

ASSEMBLY BILL NO. 423—ASSEMBLYMEN HETTRICK, KNECHT, GUSTAVSON, BEERS, GIBBONS, ANDERSON, ANDONOV, ANGLE, ARBERRY, ATKINSON, BROWN, BUCKLEY, CARPENTER, CHOWNING, CHRISTENSEN, CLABORN, COLLINS, CONKLIN, GEDDES, GIUNCHIGLIANI, GOICOECHEA, GOLDWATER, GRADY, GRIFFIN, HARDY, HORNE, KOIVISTO, MABEY, MANENDO, MARVEL, MCCLAIN, MCCLEARY, MORTENSON, OCEGUERA, OHRENSCHALL, PARKS, PERKINS, PIERCE, SHERER, WEBER AND WILLIAMS

MARCH 17, 2003

Referred to Committee on Judiciary

SUMMARY—Authorizes manufacture of switchblade knives in this state under certain circumstances. (BDR 15-1012)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 weapons; authorizing the manufacture of switchblade knives in this state under certain circumstances; 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 202.350 is hereby amended to read as follows:
2 202.350 1. Except as otherwise provided in this section and
3 NRS 202.3653 to 202.369, inclusive, it is unlawful for a person
4 within this state to:
5 (a) Manufacture or cause to be manufactured, or import into the
6 State, or keep, offer or expose for sale, or give, lend or possess any
7 knife which is made an integral part of a belt buckle or any
8 instrument or weapon of the kind commonly known as a



1 switchblade knife, blackjack, slungshot, billy, sand-club, sandbag or
2 metal knuckles; or

3 (b) Carry concealed upon his person any:

4 (1) Explosive substance, other than ammunition or any
5 components thereof;

6 (2) Dirk, dagger or machete;

7 (3) Pistol, revolver or other firearm, or other dangerous or
8 deadly weapon; or

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

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

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

14 (b) Machine gun or a silencer.

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

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

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

21 4. Except as otherwise provided in this subsection, the sheriff
22 of any county may, upon written application by a resident of that
23 county showing the reason or the purpose for which a concealed
24 weapon is to be carried, issue a permit authorizing the applicant to
25 carry in this state the concealed weapon described in the permit. The
26 sheriff shall not issue a permit to a person to carry a switchblade
27 knife. This subsection does not authorize the sheriff to issue a
28 permit to a person to carry a pistol, revolver or other firearm.

29 5. *The sheriff of any county may, upon written application by
30 a person whose place of business is located in that county showing
31 that good cause exists for authorizing the person to manufacture
32 switchblade knives, issue a permit authorizing the person to
33 manufacture switchblade knives. The sheriff may hold a public
34 hearing on an application for a permit made pursuant to this
35 subsection. A permit issued pursuant to this subsection may also
36 authorize the person to keep for sale, offer for sale, expose for sale
37 or possess a switchblade knife to the extent necessary for the
38 manufacture of the switchblade knife and for the sale of the
39 switchblade knife to a person located in another state, territory or
40 country. A permit issued pursuant to this subsection may not
41 authorize a person to sell, offer for sale or expose for sale a
42 switchblade knife to a person located in this state.*

43 6. Except as otherwise provided in subsection ~~6.~~ 7, this
44 section does not apply to:



* A B 4 2 3 *

1 (a) Sheriffs, constables, marshals, peace officers, correctional
2 officers employed by the Department of Corrections, special police
3 officers, police officers of this state, whether active or honorably
4 retired, or other appointed officers.

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

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

11 (d) Members of the Armed Forces of the United States when on
12 duty.

13 ~~6~~ 7. The exemptions provided in subsection ~~5~~ 6 do not
14 include a former peace officer who is retired for disability unless his
15 former employer has approved his fitness to carry a concealed
16 weapon.

17 ~~7~~ 8. The provisions of paragraph (b) of subsection 2 do not
18 apply to any person who is licensed, authorized or permitted to
19 possess or use a machine gun or silencer pursuant to federal law.
20 The burden of establishing federal licensure, authorization or
21 permission is upon the person possessing the license, authorization
22 or permission.

23 ~~8~~ 9. As used in this section:

24 (a) "Concealed weapon" means a weapon described in this
25 section that is carried upon a person in such a manner as not to be
26 discernible by ordinary observation.

27 (b) "Honorably retired" means retired in Nevada after
28 completion of 10 years of creditable service as a member of the
29 Public Employees' Retirement System. A former peace officer is
30 not "honorably retired" if he was discharged for cause or resigned
31 before the final disposition of allegations of serious misconduct.

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

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

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

43 (f) "Switchblade knife" means a spring-blade knife, snap-blade
44 knife or any other knife having the appearance of a pocket knife,
45 any blade of which is 2 or more inches long and which can be



1 released automatically by a flick of a button, pressure on the handle
2 or other mechanical device, or is released by any type of
3 mechanism.

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

8 **Sec. 2.** This act becomes effective on July 1, 2003.

