

SENATE BILL NO. 199—SENATOR MCGINNESS

FEBRUARY 25, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions pertaining to firearms. (BDR 15-331)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 firearms; prohibiting the sale or disposition of firearms or ammunition to certain persons; prohibiting possession of a firearm on which the serial number has been intentionally changed, altered, removed or obliterated; revising the provisions pertaining to possession of a firearm by certain persons; making various other changes to the provisions pertaining to firearms; providing penalties; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 202 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. Except as otherwise provided in subsection 3, a person***
4 ***within this state shall not sell or otherwise dispose of any firearm***
5 ***or ammunition to another person if he has actual knowledge that***
6 ***the other person:***
7 ***(a) Is under indictment for, or has been convicted of, a felony***
8 ***in this or any other state, or in any political subdivision thereof, or***
9 ***of a felony in violation of the laws of the United States of America,***
10 ***unless he has received a pardon and the pardon does not restrict***
11 ***his right to bear arms;***
12 ***(b) Is a fugitive from justice;***



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1 (c) *Is an unlawful user of, or addicted to, any controlled*
2 *substance;*

3 (d) *Has been adjudicated as mentally ill or has been committed*
4 *to any mental health facility; or*

5 (e) *Is illegally or unlawfully in the United States.*

6 2. *A person who violates the provisions of subsection 1 is*
7 *guilty of a category B felony and shall be punished by*
8 *imprisonment in the state prison for a minimum term of not less*
9 *than 1 year and a maximum term of not more than 10 years, and*
10 *may be further punished by a fine of not more than \$10,000.*

11 3. *This section does not apply to a person who sells or*
12 *disposes of any firearm or ammunition to:*

13 (a) *A licensed importer, licensed manufacturer, licensed dealer*
14 *or licensed collector who, pursuant to 18 U.S.C. § 925(b), is not*
15 *precluded from dealing in firearms or ammunition; or*

16 (b) *A person who has been granted relief from the disabilities*
17 *imposed by federal laws pursuant to 18 U.S.C. § 925(c).*

18 4. *As used in this section, “controlled substance” has the*
19 *meaning ascribed to it in 21 U.S.C. § 802(6).*

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

21 202.253 As used in NRS 202.253 to 202.369, inclusive ~~[]~~ ,
22 *and section 1 of this act:*

23 1. “Explosive or incendiary device” means any explosive or
24 incendiary material or substance that has been constructed, altered,
25 packaged or arranged in such a manner that its ordinary use would
26 cause destruction or injury to life or property.

27 2. “Firearm” means any device designed to be used as a
28 weapon from which a projectile may be expelled through the barrel
29 by the force of any explosion or other form of combustion.

30 3. “Firearm capable of being concealed upon the person”
31 applies to and includes all firearms having a barrel less than 12
32 inches in length.

33 4. “Motor vehicle” means every vehicle that is self-propelled.

34 **Sec. 3.** NRS 202.277 is hereby amended to read as follows:

35 202.277 1. ~~[It is unlawful for any person to]~~ *A person shall*
36 *not intentionally* change, alter, remove or obliterate the serial
37 number upon any firearm. ~~[Possession of any firearm upon which~~
38 ~~the serial number has been changed, altered, removed or obliterated~~
39 ~~is prima facie evidence that the possessor has changed, altered,~~
40 ~~removed or obliterated the serial number.]~~ *Any person who violates*
41 *the provisions of this subsection is guilty of a category C felony*
42 *and shall be punished as provided in NRS 193.130.*

43 2. *A person shall not knowingly possess a firearm on which*
44 *the serial number has been intentionally changed, altered,*
45 *removed or obliterated.* Any person who violates the provisions of



1 *this* subsection ~~[(1)]~~ is guilty of a ~~[gross misdemeanor.]~~ *category D*
2 *felony and shall be punished as provided in NRS 193.130.*

