

ASSEMBLY BILL NO. 185—ASSEMBLYMEN GOEDHART;
GOICOECHEA, HAMBRICK, HANSEN, HARDY, KIRNER,
MCARTHUR, STEWART AND WOODBURY

FEBRUARY 17, 2011

JOINT SPONSORS: SENATORS CEGAVSKE,
HALSETH AND ROBERSON

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the possession and use
of firearms in state parks. (BDR 35-358)

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 state parks; revising provisions concerning the
possession and discharge of firearms in state parks; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to adopt regulations, including, without limitation, prohibitions and restrictions on activities within parks or recreational facilities within the jurisdiction of the Division. (NRS 407.0475) Existing administrative regulations allow a person to carry a concealed firearm in a state park if the person complies with existing laws concerning the carrying of concealed weapons, but prohibit a person from discharging a firearm in a state park. (NAC 407.105) Any person who violates a regulation adopted by the Administrator is guilty of a misdemeanor. (NRS 407.0475)

Existing law contains various restrictions on the possession and discharge of firearms. Existing law prohibits a person from carrying a concealed firearm, unless the person possesses a permit to carry a concealed firearm issued by the sheriff of the county in which the person resides or, if the person is not a resident of this State, by the sheriff of any county in this State or any state which is found by the Department of Public Safety to meet certain standards concerning the issuance of such permits. (NRS 202.350, 202.3657, 202.3688, 202.3689) A person who has a permit may not carry a concealed firearm on the premises of certain public buildings or public airports unless certain exceptions are applicable. (NRS 202.3673)



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In addition, existing law prohibits the discharge of a firearm under various circumstances, including, without limitation: (1) the malicious, wanton or negligent discharge of a firearm in certain places where other persons might be endangered thereby; (2) the willful and malicious discharge of a firearm at or into certain structures or vehicles; and (3) the malicious or wanton discharge of a firearm within or from certain structures or vehicles. (NRS 202.280-202.290) However, existing law provides certain defenses against these crimes by allowing a person to make sufficient resistance to prevent: (1) the commission of an offense against the person, a member of his or her family or any other person about to be injured; and (2) an illegal attempt to forcefully take or injure property in his or her lawful possession. (NRS 193.230-193.250)

This bill prohibits the Administrator from adopting any regulation concerning the possession or discharge of firearms in state parks or recreational facilities which is more restrictive than the laws of this State relating to: (1) the possession or discharge of firearms; and (2) engaging in lawful resistance to prevent an offense against a person or property. This bill also voids any regulation which conflicts with such laws.

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

Section 1. NRS 407.0475 is hereby amended to read as follows:

407.0475 1. The Administrator shall adopt such regulations as he or she finds necessary for carrying out the provisions of this chapter and other provisions of law governing the operation of the Division. ~~The~~ *Except as otherwise provided in subsection 2, the* regulations may include prohibitions and restrictions relating to activities within any of the park or recreational facilities within the jurisdiction of the Division.

2. Any regulations relating to the conduct of persons within the park or recreational facilities must:

(a) Be directed toward one or both of the following:

(1) Prevention of damage to or misuse of the facility.

(2) Promotion of the inspiration, use and enjoyment of the people of this State through the preservation and use of the facility.

(b) Apply separately to each park, monument or recreational area and be designed to fit the conditions existing at that park, monument or recreational area.

(c) Not establish restrictions on the possession or discharge of firearms within the park or recreational facility which are more restrictive than the laws of this State relating to:

(1) The possession or discharge of firearms; or

(2) Engaging in lawful resistance to prevent an offense against a person or property.

Any regulation which violates the provisions of this paragraph is void.



1 3. Any person whose conduct violates any regulation adopted
2 pursuant to subsection 1, and who refuses to comply with the
3 regulation upon request by any ranger or employee of the Division
4 who has the powers of a peace officer pursuant to NRS 289.260, is
5 guilty of a misdemeanor.

6 **Sec. 2.** This act becomes effective upon passage and approval.

