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ASSEMBLY BILL NO. 488—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COUNSEL)

MAY 28, 2015

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Referred to Committee on Judiciary

SUMMARY—Makes technical corrections to measures passed by the 78th Legislative Session. (BDR S-1292)

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.

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AN ACT relating to statutes; making technical corrections to certain measures passed by the 78th Legislative Session; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 This bill makes technical corrections to certain legislative measures which were  
2 previously passed this session. Existing law requires the Department of Public  
3 Safety to prepare annually a list of states that have: (1) requirements for the  
4 issuance of a permit to carry a concealed firearm that are substantially similar to or  
5 more stringent than the requirements set forth in this State; and (2) an electronic  
6 database which identifies each individual who possesses a valid permit to carry a  
7 concealed firearm by that state and which a law enforcement officer in this State  
8 may access at all times. (NRS 202.3689) Section 4.5 of Senate Bill No. 175 instead  
9 requires the Department to determine whether each state requires a person to  
10 complete any training, class or program for purposes of preparing the list. **Section 1**  
11 of this bill amends section 4.5 of Senate Bill No. 175 to remove the requirement  
12 that the Nevada Sheriffs’ and Chiefs’ Association must agree with the  
13 Department’s inclusion of a state in the list.

14 **Sections 2-4** of this bill amend Senate Bill No. 240 to resolve a potential  
15 conflict with Senate Bill No. 175. **Sections 2-4:** (1) amend several sections of  
16 Senate Bill No. 240 to make those sections identical to the corresponding sections  
17 in Senate Bill No. 175; and (2) provide that a person who is adversely affected by  
18 the enforcement of an ordinance or regulation, which is inconsistent with the rights  
19 and powers of the Legislature to regulate certain provisions relating to firearms, on  
20 or after October 1, 2015, may file suit in the appropriate court for declarative and  
21 injunctive relief and damages.



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

1       **Section 1.** Section 4.5 of Senate Bill No. 175 of this session is  
2 hereby amended to read as follows:

3           Sec. 4.5. NRS 202.3689 is hereby amended to read as  
4 follows:

5           202.3689 1. On or before July 1 of each year, the  
6 Department shall:

7           (a) Determine whether each state requires a person to  
8 complete any training, class or program before the issuance of  
9 a permit to carry a concealed firearm in that state.

10           (b) Determine whether each state has an electronic  
11 database which identifies each individual who possesses a  
12 valid permit to carry a concealed firearm issued by that state  
13 and which a law enforcement officer in this State may access  
14 at all times through a national law enforcement  
15 telecommunications system.

16           (c) Prepare a list of states that meet the requirements of  
17 paragraphs (a) and (b). ~~{A state must not be included in the~~  
18 ~~list unless the Nevada Sheriffs' and Chiefs' Association~~  
19 ~~agrees with the Department that the state should be included~~  
20 ~~in the list.}~~

21           (d) Provide a copy of the list prepared pursuant to  
22 paragraph (c) to each law enforcement agency in this State.

23           2. The Department shall, upon request, make the list  
24 prepared pursuant to subsection 1 available to the public.

25       **Sec. 2.** Section 16.3 of Senate Bill No. 240 of this session is  
26 hereby amended to read as follows:

27           Sec. 16.3. NRS 244.364 is hereby amended to read as  
28 follows:

29           244.364 1. The Legislature hereby declares that:

30           (a) The purpose of this section is to establish state control  
31 over the regulation of and policies concerning firearms,  
32 firearm accessories and ammunition to ensure that such  
33 regulation and policies are uniform throughout this State and  
34 to ensure the protection of the right to keep and bear arms,  
35 which is recognized by the United States Constitution and the  
36 Nevada Constitution.

37           (b) The regulation of the transfer, sale, purchase,  
38 possession, carrying, ownership, transportation, storage,  
39 registration and licensing of firearms, firearm accessories and  
40 ammunition in this State and the ability to define such terms  
41 is within the exclusive domain of the Legislature, and any



1 other law, regulation, rule or ordinance to the contrary is null  
2 and void.

