

ASSEMBLY BILL NO. 81—ASSEMBLYMAN HAFEN

PREFILED JANUARY 30, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing firearms.
(BDR 15-117)

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; authorizing a person who holds a permit to carry a concealed firearm to possess a handgun in a motor vehicle that is on the property of the Nevada System of Higher Education or a private or public school or child care facility in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits, with certain exceptions, a person from carrying or possessing certain weapons, including, without limitation, pistols, revolvers or other firearms, while on the property of the Nevada System of Higher Education or a private or public school or child care facility or while in a vehicle of a private or public school or child care facility; and (2) provides that any person who violates such a provision is guilty of a gross misdemeanor. (NRS 202.265) Existing law also prohibits a person who holds a permit to carry a concealed firearm from carrying a concealed firearm while on the premises of a public building that is located on the property of the Nevada System of Higher Education or a public school or child care facility without written permission from the president of a branch or facility of the Nevada System of Higher Education, the principal of the school or the person designated by the child care facility to give permission to carry or possess the weapon. Any person who violates such a provision is guilty of a misdemeanor. (NRS 202.265, 202.3673)

Section 1 of this bill authorizes a person who holds a permit to carry a concealed firearm to possess a handgun on the property of the Nevada System of Higher Education or a private or public school or child care facility, if the handgun remains out of common observation and is: (1) inside an occupied motor vehicle or an unoccupied and locked motor vehicle; or (2) stored in a locked container that is affixed securely to a motor vehicle. **Section 2** of this bill makes a technical correction to a citation to federal law. **Section 3** of this bill makes a conforming change to reflect the changes made by **section 1**.



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

Section 1. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education ~~{ }~~ or a private or public school or child care facility, or while in a ~~{vehicle}~~ *school bus* of a private or public school or child care facility:

- (a) An explosive or incendiary device;
- (b) A dirk, dagger or switchblade knife;
- (c) A nunchaku or trefoil;
- (d) A blackjack or billy club or metal knuckles;
- (e) A pneumatic gun;
- (f) A pistol, revolver or other firearm; or
- (g) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of ~~{a}~~ :

(a) A weapon listed in subsection 1 on the property of:

~~{(a)-A}~~

(1) The Nevada System of Higher Education or a private or public school or child care facility by a:

~~{(1)}~~ *(I) Peace officer;*

~~{(2)}~~ *(II) School security guard; or*

~~{(3)}~~ *(III) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education, ~~{or}~~ the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.*

~~{(b)}~~ *(2) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.*

(b) A handgun on the property of the Nevada System of Higher Education or a private or public school or child care facility by a person who holds a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, if the handgun remains out of common observation and is:

(1) Inside a motor vehicle, other than a school bus, that is:

(I) Occupied; or

(II) Unoccupied and locked; or



(2) *Stored in a locked container that is affixed securely to a motor vehicle, other than a school bus.*

4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

5. For the purposes of this section:

(a) "Child care facility" means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

(b) *"Handgun" has the meaning ascribed to it in NRS 202.3653.*

(c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

~~[(e)]~~ (d) "Pneumatic gun" means any implement designed as a gun that may expel a ball bearing or a pellet by action of pneumatic pressure. The term includes, without limitation, a paintball gun that expels plastic balls filled with paint for the purpose of marking the point of impact.

~~[(d)]~~ (e) *"School bus" has the meaning ascribed to it in NRS 484A.230 and includes any motor vehicle owned by or under the control of a child care facility and regularly operated for the transportation of children to or from the child care facility or an activity in which the child care facility is participating.*

(f) "Switchblade knife" means a spring-blade knife, snap-blade knife or any other knife having the appearance of a pocketknife, any blade of which is 2 or more inches long and which can be released automatically by a flick of a button, pressure on the handle or other mechanical device, or is released by any type of mechanism. The term does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release.

~~[(e)]~~ (g) "Trefoil" has the meaning ascribed to it in NRS 202.350.

~~[(f)] "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.]~~

Sec. 2. NRS 202.3653 is hereby amended to read as follows:

202.3653 As used in NRS 202.3653 to 202.369, inclusive, unless the context otherwise requires:

1. "Concealed firearm" means a loaded or unloaded handgun which is carried upon a person in such a manner as not to be discernible by ordinary observation.

2. "Department" means the Department of Public Safety.

3. "Handgun" has the meaning ascribed to it in 18 U.S.C. § ~~921(a)(29)]~~ **921.**

4. "Permit" means a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive.



Sec. 3. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee ~~has~~ :

(1) Has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to ~~sub-subparagraph (III) of~~ subparagraph ~~(3)~~ (1) of paragraph (a) of subsection 3 of NRS 202.265 ~~H~~ ; or

(2) Possesses a handgun in accordance with the provisions of paragraph (b) of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section:



(a) “Child care facility” has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 202.265.

(b) “Public building” means any building or office space occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➤ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 4. This act becomes effective on July 1, 2023.

