

Amendment No. 567

Senate Amendment to Senate Bill No. 124 First Reprint	(BDR 3-307)
Proposed by: Senator Cannizzaro	
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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

CSL/RBL



Date: 4/22/2017

S.B. No. 124—Revises provisions concerning the ownership, possession and control of firearms by certain persons. (BDR 3-307)



SENATE BILL NO. 124—SENATORS SPEARMAN, RATTI, FORD, WOODHOUSE,
ATKINSON; CANCELA, CANNIZZARO, MANENDO, PARKS AND SEGERBLOM

PREFILED FEBRUARY 13, 2017

JOINT SPONSOR: ASSEMBLYMAN SPRINKLE

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning the ownership, possession and control of firearms by certain persons. (BDR 3-307)

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 ~~for~~ and a person convicted of stalking in certain circumstances to permanently surrender, sell or transfer any such firearm; adding additional persons to the list of persons 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:

Existing law authorizes a court to include in an extended order for protection against domestic violence: (1) a requirement that the adverse party surrender, sell or transfer any firearm in his or her possession or under his or her custody or control; and (2) a prohibition on the adverse party against possessing or having under his or her custody or control any firearm while the order is in effect. (NRS 33.031) Existing law also authorizes the court to include in such 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 certain facts relating to the necessity of using or possessing a firearm for purposes of his or her employment. (NRS 33.031) **Section 1** of this bill adds the requirement that the adverse party establish that he or she only uses or possesses the firearm in the course of his or her employment. Additionally, existing law makes 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 guilty of a gross misdemeanor. (NRS 33.031) **Section 1** increases the crime to 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** provides that an adverse party who does not have any firearm to surrender, sell or transfer 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)~~ **Section 3** of this bill ~~provide~~ **provides** that in every judgment of conviction issued for a battery which constitutes domestic violence ~~_, for 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. **Section 4 of this bill requires a court to include a finding on the judgment of conviction of a person convicted of stalking if the court determines the victim has an ongoing, reasonable fear of physical harm and the convicted person has a relationship with the victim that also makes the act domestic violence. If such a finding is entered on the judgment of conviction, section 4 prohibits the convicted person from owning, possessing or having under his or her custody or control any firearm.** Sections 3 and 4 also provide that ~~any~~ a person who violates a provision included in a judgment of conviction issued for a battery which constitutes domestic violence or stalking **relating to owning, possessing or taking other actions relating to a firearm** 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;~~ (2) **a person who has been convicted of stalking pursuant to Nevada law or a substantially similar law of any other state** ~~and the court has entered a finding on the judgment of conviction described above;~~ and ~~(3)~~ **(2)** a person currently subject to an extended order for protection against domestic violence in this State or an equivalent order in 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.

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 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 3 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 ~~and 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 court may include a limited exception from the prohibition to possess or

1 have under the adverse party's custody or control any firearm if the adverse party
2 establishes that:

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

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

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

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

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

22 33.033 1. If a court orders an adverse party to surrender , *sell or transfer*
23 any firearm pursuant to NRS 33.031, the adverse party shall, not later than 24 hours
24 after service of the order:

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

28 (b) ~~Surrender any firearm in the adverse party's possession or under the~~
29 ~~adverse party's custody or control to a person designated by the court in the order;~~
30 ~~or~~

31 ~~—(e) Sell or transfer any firearm in the adverse party's possession or under the~~
32 ~~adverse party's custody or control to a licensed firearm dealer~~ *H ; or*

33 (c) *Submit an affidavit:*

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

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

39 2. If the court orders the adverse party to surrender any firearm to a local law
40 enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement
41 agency shall provide the adverse party with a receipt which includes a description
42 of each firearm surrendered and the adverse party shall, not later than 72 hours or 1
43 business day, whichever is later, after surrendering any such firearm, provide the
44 receipt to the court.

45 3. ~~If the court orders the adverse party to surrender any firearm to a person~~
46 ~~designated by the court pursuant to paragraph (b) of subsection 1, the adverse party~~
47 ~~shall, not later than 72 hours or 1 business day, whichever is later, after the adverse~~
48 ~~party surrenders any firearm to such person, provide to the court and the~~
49 ~~appropriate local law enforcement agency the name and address of the person~~
50 ~~designated in the order and a written description of each firearm surrendered to~~
51 ~~such person.~~

1 ~~4.1~~ If the adverse party sells or transfers any firearm to a licensed firearm
2 dealer ~~that is subject to an order~~ pursuant to paragraph ~~(c)~~ (b) of subsection 1 ~~+~~
3 ~~the~~ :

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

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

11 ~~5.1~~ 4. If there is probable cause to believe that the adverse party has not
12 surrendered, sold or transferred any firearm in the adverse party's possession or
13 under the adverse party's custody or control within 24 hours after service of the
14 order, the court may issue and deliver to any law enforcement officer a search
15 warrant which authorizes the law enforcement officer to enter and search any place
16 where there is probable cause to believe any firearm is located and seize the
17 firearm.

18 ~~6.1~~ 5. A local law enforcement agency may charge and collect a fee from the
19 adverse party for the collection and storage of a firearm pursuant to this section.
20 The fee must not exceed the cost incurred by the local law enforcement agency to
21 provide the service.