3 (c) This section must be liberally construed to effectuate  
4 its purpose.

5 2. Except as otherwise provided by specific statute, the  
6 Legislature reserves for itself such rights and powers as are  
7 necessary to regulate the transfer, sale, purchase, possession,  
8 carrying, ownership, transportation, storage, registration and  
9 licensing of firearms, firearm accessories and ammunition in  
10 Nevada and to define such terms. No county may infringe  
11 upon those rights and powers.

12 3. A board of county commissioners may proscribe by  
13 ordinance or regulation the unsafe discharge of firearms.

14 4. Any ordinance or regulation which is inconsistent  
15 with this section or which is designed to restrict or prohibit  
16 the sale, purchase, transfer, manufacture or display of  
17 firearms, firearm accessories or ammunition that is otherwise  
18 lawful under the laws of this State is null and void, and any  
19 official action taken by an employee or agent of a county in  
20 violation of this section is void.

21 5. A board of county commissioners shall repeal any  
22 ordinance or regulation described in subsection 4, and any  
23 such ordinance or regulation that is posted within the county  
24 must be removed.

25 6. A board of county commissioners shall cause to be  
26 destroyed any ownership records of firearms owned by  
27 private persons which are kept or maintained by the county or  
28 any county agency, board or commission, including, without  
29 limitation, any law enforcement agency, for the purposes of  
30 compliance with any ordinance or regulation that is  
31 inconsistent with this section. The provisions of this  
32 subsection do not apply to the ownership records of firearms  
33 purchased and owned by any political subdivision of this  
34 State.

35 7. Any person who is adversely affected by the  
36 enforcement of an ordinance or regulation that violates this  
37 section on or after ~~the effective date of this section~~  
38 **October 1, 2015**, may file suit in the appropriate court for  
39 declarative and injunctive relief and damages attributable to  
40 the violation. Notwithstanding any other provision of law,  
41 such a person is entitled to:

42 (a) Reimbursement of actual damages, reasonable  
43 attorney's fees and costs which the person has incurred if,  
44 within 30 days after the person commenced the action but  
45 before a final determination has been issued by the court, the



1 board of county commissioners repeals the ordinance or  
2 regulation that violates this section.

3 (b) Liquidated damages in an amount equal to two times  
4 the actual damages, reasonable attorney's fees and costs  
5 incurred by the person if, more than 30 days after the person  
6 commenced the action but before a final determination has  
7 been issued by the court, the board of county commissioners  
8 repeals the ordinance or regulation that violates this section.

9 (c) Liquidated damages in an amount equal to three times  
10 the actual damages, reasonable attorney's fees and costs  
11 incurred by the person if the court makes a final  
12 determination in favor of the person.

13 8. This section must not be construed to prevent:

14 (a) A law enforcement agency or correctional institution  
15 from promulgating and enforcing its own rules pertaining to  
16 firearms, firearm accessories or ammunition that are issued to  
17 or used by peace officers in the course of their official duties.

18 (b) A court or administrative law judge from hearing and  
19 resolving a case or controversy or issuing an opinion or order  
20 on a matter within its jurisdiction.

21 (c) A public employer from regulating or prohibiting the  
22 carrying or possession of firearms, firearm accessories or  
23 ammunition during or in the course of an employee's official  
24 duties.

25 (d) The enactment or enforcement of a county zoning or  
26 business ordinance which is generally applicable to  
27 businesses within the county and thereby affects a firearms  
28 business within the county, including, without limitation, an  
29 indoor or outdoor shooting range.

30 (e) A county from enacting and enforcing rules for the  
31 operation and use of any firearm range owned and operated  
32 by the county.

