

SENATE BILL NO. 187—SENATORS SMITH, SPEARMAN, KIHUEN,
FORD, WOODHOUSE; ATKINSON, DENIS, MANENDO, PARKS
AND SEGERBLOM

FEBRUARY 23, 2015

JOINT SPONSORS: ASSEMBLYMEN SPRINKLE, JOINER,
ELLIOT ANDERSON AND THOMPSON

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning the ownership,
possession and control of firearms by certain
persons. (BDR 3-871)

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

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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; revising provisions concerning the
surrender, sale or transfer of any firearm by an adverse
party subject to an extended order for protection against
domestic violence; requiring a person convicted of a
battery which constitutes domestic violence or stalking to
permanently surrender, sell or transfer any such firearm;
adding additional persons to the list of people who are
prohibited from owning or having in their possession or
under their custody or control any firearm; providing
penalties; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes a court to include in an extended order for protection
- 2 against domestic violence: (1) a requirement that the adverse party surrender, sell or
- 3 transfer any firearm in his or her possession or under his or her custody or control;
- 4 and (2) a prohibition on the adverse party against possessing or having under his or
- 5 her custody or control any firearm while the order is in effect. (NRS 33.030)
- 6 **Section 1** of this bill requires the court to include such provisions in an extended
- 7 order for protection against domestic violence. Existing law also authorizes the
- 8 court to include in such an extended order a limited exception from the prohibition



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to possess or have under the adverse party's custody or control any firearm if the adverse party establishes certain facts relating to the necessity of using or possessing a firearm for purposes of his or her employment. (NRS 33.030) **Section 1** provides that the adverse party must also establish that he or she only uses or possesses the firearm in the course of his or her employment. Additionally, existing law provides that an adverse party who violates any provision included in an extended order for protection against domestic violence concerning the surrender, sale, transfer, possession, custody or control of a firearm is guilty of a gross misdemeanor. (NRS 33.030) **Section 1** revises this penalty and provides that such a person is guilty of a category B felony.

Section 2 of this bill revises the methods by which an adverse party who is ordered to surrender, sell or transfer any firearm pursuant to an extended order for protection against domestic violence may do so by removing the option to surrender a firearm to a person designated by the court. **Section 2** also provides that if an adverse party does not have any firearm to surrender, sell or transfer, he or she must submit an affidavit to the court stating that fact. **Section 2** additionally provides that if an adverse party sells or transfers a firearm to a licensed firearm dealer, the licensed firearm dealer is required to provide the adverse party with a receipt containing certain information regarding the sale or transfer.

Sections 3 and 4 of this bill provide that in every judgment of conviction issued for a battery which constitutes domestic violence or stalking, respectively, the court must inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm, and order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or has in his or her possession or under his or her custody or control. Any person who violates a provision included in a judgment of conviction issued for a battery which constitutes domestic violence or stalking is guilty of a category B felony.

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm. A person who violates such a provision is guilty of a category B felony. (NRS 202.360) **Section 7** of this bill adds to such a list of persons: (1) a person who has been convicted of a crime that constitutes domestic violence pursuant to Nevada law or a substantially similar law of any other state; and (2) a person who has been convicted of stalking pursuant to Nevada law or a substantially similar law of any other state. **Section 5** of this bill requires such a person to surrender, sell or transfer any firearm that the person owns, possesses or has under his or her custody or control, and sets forth the procedure relating to the surrender, sale or transfer of any such firearm.

Section 7 generally prohibits a person from having any firearm in his or her possession or under his or her custody or control if the person is currently subject to an extended order for protection against domestic violence in this State or an equivalent order in another state. A person who violates such a provision is guilty of a category B felony.

