

SENATE BILL NO. 40—COMMITTEE ON JUDICIARY

PREFLIED JANUARY 30, 2003

Referred to Committee on Judiciary

SUMMARY—Prohibits discharge of firearm from structure, vehicle, vessel or aircraft under certain circumstances. (BDR 15-887)

FISCAL NOTE: Effect on Local Government: Yes. 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 discharge of a firearm from a structure, vehicle, vessel or aircraft under certain circumstances; 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.** NRS 202.287 is hereby amended to read as follows:
2 202.287 1. A person, ~~[while in a motor vehicle,]~~ whether
3 under the influence of liquor, a controlled substance or otherwise,
4 who *is in, on or under a structure, vehicle, vessel or aircraft and*
5 *who willfully and* maliciously ~~[or wantonly]~~ discharges or causes to
6 be discharged ~~[out of the motor vehicle, any pistol, gun or any other~~
7 ~~kind of firearm:]~~ *a firearm from the structure, vehicle, vessel or*
8 *aircraft:*
9 (a) If the ~~[motor]~~ *structure*, vehicle , *vessel or aircraft* is not
10 within an area designated by city or county ordinance as a populated
11 area for the purpose of prohibiting the discharge of weapons, is
12 guilty of a misdemeanor.
13 (b) If the ~~[motor]~~ *structure*, vehicle , *vessel or aircraft* is within
14 an area designated by city or county ordinance as a populated area
15 for the purpose of prohibiting the discharge of weapons, is guilty of
16 a category B felony and shall be punished by imprisonment in the
17 state prison for a minimum term of not less than 2 years and a



1 maximum term of not more than 15 years, or by a fine of not more
2 than \$5,000, or by both fine and imprisonment.

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

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

10 (a) A person who lawfully shoots at a game mammal or game
11 bird pursuant to subsection 2 of NRS 503.010. ~~{; or}~~

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

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

16 4. *As used in this section:*

17 (a) *“Aircraft” means any airplane, glider, balloon or other*
18 *device used as a means of transportation through the air, whether*
19 *or not it is self-propelled.*

20 (b) *“Structure” means any temporary or permanent structure,*
21 *including, but not limited to, any tent, house, room, apartment,*
22 *tenement, shop, warehouse, store, mill, barn, stable, outhouse or*
23 *other building.*

24 (c) *“Vehicle” means any motor vehicle or trailer designed for*
25 *use with a motor vehicle, whether or not it is self-propelled,*
26 *operated on rails or propelled by electric power obtained from*
27 *overhead wires.*

28 (d) *“Vessel” means any ship, boat or other device used*
29 *as a means of transportation on water, whether or not it is*
30 *self-propelled.*