33 (f) A political subdivision from sponsoring or conducting  
34 a firearm-related competition or educational or cultural  
35 program and enacting and enforcing rules for participation in  
36 or attendance at any such competition or program.

37 (g) A political subdivision or any official thereof with  
38 appropriate authority from enforcing any statute of this State.

39 9. As used in this section:

40 (a) "Ammunition" includes, without limitation, fixed  
41 cartridge ammunition and the individual components thereof,  
42 shotgun shells and the individual components thereof,  
43 projectiles for muzzle-loading firearms and any propellant  
44 used in firearms or ammunition.



1 (b) "Firearm" includes, without limitation, a pistol,  
2 revolver, rifle, shotgun, machine gun, submachine gun, black  
3 powder weapon, muzzle-loading firearm or any device which  
4 is designed to, able to or able to be readily converted to expel  
5 a projectile through the barrel by the action of an explosive,  
6 other form of combustion or expanding gases.

7 (c) "Firearm accessories" means:

8 (1) Devices specifically designed or adapted to enable  
9 the wearing or carrying of a firearm or the storing in or  
10 mounting on a conveyance of a firearm; or

11 (2) Attachments or devices specifically designed or  
12 adapted to be inserted into or affixed on a firearm to enable,  
13 alter or improve the functioning or capability of the firearm.

14 (d) "Person" includes, without limitation:

15 (1) Any person who has standing to bring or maintain  
16 an action concerning this section pursuant to the laws of this  
17 State.

18 (2) Any person who:

19 (I) Can legally possess a firearm under state and  
20 federal law;

21 (II) Owns, possesses, stores, transports, carries or  
22 transfers firearms, ammunition or ammunition components  
23 within a county; and

24 (III) Is subject to the county ordinance or  
25 regulation at issue.

26 (3) A membership organization whose members  
27 include a person described in subparagraphs (1) and (2) and  
28 which is dedicated in whole or in part to protecting the legal,  
29 civil or constitutional rights of its members.

30 (e) "Political subdivision" includes, without limitation, a  
31 state agency, county, city, town or school district.

32 (f) "Public employer" has the meaning ascribed to it in  
33 NRS 286.070.

34 **Sec. 3.** Section 16.5 of Senate Bill No. 240 of this session is  
35 hereby amended to read as follows:

36 Sec. 16.5. NRS 268.418 is hereby amended to read as  
37 follows:

38 268.418 1. The Legislature hereby declares that:

39 (a) The purpose of this section is to establish state control  
40 over the regulation of and policies concerning firearms,  
41 firearm accessories and ammunition to ensure that such  
42 regulation and policies are uniform throughout this State and  
43 to ensure the protection of the right to bear arms, which is  
44 recognized by the United States Constitution and the Nevada  
45 Constitution.



1 (b) The regulation of the transfer, sale, purchase,  
2 possession, carrying, ownership, transportation, storage,  
3 registration and licensing of firearms, firearm accessories and  
4 ammunition in this State and the ability to define such terms  
5 is within the exclusive domain of the Legislature, and any  
6 other law, regulation, rule or ordinance to the contrary is null  
7 and void.

8 (c) This section must be liberally construed to effectuate  
9 its purpose.

10 2. Except as otherwise provided by specific statute, the  
11 Legislature reserves for itself such rights and powers as are  
12 necessary to regulate the transfer, sale, purchase, possession,  
13 carrying, ownership, transportation, storage, registration and  
14 licensing of firearms, firearm accessories and ammunition in  
15 Nevada and to define such terms. No city may infringe upon  
16 those rights and powers.

17 3. The governing body of a city may proscribe by  
18 ordinance or regulation the unsafe discharge of firearms.

19 4. Any ordinance or regulation which is inconsistent  
20 with this section or which is designed to restrict or prohibit  
21 the sale, purchase, transfer, manufacture or display of  
22 firearms, firearm accessories or ammunition that is otherwise  
23 lawful under the laws of this State is null and void, and any  
24 official action taken by an employee or agent of a city in  
25 violation of this section is void.