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

Section 1. NRS 33.031 is hereby amended to read as follows:
33.031 1. A court ~~may~~ **shall** include in an extended order issued pursuant to NRS 33.030:
(a) A requirement that the adverse party surrender, sell or transfer any firearm in the adverse party's possession or under the



adverse party's custody or control in the manner set forth in NRS 33.033; and

(b) A ~~{prohibition on}~~ *statement that, unless the provisions of subsection 2 apply,* the adverse party ~~{against}~~ *is prohibited from* possessing or having under the adverse party's custody or control any firearm while the order is in effect ~~{}~~ *pursuant to NRS 202.360.*

2. ~~{In determining whether to include the provisions set forth in subsection 1 in an extended order, the court must consider, without limitation, whether the adverse party:~~

~~—(a) Has a documented history of domestic violence;~~

~~—(b) Has used or threatened to use a firearm to injure or harass the applicant, a minor child or any other person; and~~

~~—(c) Has used a firearm in the commission or attempted commission of any crime.~~

~~—3. If a court includes the provisions set forth in subsection 1 in an extended order, the}~~ *The* court may include *in an extended order* a limited exception from the prohibition to possess or have under the adverse party's custody or control any firearm if the adverse party establishes that:

(a) The adverse party is employed by an employer who requires the adverse party to use or possess a firearm as an integral part of the adverse party's employment; ~~{and}~~

(b) *The adverse party only uses or possesses the firearm in the course of such employment; and*

(c) The employer will provide for the storage of any such firearm during any period when the adverse party is not working.

~~{4}~~ 3. An adverse party who violates any provision included in an extended order pursuant to this section concerning the surrender, sale, transfer, possession, custody or control of a firearm is guilty of a ~~{gross misdemeanor. If the court includes any such provision in an extended order, the}~~ *category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.* The court must include in the order a statement that violation of such a provision in the order is a ~~{gross misdemeanor.}~~ *category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.*

Sec. 2. NRS 33.033 is hereby amended to read as follows:

33.033 1. ~~{If a court orders}~~ *When* an adverse party *is ordered* to surrender , sell or transfer any firearm pursuant to



1 NRS 33.031, the adverse party shall, not later than 24 hours after
2 service of the order:

3 (a) Surrender any firearm in the adverse party's possession or
4 under the adverse party's custody or control to the appropriate local
5 law enforcement agency designated by the court in the order;

6 ~~(b) [Surrender any firearm in the adverse party's possession or
7 under the adverse party's custody or control to a person designated
8 by the court in the order; or~~

9 ~~—(e)—~~ Sell or transfer any firearm in the adverse party's possession
10 or under the adverse party's custody or control to a licensed firearm
11 dealer ~~[; or~~

12 *(c) Submit an affidavit:*

13 *(1) Informing the court that he or she currently does not*
14 *have any firearm in his or her possession or under his or her*
15 *custody or control; and*

16 *(2) Acknowledging that failure to surrender, sell or transfer*
17 *any firearm in his or her possession or under his or her custody or*
18 *control is a violation of the extended order and state law.*

19 2. If the court orders the adverse party to surrender any firearm
20 to a local law enforcement agency pursuant to paragraph (a) of
21 subsection 1, the law enforcement agency shall provide the adverse
22 party with a receipt which includes a description of each firearm
23 surrendered and the adverse party shall, not later than 72 hours or 1
24 business day, whichever is later, after surrendering any such
25 firearm, provide the receipt to the court.

26 3. ~~If the court orders the adverse party to surrender any~~
27 ~~firearm to a person designated by the court pursuant to paragraph (b)~~
28 ~~of subsection 1, the adverse party shall, not later than 72 hours or 1~~
29 ~~business day, whichever is later, after the adverse party surrenders~~
30 ~~any firearm to such person, provide to the court and the appropriate~~
31 ~~local law enforcement agency the name and address of the person~~
32 ~~designated in the order and a written description of each firearm~~
33 ~~surrendered to such person.~~

34 ~~—4.—~~ If the adverse party sells or transfers any firearm to a
35 licensed firearm dealer ~~[that is subject to an order]~~ pursuant to
36 paragraph ~~[(e)] (b)~~ of subsection 1 ~~[, the]~~ :

37 *(a) The licensed firearm dealer shall provide the adverse party*
38 *with a receipt which includes a description of each firearm sold or*
39 *transferred and, if the firearm was transferred, whether the*
40 *transfer is permanent or temporary; and*

41 *(b) The adverse party shall, not later than 72 hours or 1 business*
42 *day, whichever is later, after such sale or transfer, provide the*
43 *receipt* to the court and the appropriate local law enforcement
44 agency . ~~[a receipt of such sale or transfer and a written description~~
45 ~~of each firearm sold or transferred.~~



~~5.1~~ 4. If there is probable cause to believe that the adverse party has not surrendered, sold or transferred any firearm in the adverse party's possession or under the adverse party's custody or control within 24 hours after service of the order, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the law enforcement officer to enter and search any place where there is probable cause to believe any firearm is located and seize the firearm.