3 **Sec. 4.** NRS 202.350 is hereby amended to read as follows:
4 202.350 1. Except as otherwise provided in this section and
5 NRS 202.3653 to 202.369, inclusive, ~~[it is unlawful for]~~ a person
6 within this state ~~[(to)]~~ *shall not:*

7 (a) Manufacture or cause to be manufactured, or import into the
8 State, or keep, offer or expose for sale, or give, lend or possess any
9 knife which is made an integral part of a belt buckle or any
10 instrument or weapon of the kind commonly known as a
11 switchblade knife, blackjack, slungshot, billy, sand-club, sandbag or
12 metal knuckles; ~~[or]~~

13 (b) *Manufacture or cause to be manufactured, or import into*
14 *the State, or keep, offer or expose for sale, or give, lend, possess or*
15 *use a machine gun or a silencer;*

16 (c) *With the intent to inflict harm upon the person of another,*
17 *possess or use a nunchaku or trefoil; or*

18 (d) Carry concealed upon his person any:
19 (1) Explosive substance, other than ammunition or any
20 components thereof;
21 (2) Dirk, dagger or machete;
22 (3) Pistol, revolver or other firearm, or other dangerous or
23 deadly weapon; or
24 (4) Knife which is made an integral part of a belt buckle.

25 2. ~~[Except as otherwise provided in this section, it is unlawful~~
26 ~~for a person to possess or use a:~~

27 ~~—(a) Nunchaku or trefoil with the intent to inflict harm upon the~~
28 ~~person of another; or~~

29 ~~—(b) Machine gun or a silencer.~~

30 ~~—3.]~~ Except as otherwise provided in NRS 202.275 and 212.185,
31 a person who violates any of the provisions of ~~[subsection 1 or 2]~~ :

32 (a) *Paragraph (a) or (c) or subparagraph (2) or (4) of*
33 *paragraph (d) of subsection 1* is guilty:

34 ~~[(a)]~~ (1) For the first offense, of a gross misdemeanor.

35 ~~[(b)]~~ (2) For any subsequent offense, of a category D felony ~~[(1)]~~
36 and shall be punished as provided in NRS 193.130.

37 ~~[(4)]~~ (b) *Paragraph (b) or subparagraph (1) or (3) of*
38 *paragraph (d) of subsection 1* is guilty of a category C felony and
39 *shall be punished as provided in NRS 193.130.*

40 3. Except as otherwise provided in this subsection, the sheriff
41 of any county may, upon written application by a resident of that
42 county showing the reason or the purpose for which a concealed
43 weapon is to be carried, issue a permit authorizing the applicant to
44 carry in this state the concealed weapon described in the permit. The
45 sheriff shall not issue a permit to a person to carry a switchblade



1 knife. This subsection does not authorize the sheriff to issue a
2 permit to a person to carry a pistol, revolver or other firearm.

3 ~~{5}~~ 4. Except as otherwise provided in subsection ~~{6}~~ 5, this
4 section does not apply to:

5 (a) Sheriffs, constables, marshals, peace officers, correctional
6 officers employed by the Department of Corrections, special police
7 officers, police officers of this state, whether active or honorably
8 retired, or other appointed officers.

9 (b) Any person summoned by any peace officer to assist in
10 making arrests or preserving the peace while the person so
11 summoned is actually engaged in assisting such an officer.

12 (c) Any full-time paid peace officer of an agency of the United
13 States or another state or political subdivision thereof when carrying
14 out official duties in the State of Nevada.

15 (d) Members of the Armed Forces of the United States when on
16 duty.

17 ~~{6}~~ 5. The exemptions provided in subsection ~~{5}~~ 4 do not
18 include a former peace officer who is retired for disability unless his
19 former employer has approved his fitness to carry a concealed
20 weapon.

