

SENATE BILL NO. 274—SENATORS SCHEIBLE AND CANNIZZARO

MARCH 13, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes.
(BDR 15-1076)

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 crimes; revising the penalties for certain acts related to discharging a firearm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who willfully and maliciously discharges a firearm at or into certain structures: (1) if such a structure has been abandoned, is guilty of a misdemeanor; and (2) if the structure is occupied, is guilty of a category B felony punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 6 years. (NRS 202.285) **Section 1** of this bill revises the penalty by providing that willfully and maliciously discharging a firearm at or into certain structures, if such a structure is occupied, is punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 10 years.

Existing law provides that a person who maliciously or wantonly discharges a firearm within or from a structure or a vehicle: (1) if the structure or vehicle is not in a populated area designated for the purpose of prohibiting the discharge of weapons, is guilty of a misdemeanor; and (2) if the structure or vehicle is within a populated area designated for the purpose of prohibiting the discharge of weapons, is guilty of a category B felony punishable by imprisonment for a minimum term of not less than 2 years and a maximum term of not more than 15 years. (NRS 202.287) **Section 2** of this bill revises the penalty by providing that maliciously or wantonly discharging a firearm within or from a structure or a vehicle in a populated area designated as such for the purpose of prohibiting the discharge of weapons, is punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 10 years.



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

Section 1. NRS 202.285 is hereby amended to read as follows:

202.285 1. A person who willfully and maliciously discharges a firearm at or into any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, railroad locomotive, car or tender:

(a) If it has been abandoned, is guilty of a misdemeanor unless a greater penalty is provided in NRS 202.287.

(b) If it is occupied, 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~~ 10 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

2. Whenever a firearm is so discharged at or into any vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, railroad locomotive, car or tender, in motion or at rest, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, locomotive or railroad car may have run on the trip during which the firearm was discharged at or into it.

Sec. 2. NRS 202.287 is hereby amended to read as follows:

202.287 1. A person who is in, on or under a structure or vehicle and who maliciously or wantonly discharges or maliciously or wantonly causes to be discharged a firearm within or from the structure or vehicle:

(a) If the structure or vehicle is not within an area designated by city or county ordinance as a populated area for the purpose of prohibiting the discharge of weapons, is guilty of a misdemeanor.

(b) If the structure or vehicle is within an area designated by city or county ordinance as a populated area for the purpose of prohibiting the discharge of weapons, 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 ~~2 years~~ 1 year and a maximum term of not more than ~~15~~ 10 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

2. If a firearm is discharged within or out of any vehicle that is in motion or at rest and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vehicle may have run on the trip during which the firearm was discharged.

3. The provisions of this section do not apply to:



(a) A person who lawfully shoots at a game mammal or game bird pursuant to subsection 2 of NRS 503.010.

(b) A peace officer while engaged in the performance of his or her official duties.

(c) A person who discharges a firearm in a lawful manner and in the course of a lawful business, event or activity.

4. As used in this section:

(a) "Structure" means any temporary or permanent structure, including, but not limited to, any tent, house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building.

(b) "Vehicle" means any motor vehicle or trailer designed for use with a motor vehicle, whether or not it is self-propelled, operated on rails or propelled by electric power obtained from overhead wires.

Sec. 3. This act becomes effective on July 1, 2019.