~~16.1~~ 5. A local law enforcement agency may charge and collect a fee from the adverse party for the collection and storage of a firearm pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency to provide the service.

6. A licensed firearm dealer may charge and collect a fee from the adverse party for the storage of a firearm pursuant to this section.

7. As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Sec. 3. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.



2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➤ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

6. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by



1 the Division of Public and Behavioral Health of the Department of
2 Health and Human Services.

3 7. If it appears from information presented to the court that a
4 child under the age of 18 years may need counseling as a result of
5 the commission of a battery which constitutes domestic violence
6 pursuant to NRS 33.018, the court may refer the child to an agency
7 which provides child welfare services. If the court refers a child to
8 an agency which provides child welfare services, the court shall
9 require the person convicted of a battery which constitutes domestic
10 violence pursuant to NRS 33.018 to reimburse the agency for the
11 costs of any services provided, to the extent of the convicted
12 person's ability to pay.

13 8. If a person is charged with committing a battery which
14 constitutes domestic violence pursuant to NRS 33.018, a
15 prosecuting attorney shall not dismiss such a charge in exchange for
16 a plea of guilty, guilty but mentally ill or nolo contendere to a lesser
17 charge or for any other reason unless the prosecuting attorney
18 knows, or it is obvious, that the charge is not supported by probable
19 cause or cannot be proved at the time of trial. A court shall not grant
20 probation to and, except as otherwise provided in NRS 4.373 and
21 5.055, a court shall not suspend the sentence of such a person.

22 9. *In every judgment of conviction issued pursuant to this*
23 *section, the court shall:*

24 *(a) Inform the person convicted that he or she is prohibited*
25 *from owning, possessing or having under his or her custody or*
26 *control any firearm pursuant to NRS 202.360; and*

27 *(b) Order the person convicted to permanently surrender, sell*
28 *or transfer any firearm that he or she owns or that is in his or her*
29 *possession or under his or her custody or control in the manner*
30 *set forth in section 5 of this act.*

31 10. *A person who violates any provision included in a*
32 *judgment of conviction issued pursuant to this section concerning*
33 *the surrender, sale, transfer, ownership, possession, custody or*
34 *control of a firearm is guilty of a category B felony and shall be*
35 *punished by imprisonment in the state prison for a minimum term*
36 *of not less than 1 year and a maximum term of not more than 6*
37 *years, and may be further punished by a fine of not more than*
38 *\$5,000. The court must include in the judgment of conviction a*
39 *statement that a violation of such a provision in the judgment is a*
40 *category B felony and shall be punished by imprisonment in the*
41 *state prison for a minimum term of not less than 1 year and a*
42 *maximum term of not more than 6 years, and may be further*
43 *punished by a fine of not more than \$5,000.*

44 11. As used in this section:



1 (a) "Agency which provides child welfare services" has the
2 meaning ascribed to it in NRS 432B.030.

3 (b) "Battery" has the meaning ascribed to it in paragraph (a) of
4 subsection 1 of NRS 200.481.

5 (c) "Offense" includes a battery which constitutes domestic
6 violence pursuant to NRS 33.018 or a violation of the law of any
7 other jurisdiction that prohibits the same or similar conduct.

