

SENATE BILL NO. 272—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA HIGHWAY PATROL DIVISION)

MARCH 22, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing confiscation and disposition of certain weapons. (BDR 15-321)

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; providing that a firearm taken from the possession of a person charged with possessing, consuming, manufacturing, transporting, selling or being under the influence of any controlled substance must be confiscated and disposed of in the same manner as certain other 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 202.340 is hereby amended to read as follows:
2 202.340 1. ~~{Except as otherwise provided for firearms~~
3 ~~forfeitable pursuant to NRS 453.301, when}~~ *When* any instrument
4 or weapon described in NRS 202.350 is taken from the possession
5 of any person charged with the commission of any public offense or
6 crime or any child charged with committing a delinquent act, the
7 instrument or weapon must be surrendered to:
8 (a) The head of the police force or department of an
9 incorporated city if the possession thereof was detected by any
10 member of the police force of the city; or
11 (b) The chief administrator of a state law enforcement agency,
12 for disposal pursuant to NRS 333.220, if the possession thereof was
13 detected by any member of the agency.



1 ➡ In all other cases, the instrument or weapon must be surrendered
2 to the sheriff of the county or the sheriff of the metropolitan police
3 department for the county in which the instrument or weapon was
4 taken.

5 2. Except as otherwise provided in subsection 5, the governing
6 body of the county or city or the metropolitan police committee on
7 fiscal affairs shall at least once a year order the local law
8 enforcement officer to whom any instrument or weapon is
9 surrendered pursuant to subsection 1 to:

10 (a) Retain the confiscated instrument or weapon for use by the
11 law enforcement agency headed by the officer;

12 (b) Sell the confiscated instrument or weapon to another law
13 enforcement agency;

14 (c) Destroy or direct the destruction of the confiscated
15 instrument or weapon if it is not otherwise required to be destroyed
16 pursuant to subsection 5;

17 (d) Trade the confiscated instrument or weapon to a properly
18 licensed retailer or wholesaler in exchange for equipment necessary
19 for the performance of the agency's duties; or

20 (e) Donate the confiscated instrument or weapon to a museum,
21 the Nevada National Guard or, if appropriate, to another person for
22 use which furthers a charitable or public interest.

23 3. All proceeds of a sale ordered pursuant to subsection 2 by:

24 (a) The governing body of a county or city must be deposited
25 with the county treasurer or the city treasurer , and the county
26 treasurer or the city treasurer shall credit the proceeds to the general
27 fund of the county or city.

28 (b) A metropolitan police committee on fiscal affairs must be
29 deposited in a fund which was created pursuant to NRS 280.220.

30 4. Any officer receiving an order pursuant to subsection 2 shall
31 comply with the order as soon as practicable.

32 5. Except as otherwise provided in subsection 6, the officer to
33 whom a confiscated instrument or weapon is surrendered pursuant
34 to subsection 1 shall:

35 (a) Except as otherwise provided in paragraph (c), destroy or
36 direct to be destroyed any instrument or weapon which is
37 determined to be dangerous to the safety of the public.

38 (b) Except as otherwise provided in paragraph (c), return any
39 instrument or weapon, which has not been destroyed pursuant to
40 paragraph (a):

41 (1) Upon demand, to the person from whom the instrument
42 or weapon was confiscated if the person is acquitted of the public
43 offense or crime of which he was charged ~~§~~ ***unless the instrument
44 or weapon is the subject of a forfeiture proceeding pursuant to
45 NRS 179.1156 to 179.119, inclusive; or***



1 (2) To the legal owner of the instrument or weapon if the
2 Attorney General or the district attorney determines that the
3 instrument or weapon was unlawfully acquired from the legal
4 owner. If retention of the instrument or weapon is ordered or
5 directed pursuant to paragraph (c), except as otherwise provided in
6 paragraph (a), the instrument or weapon must be returned to the
7 legal owner as soon as practicable after the order or direction is
8 rescinded.

9 (c) Retain the confiscated instrument or weapon held by him
10 pursuant to an order of a judge of a court of record or by direction of
11 the Attorney General or district attorney that the retention is
12 necessary for purposes of evidence, until the order or direction is
13 rescinded.

14 (d) Return any instrument or weapon which was stolen to its
15 rightful owner, unless the return is otherwise prohibited by law.

16 6. Before any disposition pursuant to subsection 5, the officer
17 who is in possession of the confiscated instrument or weapon shall
18 submit a full description of the instrument or weapon to a laboratory
19 which provides forensic services in this State. The director of the
20 laboratory shall determine whether the instrument or weapon:

21 (a) Must be sent to the laboratory for examination as part of a
22 criminal investigation; or

23 (b) Is a necessary addition to a referential collection maintained
24 by the laboratory for purposes relating to law enforcement.



