sheriffs, constables, marshals, peace officers, *correctional officers employed by the department of prisons*, special police officers, police officers of this state, whether active or honorably retired, or other appointed officers.
 - (b) Any person summoned by any peace officer to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such an officer.
 - (c) Any full-time paid peace officer of an agency of the United States or another state or political subdivision thereof when carrying out official duties in the State of Nevada.
 - (d) Members of the Armed Forces of the United States when on duty.
6. The exemptions provided in subsection 5 do not include a former peace officer who is retired for disability unless his former employer has approved his fitness to carry a concealed weapon.
7. The provisions of paragraph (b) of subsection 2 do not apply to any person who is licensed, authorized or permitted to possess or use a machine gun or silencer pursuant to federal law. The burden of establishing federal licensure, authorization or permission is upon the person possessing the license, authorization or permission.
8. As used in this section:
- (a) "Concealed weapon" means a weapon described in this section that is carried upon a person in such a manner as not to be discernible by ordinary observation.

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

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

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

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

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

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

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