8 **Sec. 4.** NRS 200.575 is hereby amended to read as follows:

9 200.575 1. A person who, without lawful authority, willfully
10 or maliciously engages in a course of conduct that would cause a
11 reasonable person to feel terrorized, frightened, intimidated,
12 harassed or fearful for the immediate safety of a family or household
13 member, and that actually causes the victim to feel terrorized,
14 frightened, intimidated, harassed or fearful for the immediate safety
15 of a family or household member, commits the crime of stalking.
16 Except where the provisions of subsection 2 or 3 are applicable, a
17 person who commits the crime of stalking:

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

19 (b) For any subsequent offense, is guilty of a gross
20 misdemeanor.

21 2. A person who commits the crime of stalking and in
22 conjunction therewith threatens the person with the intent to cause
23 the person to be placed in reasonable fear of death or substantial
24 bodily harm commits the crime of aggravated stalking. A person
25 who commits the crime of aggravated stalking shall be punished for
26 a category B felony by imprisonment in the state prison for a
27 minimum term of not less than 2 years and a maximum term of not
28 more than 15 years, and may be further punished by a fine of not
29 more than \$5,000.

30 3. A person who commits the crime of stalking with the use of
31 an Internet or network site, electronic mail, text messaging or any
32 other similar means of communication to publish, display or
33 distribute information in a manner that substantially increases the
34 risk of harm or violence to the victim shall be punished for a
35 category C felony as provided in NRS 193.130.

36 4. Except as otherwise provided in subsection 2 of NRS
37 200.571, a criminal penalty provided for in this section may be
38 imposed in addition to any penalty that may be imposed for any
39 other criminal offense arising from the same conduct or for any
40 contempt of court arising from the same conduct.

41 5. *In every judgment of conviction issued pursuant to this*
42 *section, the court shall:*

43 (a) *Inform the person convicted that he or she is prohibited*
44 *from owning, possessing or having under his or her control or*
45 *custody any firearm pursuant to NRS 202.360; and*



(b) *Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in section 5 of this act.*

6. *A person who violates any provision included in a judgment of conviction issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the judgment of conviction a statement that a violation of such a provision in the judgment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.*

7. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~16-1~~ 8. As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.

(b) "Family or household member" means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.

(c) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

(d) "Network" has the meaning ascribed to it in NRS 205.4745.

(e) "Provider of Internet service" has the meaning ascribed to it in NRS 205.4758.

(f) "Text messaging" means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person's telephone or computer by addressing the communication to the recipient's telephone number.

(g) "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, camera operator or other person while gathering information for communication to the public if that person is employed or engaged



1 by or has contracted with a newspaper, periodical, press association
2 or radio or television station and is acting solely within that
3 professional capacity.

4 (3) The activities of a person that are carried out in the
5 normal course of his or her lawful employment.

6 (4) Any activities carried out in the exercise of the
7 constitutionally protected rights of freedom of speech and assembly.

8 **Sec. 5.** Chapter 202 of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 *1. If a person is prohibited from owning, possessing or*
11 *having under his or her custody or control a firearm pursuant to*
12 *NRS 200.485 or 200.575, the court in which the person is*
13 *convicted shall order the person to surrender any firearm that the*
14 *person owns or that is in his or her possession or under his or her*
15 *custody or control to a designated law enforcement agency or a*
16 *licensed firearm dealer, and the person shall, not later than 24*
17 *hours after service of the order:*

18 *(a) Surrender any firearm that the person owns or that is in*
19 *his or her possession or under his or her custody or control to the*
20 *appropriate local law enforcement agency designated by the court*
21 *in the order;*

22 *(b) Sell or transfer any firearm that the person owns or that is*
23 *in his or her possession or under his or her custody or control to a*
24 *licensed firearm dealer; or*

25 *(c) Submit an affidavit:*

26 *(1) Informing the court that he or she currently does not*
27 *own or have any firearm in his or her possession or under his or*
28 *her custody or control; and*

29 *(2) Acknowledging that failure to surrender, sell or transfer*
30 *any firearm that he or she owns or has in his or her possession or*
31 *under his or her custody or control is a violation of the order and*
32 *state law.*

