

ASSEMBLY BILL NO. 148—ASSEMBLYMEN FIORE, SEAMAN, DICKMAN, SHELTON, OSCARSON; ARMSTRONG, DOOLING, ELLISON, GARDNER, HAMBRICK, HANSEN, JONES, KIRNER, MOORE, O'NEILL, TITUS, TROWBRIDGE, WHEELER AND WOODBURY

FEBRUARY 13, 2015

JOINT SPONSORS: SENATORS GUSTAVSON;
AND GOICOECHEA

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing firearms. (BDR 5-242)

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 firearms; authorizing the possession of a firearm in a motor vehicle that is on the property of certain educational entities or child care facilities in certain circumstances; authorizing a person who holds a permit to carry a concealed firearm to do so on certain property of a public airport and on the property of the Nevada System of Higher Education under certain circumstances; revising the provisions governing the carrying of a concealed firearm in a public building; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law generally makes it a gross misdemeanor to carry or possess certain
2 weapons while on the property of the Nevada System of Higher Education, a
3 private or public school or a child care facility, or while in a vehicle of a private or
4 public school or a child care facility except in certain circumstances. (NRS
5 202.265) **Section 3** of this bill adds an exception so that a person who holds a
6 permit to carry a concealed firearm is not prohibited from possessing a firearm
7 capable of being concealed upon the person on the property of the Nevada System
8 of Higher Education, a private or public school or a child care facility, if the firearm
9 remains out of public view and if the firearm is: (1) inside a motor vehicle that is



occupied or, if the motor vehicle is unoccupied, the motor vehicle is locked; or (2) stored in a locked container that is affixed securely to the motor vehicle.

Existing law prohibits a person from carrying a concealed firearm while on the property of the Nevada System of Higher Education, a private or public school or a child care facility, 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, the principal of the school or the person designated by the child care facility to give permission to carry or possess a weapon to carry the concealed firearm. Existing law also prohibits a person from carrying a concealed firearm: (1) while on the premises of a public building that is located on the property of a public airport; and (2) while on the premises of 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. (NRS 202.265, 202.3673) **Sections 3 and 4** of this bill authorize a person who holds such a permit to carry a concealed firearm while on the property of the System. **Section 4** also revises provisions governing the carrying of a concealed firearm to prohibit the carrying by a permittee of a concealed firearm only in a secure area of a public airport. Finally, **section 4** provides that the carrying of a concealed firearm in a public building is prohibited if the building has both a metal detector and a sign at each public entrance indicating that no firearms are allowed in the building.

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

Section 1. (Deleted by amendment.)

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

62C.060 1. If a child is taken into custody for an unlawful act that involves the possession, use or threatened use of a firearm, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

2. 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.

3. 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.

4. 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.

5. As used in this section, "child care facility" has the meaning ascribed to it in paragraph (a) of subsection ~~5~~ 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 **a** child care facility, or while in a vehicle of a private or public school or **a** 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 **while** on the property of:

(a) ~~IA~~ **The Nevada System of Higher Education, a** private or public school or **a** 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 capable of being concealed upon the person by a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, if:*

(a) *The person is carrying upon his or her person a concealed firearm on the property of the Nevada System of Higher Education; or*

(b) *The motor vehicle that is or was being operated by the person or in which the person is or was a passenger is located on the property of the Nevada System of Higher Education, a private or public school or a child care facility, the firearm remains out of common observation, and the firearm is:*

(1) *Inside a motor vehicle, other than a school bus, that is:*

(I) *Occupied; or*

(II) *Unoccupied and locked; or*

(2) *Stored in a locked container that is affixed securely to a motor vehicle, other than a school bus.*

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) *"School bus" has the meaning ascribed to it in NRS 484A.230.*

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

~~(e)~~ (f) "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. 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]~~ **in a secure area** 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 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. *If a public school or a child care facility is located on the property of the Nevada System of Higher Education, this paragraph must be construed to prohibit only the carrying of a concealed firearm in that portion of a public building and on that portion of the property of the Nevada System of Higher Education that is occupied by the public school or child care facility, assuming that the permittee has not obtained written permission 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 from the principal of the public school or the person designated by the child care facility to give such permission.*

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

4. 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. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. 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. *If only part of the building is occupied by a child care facility, the term means only that portion of the building which is so occupied.*

(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,~~ paragraph, the term means only that portion of the building which is so occupied.

(c) *"Secure area" means a portion of a public airport to which access is generally controlled through the screening of persons and property in accordance with an airport security program approved by the Transportation Security Administration of the United States Department of Homeland Security pursuant to 49 C.F.R. § 1542.101.*

Sec. 5. (Deleted by amendment.)

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

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

(a) Its own government; and

(b) The government of the System.

2. The Board of Regents shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265. *The rules prescribed by the Board of Regents pursuant to this subsection must not require a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, to obtain permission to carry a concealed firearm.*

3. *Any rules prescribed by the Board of Regents pursuant to subsection 2 before, on or after July 1, 2015, that are inconsistent with the provisions of subsection 2 are void.*

Sec. 7. The Board of Regents of the University of Nevada shall, on or before September 1, 2015, prescribe the rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265 required by subsection 2 of NRS 396.110, as amended by section 6 of this act.

Sec. 8. This act becomes effective on July 1, 2015.