26 5. The governing body of a city shall repeal any  
27 ordinance or regulation described in subsection 4, and any  
28 such ordinance or regulation that is posted within the city  
29 must be removed.

30 6. The governing body of a city shall cause to be  
31 destroyed any ownership records of firearms owned by  
32 private persons which are kept or maintained by the city or  
33 any city agency, board or commission, including, without  
34 limitation, any law enforcement agency, for the purposes of  
35 compliance with any ordinance or regulation that is  
36 inconsistent with this section. The provisions of this  
37 subsection do not apply to the ownership records of firearms  
38 purchased and owned by any political subdivision of this  
39 State.

40 7. Any person who is adversely affected by the  
41 enforcement of an ordinance or regulation that violates this  
42 section on or after ~~{the effective date of this section}~~  
43 **October 1, 2015**, may file suit in the appropriate court for  
44 declarative and injunctive relief and damages attributable to



1 the violation. Notwithstanding any other provision of law,  
2 such a person is entitled to:

3 (a) Reimbursement of actual damages, reasonable  
4 attorney's fees and costs which the person has incurred if,  
5 within 30 days after the person commenced the action but  
6 before a final determination has been issued by the court, the  
7 governing body of the city repeals the ordinance or regulation  
8 that violates this section.

9 (b) Liquidated damages in an amount equal to two times  
10 the actual damages, reasonable attorney's fees and costs  
11 incurred by the person if, more than 30 days after the person  
12 commenced the action but before a final determination has  
13 been issued by the court, the governing body of the city  
14 repeals the ordinance or regulation that violates this section.

15 (c) Liquidated damages in an amount equal to three times  
16 the actual damages, reasonable attorney's fees and costs  
17 incurred by the person if the court makes a final  
18 determination in favor of the person.

19 8. This section must not be construed to prevent:

20 (a) A law enforcement agency or correctional institution  
21 from promulgating and enforcing its own rules pertaining to  
22 firearms, firearm accessories or ammunition that are issued to  
23 or used by peace officers in the course of their official duties.

24 (b) A court or administrative law judge from hearing and  
25 resolving a case or controversy or issuing an opinion or order  
26 on a matter within its jurisdiction.

27 (c) A public employer from regulating or prohibiting the  
28 carrying or possession of firearms, firearm accessories or  
29 ammunition during or in the course of an employee's official  
30 duties.

31 (d) The enactment or enforcement of a city zoning or  
32 business ordinance which is generally applicable to  
33 businesses within the city and thereby affects a firearms  
34 business within the city, including, without limitation, an  
35 indoor or outdoor shooting range.

36 (e) A city from enacting and enforcing rules for the  
37 operation and use of any firearm range owned and operated  
38 by the city.

39 (f) A political subdivision from sponsoring or conducting  
40 a firearm-related competition or educational or cultural  
41 program and enacting and enforcing rules for participation in  
42 or attendance at any such competition or program.

43 (g) A political subdivision or any official thereof with  
44 appropriate authority from enforcing any statute of this State.

45 9. As used in this section:



1 (a) "Ammunition" includes, without limitation, fixed  
2 cartridge ammunition and the individual components thereof,  
3 shotgun shells and the individual components thereof,  
4 projectiles for muzzle-loading firearms and any propellant  
5 used in firearms or ammunition.

6 (b) "Firearm" includes, without limitation, a pistol,  
7 revolver, rifle, shotgun, machine gun, submachine gun, black  
8 powder weapon, muzzle-loading firearm or any device which  
9 is designed to, able to or able to be readily converted to expel  
10 a projectile through the barrel by the action of an explosive,  
11 other form of combustion or expanding gases.

12 (c) "Firearm accessories" means:

13 (1) Devices specifically designed or adapted to enable  
14 the wearing or carrying of a firearm or the storing in or  
15 mounting on a conveyance of a firearm; or

16 (2) Attachments or devices specifically designed or  
17 adapted to be inserted into or affixed on a firearm to enable,  
18 alter or improve the functioning or capability of the firearm.

