

Amendment No. 112

Senate Amendment to Senate Bill No. 231

(BDR 20-742)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SJA/JRS



Date: 4/4/2011

S.B. No. 231—Makes various changes relating to concealed firearms.
(BDR 20-742)



SENATE BILL NO. 231—SENATORS LEE, SETTELMAYER, HARDY, MANENDO, DENIS;
CEGAVSKE, COPENING, GUSTAVSON, HALSETH AND ROBERSON

MARCH 9, 2011

JOINT SPONSORS: ASSEMBLYMEN ANDERSON, HICKEY, HAMBRICK, CARRILLO,
HANSEN; DALY, FLORES, GOEDHART, GOICOECHEA, HAMMOND, KIRNER,
KITE, LIVERMORE AND OHRENSCHALL

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to concealed firearms.
(BDR 20-742)

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 concealed firearms; authorizing a sheriff to provide certain information concerning the availability of certain courses relating to firearm safety; authorizing persons who hold permits to carry concealed firearms to carry concealed firearms on the property of the Nevada System of Higher Education ~~[-]~~ ***under certain circumstances;*** authorizing the Police Department for the System to provide certain information concerning the availability of certain courses relating to firearm safety; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the sheriff of a county to provide to persons who hold permits to carry concealed firearms information concerning instructors and organizations that offer courses in firearm safety which focus on issues relating to firearm safety in an educational environment.

Existing law prohibits a person from carrying a concealed firearm on the property of the Nevada System of Higher Education, unless the person holds a permit to carry a concealed firearm and has written permission from the president of a branch or facility of the System to carry the concealed firearm. (NRS 202.265, 202.3673) **Sections 3, 4 and 6** of this bill authorize a person who holds a permit to carry a concealed firearm to carry a concealed firearm while on the property of the Nevada System of Higher Education ~~[-]~~ ***unless the person is attending an event held at a sporting venue with a seating capacity of 1,000 or more.***

Section 5 of this bill authorizes the Police Department for the System to provide to persons who hold permits to carry concealed firearms information concerning instructors and organizations that offer courses in firearm safety which focus on issues relating to firearm safety in an educational environment.

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

Section 1. Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows:

The sheriff of each county may, within the limits of available money, provide to persons who are authorized to carry concealed firearms pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, information concerning instructors and organizations that offer courses in firearm safety which focus on issues relating to firearm safety in an educational environment.

Sec. 2. NRS 62C.060 is hereby amended to read as follows:

62C.060 1. If a peace officer or probation officer has probable cause to believe that a child is committing or has committed an unlawful act that involves the possession, use or threatened use of a firearm, the officer shall take the child into custody.

2. If a child is taken into custody for an unlawful act described in this section, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

3. At the detention hearing, the juvenile court shall, if the child was taken into custody for:

(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, order the child to:

(1) Be evaluated by a qualified professional; and

(2) Submit to a test to determine whether the child is using any controlled substance.

(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a), determine whether to order the child to be evaluated by a qualified professional.

4. If the juvenile court orders the child to be evaluated by a qualified professional or to submit to a test to determine whether the child is using any controlled substance, the evaluation or the results from the test must be completed not later than 14 days after the detention hearing. Until the evaluation or the test is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

5. If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation.

6. As used in this section, "child care facility" has the meaning ascribed to it in paragraph (a) of subsection ~~15~~ 6 of NRS 202.265.

Sec. 3. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a

private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:

- (a) An explosive or incendiary device;
- (b) A dirk, dagger or switchblade knife;
- (c) A nunchaku or trefoil;
- (d) A blackjack or billy club or metal knuckles;
- (e) A pistol, revolver or other firearm; or
- (f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:

(a) ~~FA~~ *The Nevada System of Higher Education*, a private or public school or child care facility by a:

- (1) Peace officer;
- (2) School security guard; or
- (3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. *This section does not prohibit the possession of a firearm on the property of the Nevada System of Higher Education by a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive ~~FA~~, except during any period in which the person attends an event specified in subsection 4 of NRS 202.3673.*

5. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

~~5-1~~ 6. For the purposes of this section:

(a) "Child care facility" means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

(b) "Firearm" includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(d) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

(e) "Trefoil" has the meaning ascribed to it in NRS 202.350.

(f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.

Sec. 4. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. ~~FA~~ *Except as otherwise provided in subsection 4, a permittee may carry a concealed firearm while the permittee is on the property of the Nevada System of Higher Education or on the premises of a public building that is located on the property of the Nevada System of Higher Education.* Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility, ~~for the property of the Nevada System of Higher Education,~~ unless the permittee has obtained written permission *from the principal of the school or the person designated by a child care facility* to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless ~~the~~:

(1) The public building is located on the property of the Nevada System of Higher Education; or

(2) The permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection ~~4~~ 5.

4. *A permittee shall not carry a concealed firearm while the permittee is attending any event held on the premises of a stadium, arena, field house or other athletic facility with a seating capacity of 1,000 or more that is located on the property of the Nevada System of Higher Education.*

5. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

~~5~~ 6. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

~~6~~ 7. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in paragraph (a) of subsection ~~5~~ 6 of NRS 202.265.

(b) "Public building" means any building or office space occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➤ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 5. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

The Police Department for the System may, within the limits of available money, provide to persons who are authorized to carry concealed firearms pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, information concerning instructors and organizations that offer courses in firearm safety which focus on issues relating to firearm safety in an educational environment.

Sec. 6. NRS 396.110 is hereby amended to read as follows:

396.110 1. The Board of Regents may prescribe rules for:

1 (a) Its own government; and

2 (b) The government of the System.

3 2. The Board of Regents shall prescribe rules for the granting of permission to
4 carry or possess a weapon pursuant to NRS 202.265. *The rules prescribed by the*
5 *Board of Regents pursuant to this subsection:*

6 (a) *Must allow a person to carry a concealed firearm if the person is*
7 *authorized to carry a concealed firearm pursuant to the provisions of NRS*
8 *202.3653 to 202.369, inclusive. ~~It and~~*

9 (b) *Must not require a person who is authorized to carry a concealed firearm*
10 *pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, to obtain*
11 *permission to carry a concealed firearm.*

12 (c) *Except as otherwise provided in paragraphs (a) and (b), must provide for*
13 *the storage of firearms in dormitories, apartments and other facilities for housing*
14 *that are located on the property of the System.*

15 (d) *Must include provisions concerning the carrying of a concealed firearm*
16 *in a parking area that is located on the property of the System during any period*
17 *in which the parking area is used or available for use by persons attending an*
18 *event described in subsection 4 of NRS 202.3673, or on any other property of the*
19 *System which is set aside for, or otherwise used or available for use by, persons to*
20 *park or gather before attending an event described in subsection 4 of NRS*
21 *202.3673.*

22 *Any rules prescribed by the Board of Regents before, on or after July 1, 2011,*
23 *that are inconsistent with the provisions of ~~paragraph~~ paragraphs (a) ~~or (b)~~ to*
24 *(d), inclusive, are void.*

25 Sec. 7. This act becomes effective on July 1, 2011.