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

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

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

27 200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or
28 NRS 200.481, a person convicted of a battery which constitutes domestic violence
29 pursuant to NRS 33.018:

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

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

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

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

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

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

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

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

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

52 2. Unless a greater penalty is provided pursuant to NRS 200.481, a person
53 convicted of a battery which constitutes domestic violence pursuant to NRS 33.018,

1 if the battery is committed by strangulation as described in NRS 200.481, is guilty
2 of a category C felony and shall be punished as provided in NRS 193.130 and by a
3 fine of not more than \$15,000.

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

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

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

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

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

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

32 6. In addition to any other penalty, the court may require such a person to
33 participate, at his or her expense, in a program of treatment for the abuse of alcohol
34 or drugs that has been certified by the Division of Public and Behavioral Health of
35 the Department of Health and Human Services.

36 7. If it appears from information presented to the court that a child under the
37 age of 18 years may need counseling as a result of the commission of a battery
38 which constitutes domestic violence pursuant to NRS 33.018, the court may refer
39 the child to an agency which provides child welfare services. If the court refers a
40 child to an agency which provides child welfare services, the court shall require the
41 person convicted of a battery which constitutes domestic violence pursuant to NRS
42 33.018 to reimburse the agency for the costs of any services provided, to the extent
43 of the convicted person's ability to pay.

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

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

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

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

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

18 *11. As used in this section:*

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

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

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

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

27 200.575 1. A person who, without lawful authority, willfully or maliciously
28 engages in a course of conduct that would cause a reasonable person to feel
29 terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a
30 family or household member, and that actually causes the victim to feel terrorized,
31 frightened, intimidated, harassed or fearful for the immediate safety of a family or
32 household member, commits the crime of stalking. Except where the provisions of
33 subsection 2 or 3 are applicable, a person who commits the crime of stalking:

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

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

36 2. A person who commits the crime of stalking and in conjunction therewith
37 threatens the person with the intent to cause the person to be placed in reasonable
38 fear of death or substantial bodily harm commits the crime of aggravated stalking.
39 A person who commits the crime of aggravated stalking shall be punished for a
40 category B felony by imprisonment in the state prison for a minimum term of not
41 less than 2 years and a maximum term of not more than 15 years, and may be
42 further punished by a fine of not more than \$5,000.

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

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

52 ~~5. In every~~ *5. If the court finds that a person convicted of stalking pursuant*
53 *to this section committed the crime against a person listed in subsection 1 of NRS*

33.018 and that the victim has an ongoing, reasonable fear of physical harm, the court shall enter the finding in its judgment of conviction.

6. If the court includes such a finding in a judgment of conviction issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her control or 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.

~~16-7~~ 7. 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.

~~17-7~~ 8. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~16-8-7~~ 9. 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)~~ (f) "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 by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

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

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

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

3 1. *If a person is prohibited from owning, possessing or having under his or*
4 *her custody or control a firearm pursuant to NRS 202.360, the court in which the*
5 *person is convicted shall order the person to surrender any firearm that the*
6 *person owns or that is in his or her possession or under his or her custody or*
7 *control to a designated law enforcement agency or a licensed firearm dealer, and*
8 *the person shall, not later than 24 hours after service of the order:*

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

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

14 (c) *Submit an affidavit:*

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

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

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

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

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

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

33 4. *If there is probable cause to believe that the person has not surrendered,*
34 *sold or transferred any firearm that the person owns or in the person's possession*
35 *or under the person's custody or control within 24 hours after service of the*
36 *order, the court may issue and deliver to any law enforcement officer a search*
37 *warrant which authorizes the law enforcement officer to enter and search any*
38 *place where there is probable cause to believe any firearm is located and seize the*
39 *firearm.*

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

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

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

47 202.253 As used in NRS 202.253 to 202.369, inclusive ~~H~~, and section 5 of
48 *this act:*

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

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

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

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

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

202.360 1. 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 convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33); ~~for a crime which constitutes domestic violence pursuant to NRS 33.018 or a law of any other state that prohibits the same or substantially similar conduct.~~

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

(c) Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct ~~and the court entered a finding on the judgment of conviction pursuant to subsection 5 of NRS 200.575;~~

(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, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm, or an equivalent order in any other state;

(e) Is a fugitive from justice;

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

~~(g)~~ (g) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➤ 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 by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) 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.

1 **Sec. 8.** 1. The provisions of NRS 33.031 and 33.033, as amended by
2 sections 1 and 2 of this act, apply to an extended order issued pursuant to NRS
3 33.030 on or after October 1, 2017.

4 2. The provisions of NRS 200.485 and 200.575, as amended by sections 3 and
5 4 of this act, apply to a judgment of conviction issued on or after October 1, 2017.

6 3. The provisions of ~~paragraphs (a) and~~ **paragraph** (c) of subsection 1 of
7 NRS 202.360, as amended by section 7 of this act, apply to a judgment of
8 conviction issued on or after October 1, 2017.

9 4. The provisions of paragraph (d) of subsection 1 of NRS 202.360, as
10 amended by section 7 of this act, apply to an extended order issued pursuant to
11 NRS 33.030 on or after October 1, 2017.