

SENATE BILL NO. 40—COMMITTEE ON JUDICIARY

PREFILED JANUARY 30, 2003

Referred to Committee on Judiciary

SUMMARY—Prohibits discharge of firearm from structure or vehicle 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 or vehicle 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 or vehicle and who* maliciously
5 or wantonly discharges or *maliciously or wantonly* causes to be
6 discharged ~~[out of the motor vehicle, any pistol, gun or any other~~
7 ~~kind of firearm:]~~ *a firearm within or from the structure or vehicle:*
8 (a) If the ~~[motor]~~ *structure or* vehicle is not within an area
9 designated by city or county ordinance as a populated area for the
10 purpose of prohibiting the discharge of weapons, is guilty of a
11 misdemeanor.
12 (b) If the ~~[motor]~~ *structure or* vehicle is within an area
13 designated by city or county ordinance as a populated area for the
14 purpose of prohibiting the discharge of weapons, is guilty of a
15 category B felony and shall be punished by imprisonment in the
16 state prison for a minimum term of not less than 2 years and a
17 maximum term of not more than 15 years, or by a fine of not more
18 than \$5,000, or by both fine and imprisonment.



* S B 4 0 R 2 *

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

7 3. The provisions of this section do not apply to:
8 (a) A person who lawfully shoots at a game mammal or game
9 bird pursuant to subsection 2 of NRS 503.010. ~~{;or}~~

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

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

14 4. *As used in this section:*

15 (a) *“Structure” means any temporary or permanent structure,*
16 *including, but not limited to, any tent, house, room, apartment,*
17 *tenement, shop, warehouse, store, mill, barn, stable, outhouse or*
18 *other building.*

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

