

Amendment No. 304

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| Assembly Amendment to Assembly Bill No. 272   | (BDR 15-603) |
| <b>Proposed by:</b> Assembly Committee on Judiciary                                 |              |
| <b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes |              |

Adoption of this amendment will:

(1) ADD a 2/3s majority vote requirement for final passage of A.B. 272 (§ 1).

(2) REMOVE the unfunded mandate from A.B. 272.

| 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.

BAW



Date: 4/16/2019

A.B. No. 272—Requires law enforcement agencies in certain counties to participate in the National Integrated Ballistic Information Network.  
(BDR 15-603)





ASSEMBLY BILL NO. 272—ASSEMBLYMEN ROBERTS;  
HAFEN, HANSEN, LEAVITT, NGUYEN AND YEAGER

MARCH 15, 2019

Referred to Committee on Judiciary

SUMMARY—Requires law enforcement agencies in certain counties to participate in the National Integrated Ballistic Information Network. (BDR 15-603)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

~~{CONTAINS UNFUNDED MANDATE (§ 1)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)}~~

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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 law enforcement; requiring law enforcement agencies in certain counties to participate in the National Integrated Ballistic Information Network of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill requires law enforcement agencies in a county whose population is ~~{700,000}~~ **100,000** or more (currently Clark ~~{County}~~ **and Washoe Counties**) to participate in the National Integrated Ballistic Information Network of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. **Section 1** of this bill: (1) requires the board of county commissioners of such a county to designate a forensic laboratory **or laboratories** to conduct ~~{ballistics testing}~~ **tests** and perform other duties set forth in **section 1**; (2) requires any law enforcement agency in the county that seizes or recovers a ~~{firearm}~~ **semiautomatic pistol or shell casing from a semiautomatic pistol** which was unlawfully possessed, used for an unlawful purpose, recovered from a crime scene or reasonably believed to have been used in or associated with the commission of a crime to deliver the ~~{firearm}~~ **semiautomatic pistol or shell casing to the** a designated forensic laboratory for the purpose of ~~{ballistics}~~ testing; and (3) requires ~~{the}~~ **a** designated forensic laboratory to conduct ~~{a ballistics test}~~ **tests** on the ~~{firearm}~~ **semiautomatic pistol or shell casing** and to input the resulting data from the ~~{ballistics test}~~ **tests** into the National Integrated Ballistic Information Network of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. **Section 1** also requires ~~{the}~~ **a** designated forensic laboratory: (1) to coordinate with all participating law enforcement agencies when investigations require the use of the National Integrated Ballistic Information Network; and (2) as feasible, to provide expert ~~{witnesses}~~ **witness testimony** during criminal cases. ~~{for purposes of providing expert testimony regarding ballistics testing.}~~

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

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

1. *In a county whose population is ~~700,000~~ 100,000 or more:*

(a) *The board of county commissioners of the county shall designate a forensic laboratory or laboratories to conduct ~~ballistics~~ tests and perform the other duties set forth in this section.*

(b) *Except as otherwise provided in this paragraph, any law enforcement agency in the county that seizes or recovers a ~~firearm~~ semiautomatic pistol or shell casing from a semiautomatic pistol which was unlawfully possessed, used for an unlawful purpose, recovered from a crime scene or reasonably believed to have been used in or associated with the commission of a crime shall, as soon as practicable after seizing or recovering the ~~firearm~~ semiautomatic pistol or shell casing, deliver the ~~firearm~~ semiautomatic pistol or shell casing to ~~the~~ a designated forensic laboratory for the purpose of ~~ballistics~~ testing. If a ~~firearm~~ semiautomatic pistol or shell casing is being used as evidence in a criminal case, the ~~firearm~~ semiautomatic pistol or shell casing must be delivered to ~~the~~ a designated forensic laboratory as soon as possible after the ~~firearm~~ semiautomatic pistol or shell casing is no longer being used as evidence in the criminal case.*

(c) *Upon receipt of a ~~firearm~~ semiautomatic pistol from a law enforcement agency pursuant to this section, the designated forensic laboratory shall:*

(1) *~~Conduct a ballistics test on the firearm.~~ Test the semiautomatic pistol, which must include, without limitation, firing the ~~firearm~~ semiautomatic pistol and photographing bullets and shell casings;*

(2) *Input the resulting data from the ~~ballistics test~~ test-fired cartridge case into the National Integrated Ballistic Information Network; and*

(3) *After performing the duties set forth in subparagraphs (1) and (2), return the ~~firearm~~ semiautomatic pistol to the law enforcement agency that delivered the ~~firearm~~ semiautomatic pistol.*

(d) *Upon receipt of a shell casing from a law enforcement agency pursuant to this section, the designated forensic laboratory shall:*

(1) *Conduct a ballistics test on the shell casing;*

(2) *Input the resulting data from the ballistics test into the National Integrated Ballistic Information Network; and*

(3) *After performing the duties set forth in subparagraphs (1) and (2), return the shell casing to the law enforcement agency that delivered the shell casing.*

(e) *In addition to performing the duties set forth in ~~paragraph (c), the~~ paragraphs (c) and (d), a designated forensic laboratory shall:*

(1) *Coordinate with all participating law enforcement agencies when investigations require the use of the National Integrated Ballistic Information Network; and*

(2) *As feasible, provide expert ~~witnesses~~ witness testimony during criminal cases. ~~For purposes of providing expert testimony regarding ballistics testing.~~*

(f) *A designated forensic laboratory may charge a law enforcement agency for its actual costs in performing its duties pursuant to this section.*

2. *As used in this section:*

1 (a) "Designated forensic laboratory" means ~~the~~ a forensic laboratory  
2 designated by the board of county commissioners pursuant to paragraph (a) of  
3 subsection 1.

4 (b) "National Integrated Ballistic Information Network" means the National  
5 Integrated Ballistic Information Network established and maintained by the  
6 Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States  
7 Department of Justice.

8 **Sec. 2.** NRS 202.253 is hereby amended to read as follows:

9 202.253 As used in NRS 202.253 to 202.369, inclusive ~~it~~, and section 1 of  
10 this act:

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

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

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

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

21 **Sec. 3.** ~~The provisions of NRS 254.599 do not apply to any additional~~  
22 ~~expenses of a local government that are related to the provisions of this act.]~~  
23 (Deleted by amendment.)