

Amendment No. 388

Assembly Amendment to Assembly Bill No. 153	(BDR 15-119)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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.

VG/BAW



Date: 4/17/2019

A.B. No. 153—Revises provisions governing the storage of firearms.
(BDR 15-119)



ASSEMBLY BILL NO. 153—ASSEMBLYMEN FUMO, BILBRAY-AXELROD, ASSEFA;
COHEN, DURAN, GORELOW, JAUREGUI, MCCURDY, MONROE-MORENO,
TORRES AND WATTS

FEBRUARY 15, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the storage of firearms.
(BDR 15-119)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.

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 crimes; making it a crime to negligently store or leave a
firearm under certain circumstances; providing a penalty; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a child under the age of 18 years from handling, possessing or
controlling a firearm under certain circumstances. Existing law also prohibits a person from
aiding or knowingly permitting a child to handle, possess or control a firearm under certain
circumstances and sets forth penalties upon a person who is found guilty of such an offense. A
person does not aid or knowingly permit a child to violate such existing law if the firearm was
stored in a securely locked container or at a location which a reasonable person would have
believed to be secure. (NRS 202.300) **Section 1** of this bill makes it a misdemeanor to
negligently store or leave a firearm which a person knows or has reason to know that there is a
substantial risk that a child, who is otherwise prohibited from handling, possessing or
controlling a firearm, may obtain such a firearm.

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

Section 1. NRS 202.300 is hereby amended to read as follows:

202.300 1. Except as otherwise provided in this section, a child under the
age of 18 years shall not handle or have in his or her possession or under his or her
control, except while accompanied by or under the immediate charge of his or her
parent or guardian or an adult person authorized by his or her parent or guardian to
have control or custody of the child, any firearm of any kind for hunting or target
practice or for other purposes. A child who violates this subsection commits a
delinquent act and the court may order the detention of the child in the same

manner as if the child had committed an act that would have been a felony if committed by an adult.

2. A person who aids or knowingly permits a child to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any subsequent offense, 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.

3. A person does not aid or knowingly permit a child to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his or her official duties.

4. The provisions of subsection 1 do not apply to a child who is a member of the Armed Forces of the United States.

5. Unless a greater penalty is provided ~~pursuant to subsection 2,~~ by law, a person is guilty of a misdemeanor who:

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

~~[5.]~~ **6.** Except as otherwise provided in subsection ~~[8.]~~ **9**, a child who is 14 years of age or older, who has in his or her possession a valid license to hunt, may handle or have in his or her possession or under his or her control, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child:

(a) A rifle or shotgun that is not a fully automatic firearm, if the child is not otherwise prohibited by law from possessing the rifle or shotgun and the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun; or

(b) A firearm capable of being concealed upon the person, if the child has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm and the child is not otherwise prohibited by law from possessing such a firearm,

↳ and the child is traveling to the area in which the child will be hunting or returning from that area and the firearm is not loaded, or the child is hunting pursuant to that license.

~~[6.]~~ **7.** Except as otherwise provided in subsection ~~[8.]~~ **9**, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control a rifle or shotgun that is not a fully automatic firearm if the child is not otherwise prohibited by law from possessing the rifle or shotgun, without being accompanied by his or her parent or guardian or an adult person authorized by his

1 or her parent or guardian to have control or custody of the child, if the child has the
2 permission of his or her parent or guardian to handle or have in his or her
3 possession or under his or her control the rifle or shotgun and the child is:

4 (a) Attending a course of instruction in the responsibilities of hunters or a
5 course of instruction in the safe use of firearms;

6 (b) Practicing the use of a firearm at an established firing range or at any other
7 area where the discharge of a firearm is permitted;

8 (c) Participating in a lawfully organized competition or performance involving
9 the use of a firearm;

10 (d) Within an area in which the discharge of firearms has not been prohibited
11 by local ordinance or regulation and the child is engaging in a lawful hunting
12 activity in accordance with chapter 502 of NRS for which a license is not required;

13 (e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d),
14 and the firearm is not loaded;

15 (f) On real property that is under the control of an adult, and the child has the
16 permission of that adult to possess the firearm on the real property; or

17 (g) At his or her residence.

18 ~~7.7~~ 8. Except as otherwise provided in subsection ~~8.8~~ 9, a child who is 14
19 years of age or older may handle or have in his or her possession or under his or her
20 control, for the purpose of engaging in any of the activities listed in paragraphs (a)
21 to (g), inclusive, of subsection ~~6.6~~ 7, a firearm capable of being concealed upon the
22 person, without being accompanied by his or her parent or guardian or an adult
23 person authorized by his or her parent or guardian to have control or custody of the
24 child, if the child:

25 (a) Has the written permission of his or her parent or guardian to handle or
26 have in his or her possession or under his or her control such a firearm for the
27 purpose of engaging in such an activity; and

28 (b) Is not otherwise prohibited by law from possessing such a firearm.

29 ~~8.8~~ 9. A child shall not handle or have in his or her possession or under his
30 or her control a loaded firearm if the child is:

31 (a) An occupant of a motor vehicle;

32 (b) Within any residence, including his or her residence, or any building other
33 than a facility licensed for target practice, unless possession of the firearm is
34 necessary for the immediate defense of the child or another person; or

35 (c) Within an area designated by a county or municipal ordinance as a
36 populated area for the purpose of prohibiting the discharge of weapons, unless the
37 child is within a facility licensed for target practice.

38 ~~9.9~~ 10. For the purposes of this section, a firearm is loaded if:

39 (a) There is a cartridge in the chamber of the firearm;

40 (b) There is a cartridge in the cylinder of the firearm, if the firearm is a
41 revolver; or

42 (c) There is a cartridge in the magazine and the magazine is in the firearm or
43 there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

44 **Sec. 2.** NRS 502.010 is hereby amended to read as follows:

45 502.010 1. A person who hunts or fishes any wildlife without having first
46 procured a license or permit to do so, as provided in this title, is guilty of a
47 misdemeanor, except that:

48 (a) A license to hunt or fish is not required of a resident of this State who is
49 under 12 years of age, unless required for the issuance of tags as prescribed in this
50 title or by the regulations of the Commission.

51 (b) A license to fish is not required of a nonresident of this State who is under
52 12 years of age, but the number of fish taken by the nonresident must not exceed 50
53 percent of the daily creel and possession limits as provided by law.

1 (c) Except as otherwise provided in subsection ~~{5 or}~~ 6 or 7 of NRS 202.300
2 and NRS 502.066, it is unlawful for any child who is under 18 years of age to hunt
3 any wildlife with any firearm, unless the child is accompanied at all times by the
4 child's parent or guardian or is accompanied at all times by an adult person
5 authorized by the child's parent or guardian to have control or custody of the child
6 to hunt if the authorized person is also licensed to hunt.

7 (d) A child under 12 years of age, whether accompanied by a qualified person
8 or not, shall not hunt big game in the State of Nevada. This section does not
9 prohibit any child from accompanying an adult licensed to hunt.

10 (e) The Commission may adopt regulations setting forth:

11 (1) The species of wildlife which may be hunted or trapped without a
12 license or permit; or

13 (2) The circumstances under which a person may fish without a license,
14 permit or stamp in a lake or pond that is located entirely on private property and is
15 stocked with lawfully acquired fish.

16 (f) The Commission may declare 1 day per year as a day upon which persons
17 may fish without a license to do so.

18 2. This section does not apply to the protection of persons or property from
19 unprotected wildlife on or in the immediate vicinity of home or ranch premises.

20 **Sec. 3.** This act becomes effective upon passage and approval.