SENATE BILL NO. 347–SENATORS SCHEIBLE, CANNIZZARO; DONDERO LOOP AND PAZINA

MARCH 13, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to mental health crisis holds. (BDR 39-8)

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 public safety; establishing procedures governing the confiscation and return of firearms involving persons placed on a mental health crisis hold; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an officer authorized to make arrests in this State and certain providers of health care who, based on personal observation of a person, have probable cause to believe that the person is in a mental health crisis, may place the person on a mental health crisis hold. (NRS 433A.160) Under existing law, a mental health crisis hold is the detention of a person alleged to be a person in a mental health crisis for transport, assessment, evaluation, intervention and treatment, which generally may last not more than 72 hours. (NRS 433A.0175, 433A.150)

Existing law also authorizes an officer who has probable cause to believe that a person poses a risk of causing a self-inflicted injury or a personal injury to another person by possessing or purchasing a firearm to file an application for an order for protection against high-risk behavior. (NRS 33.560) Under existing law, an order for protection against high-risk behavior, among other things, requires the person to surrender any firearm possessed or controlled by the person and prohibits the person from possessing or controlling a firearm while the order is in effect. (NRS 33.590)

This bill authorizes an officer to immediately confiscate a firearm that is on the person or in the immediate vicinity of a person placed on a mental health crisis hold and requires the officer, at the time that the firearm is confiscated, to provide the person with a receipt which describes the firearm and a notice which sets forth the procedures governing the return of the firearm.

This bill requires the law enforcement agency retaining custody of the confiscated firearm to, upon the release of the person from treatment, return the firearm to the person unless: (1) an officer of the law enforcement agency files a

verified application for an order for protection against high-risk behavior; or (2) the person is prohibited by law from owning, possessing or having custody or control of the firearm.

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

Section 1. Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An officer authorized to make arrests in the State of Nevada may immediately confiscate any firearm found to be on the person or in the immediate vicinity of a person placed on a mental health crisis hold pursuant to NRS 433A.160.

2. If an officer confiscates a firearm from a person placed on a mental health crisis hold pursuant to subsection 1, the officer shall immediately provide the person with:

(a) A receipt which includes a description of the firearm; and

(b) A notice describing the procedures set forth in this section for the return of the firearm.

3. Upon the release of the person from treatment, the law enforcement agency retaining custody of the confiscated firearm shall make the firearm available for return to the person unless:

(a) An officer of the law enforcement agency files a verified application for an order for protection against high-risk behavior pursuant to NRS 33.560; or

(b) The person is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360.

Sec. 2. This act becomes effective on July 1, 2025.

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