21 ~~{7}~~ 6. The provisions of paragraph (b) of subsection ~~{2}~~ 1 do
22 not apply to any person who is licensed, authorized or permitted to
23 possess or use a machine gun or silencer pursuant to federal law.
24 The burden of establishing federal licensure, authorization or
25 permission is upon the person possessing the license, authorization
26 or permission.

27 ~~{8}~~ 7. As used in this section:

28 (a) "Concealed weapon" means a weapon described in this
29 section that is carried upon a person in such a manner as not to be
30 discernible by ordinary observation.

31 (b) "Honorably retired" means retired in Nevada after
32 completion of 10 years of creditable service as a member of the
33 Public Employees' Retirement System. A former peace officer is
34 not "honorably retired" if he was discharged for cause or resigned
35 before the final disposition of allegations of serious misconduct.

36 (c) "Machine gun" means any weapon which shoots, is designed
37 to shoot or can be readily restored to shoot more than one shot,
38 without manual reloading, by a single function of the trigger.

39 (d) "Nunchaku" means an instrument consisting of two or more
40 sticks, clubs, bars or rods connected by a rope, cord, wire or chain
41 used as a weapon in forms of Oriental combat.

42 (e) "Silencer" means any device for silencing, muffling or
43 diminishing the report of a firearm, including any combination of
44 parts, designed or redesigned, and intended for use in assembling or



1 fabricating a silencer or muffler, and any part intended only for use
2 in such assembly or fabrication.

3 (f) "Switchblade knife" means a spring-blade knife, snap-blade
4 knife or any other knife having the appearance of a pocketknife, any
5 blade of which is 2 or more inches long and which can be released
6 automatically by a flick of a button, pressure on the handle or other
7 mechanical device, or is released by any type of mechanism.

8 (g) "Trefoil" means an instrument consisting of a metal plate
9 having three or more radiating points with sharp edges, designed in
10 the shape of a star, cross or other geometric figure and used as a
11 weapon for throwing.

12 **Sec. 5.** NRS 202.360 is hereby amended to read as follows:

13 202.360 1. A person ~~[who has]~~ *shall not own or have in his*
14 *possession or under his custody or control any firearm if he:*

15 (a) *Has* been convicted of a felony in this or any other state, or
16 in any political subdivision thereof, or of a felony in violation of the
17 laws of the United States of America, unless he has received a
18 pardon and the pardon does not restrict his right to bear arms ~~[, shall~~
19 ~~not own or have in his possession or under his custody or control~~
20 ~~any firearm.~~

21 ~~—2.— As used in this section, "firearm" includes any firearm that~~
22 ~~is loaded or unloaded and operable or inoperable.~~

23 ~~—3.—;~~

24 (b) *Is a fugitive from justice; or*

25 (c) *Is an unlawful user of, or addicted to, any controlled*
26 *substance.*

27 *A person who violates the provisions of this subsection is guilty of*
28 *a category B felony and shall be punished by imprisonment in the*
29 *state prison for a minimum term of not less than 1 year and a*
30 *maximum term of not more than 6 years, and may be further*
31 *punished by a fine of not more than \$5,000.*

32 2. A person *shall not own or have in his possession or under*
33 *his custody or control any firearm if he:*

34 (a) *Has been adjudicated as mentally ill or has been committed*
35 *to any mental health facility; or*

36 (b) *Is illegally or unlawfully in the United States.*

37 *A person who violates the provisions of this [section] subsection is*
38 *guilty of a category [B] D felony and shall be punished [by*
39 ~~*imprisonment in the state prison for a minimum term of not less*~~
40 ~~*than 1 year and a maximum term of not more than 6 years, and may*~~
41 ~~*be further punished by a fine of not more than \$5,000.] as provided*~~
42 ~~*in NRS 193.130.*~~

43 3. *As used in this section:*

44 (a) *"Controlled substance" has the meaning ascribed to it in 21*
45 *U.S.C. § 802(6).*



1 ***(b) “Firearm” includes any firearm that is loaded or unloaded***
2 ***and operable or inoperable.***

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