33 *2. If the court orders a person to surrender any firearm to a*
34 *local law enforcement agency pursuant to paragraph (a) of*
35 *subsection 1, the law enforcement agency shall provide the person*
36 *with a receipt which includes a description of each firearm*
37 *surrendered and the person shall, not later than 72 hours or 1*
38 *business day, whichever is later, after surrendering any such*
39 *firearm, provide the receipt to the court.*

40 *3. If a person sells or transfers any firearm to a licensed*
41 *firearm dealer pursuant to paragraph (b) of subsection 1:*

42 *(a) The licensed firearm dealer shall provide the person with a*
43 *receipt which includes a description of each firearm sold or*
44 *transferred; and*



1 ***(b) The person shall, not later than 72 hours or 1 business day,***
2 ***whichever is later, after such sale or transfer, provide the receipt***
3 ***to the court and the appropriate local law enforcement agency.***

4 ***4. If there is probable cause to believe that the person has not***
5 ***surrendered, sold or transferred any firearm that the person owns***
6 ***or in the person's possession or under the person's custody or***
7 ***control within 24 hours after service of the order, the court may***
8 ***issue and deliver to any law enforcement officer a search warrant***
9 ***which authorizes the law enforcement officer to enter and search***
10 ***any place where there is probable cause to believe any firearm is***
11 ***located and seize the firearm.***

12 ***5. A local law enforcement agency may charge and collect a***
13 ***fee from the person for the collection of a firearm pursuant to this***
14 ***section. The fee must not exceed the cost incurred by the local law***
15 ***enforcement agency to provide the service.***

16 ***6. As used in this section, "licensed firearm dealer" means a***
17 ***person licensed pursuant to 18 U.S.C. § 1923(a).***

18 **Sec. 6.** NRS 202.253 is hereby amended to read as follows:

19 202.253 As used in NRS 202.253 to 202.369, inclusive **†** ,
20 ***and section 5 of this act:***

21 1. "Explosive or incendiary device" means any explosive or
22 incendiary material or substance that has been constructed, altered,
23 packaged or arranged in such a manner that its ordinary use would
24 cause destruction or injury to life or property.

25 2. "Firearm" means any device designed to be used as a
26 weapon from which a projectile may be expelled through the barrel
27 by the force of any explosion or other form of combustion.

28 3. "Firearm capable of being concealed upon the person"
29 applies to and includes all firearms having a barrel less than 12
30 inches in length.

31 4. "Motor vehicle" means every vehicle that is self-propelled.

32 **Sec. 7.** NRS 202.360 is hereby amended to read as follows:

33 202.360 1. A person shall not own or have in his or her
34 possession or under his or her custody or control any firearm if the
35 person:

36 (a) Has been convicted of a felony in this **State** or any other
37 state, or in any political subdivision thereof, or of a felony in
38 violation of the laws of the United States of America, unless the
39 person has received a pardon and the pardon does not restrict his or
40 her right to bear arms;

41 ***(b) Has been convicted of a crime that constitutes domestic***
42 ***violence pursuant to NRS 33.018 or a substantially similar law of***
43 ***any other state;***

44 ***(c) Has been convicted of a violation of NRS 200.575 or a***
45 ***substantially similar law of any other state;***



(d) Except as otherwise provided in NRS 33.031, is currently subject to an extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, or an equivalent order in another state;

(e) Is a fugitive from justice; or

~~(e)~~ *(f) Is an unlawful user of, or addicted to, any controlled substance.*

➤ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(b) Is illegally or unlawfully in the United States.

➤ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 8. 1. The provisions of NRS 33.031 and 33.033, as amended by sections 1 and 2 of this act, apply to an extended order issued pursuant to NRS 33.030 on or after October 1, 2015.

2. The provisions of NRS 200.485 and 200.575, as amended by sections 3 and 4 of this act, apply to judgments of conviction issued on or after October 1, 2015.

3. The provisions of paragraphs (b) and (c) of subsection 1 of NRS 202.360, as amended by section 7 of this act, apply to an offense committed before, on or after October 1, 2015.

4. The provisions of paragraph (d) of subsection 1 of NRS 202.360, as amended by section 7 of this act, apply to an extended order issued pursuant to NRS 33.030 on or after October 1, 2015.