19 (d) "Person" includes, without limitation:

20 (1) Any person who has standing to bring or maintain  
21 an action concerning this section pursuant to the laws of this  
22 State.

23 (2) Any person who:

24 (I) Can legally possess a firearm under state and  
25 federal law;

26 (II) Owns, possesses, stores, transports, carries or  
27 transfers firearms, ammunition or ammunition components  
28 within a city; and

29 (III) Is subject to the city ordinance or regulation at  
30 issue.

31 (3) A membership organization whose members  
32 include a person described in subparagraphs (1) and (2) and  
33 which is dedicated in whole or in part to protecting the legal,  
34 civil or constitutional rights of its members.

35 (e) "Political subdivision" includes, without limitation, a  
36 state agency, county, city, town or school district.

37 (f) "Public employer" has the meaning ascribed to it in  
38 NRS 286.070.

39 **Sec. 4.** Section 16.7 of Senate Bill No. 240 of this session is  
40 hereby amended to read as follows:

41 Sec. 16.7. NRS 269.222 is hereby amended to read as  
42 follows:

43 269.222 1. The Legislature hereby declares that:

44 (a) The purpose of this section is to establish state control  
45 over the regulation of and policies concerning firearms,





1 firearm accessories and ammunition to ensure that such  
2 regulation and policies are uniform throughout this State and  
3 to ensure the protection of the right to keep and bear arms,  
4 which is recognized by the United States Constitution and the  
5 Nevada Constitution.

6 (b) The regulation of the transfer, sale, purchase,  
7 possession, carrying, ownership, transportation, storage,  
8 registration and licensing of firearms, firearm accessories and  
9 ammunition in this State and the ability to define such terms  
10 is within the exclusive domain of the Legislature, and any  
11 other law, regulation, rule or ordinance to the contrary is null  
12 and void.

13 (c) This section must be liberally construed to effectuate  
14 its purpose.

15 2. Except as otherwise provided by specific statute, the  
16 Legislature reserves for itself such rights and powers as are  
17 necessary to regulate the transfer, sale, purchase, possession,  
18 carrying, ownership, transportation, storage, registration and  
19 licensing of firearms, firearm accessories and ammunition in  
20 Nevada and to define such terms. No town may infringe upon  
21 those rights and powers.

22 3. A town board may proscribe by ordinance or  
23 regulation the unsafe discharge of firearms.

24 4. Any ordinance or regulation which is inconsistent  
25 with this section or which is designed to restrict or prohibit  
26 the sale, purchase, transfer, manufacture or display of  
27 firearms, firearm accessories or ammunition that is otherwise  
28 lawful under the laws of this State is null and void, and any  
29 official action taken by an employee or agent of a town in  
30 violation of this section is void.

31 5. A town board shall repeal any ordinance or regulation  
32 described in subsection 4, and any such ordinance or  
33 regulation that is posted within the town must be removed.

34 6. A town board shall cause to be destroyed any  
35 ownership records of firearms owned by private persons  
36 which are kept or maintained by the town or any town  
37 agency, board or commission, including, without limitation,  
38 any law enforcement agency, for the purposes of compliance  
39 with any ordinance or regulation that is inconsistent with this  
40 section. The provisions of this subsection do not apply to the  
41 ownership records of firearms purchased and owned by any  
42 political subdivision of this State.

43 7. Any person who is adversely affected by the  
44 enforcement of an ordinance or regulation that violates this  
45 section on or after ~~the effective date of this section~~



1 **October 1, 2015**, may file suit in the appropriate court for  
2 declarative and injunctive relief and damages attributable to  
3 the violation. Notwithstanding any other provision of law,  
4 such a person is entitled to:

5 (a) Reimbursement of actual damages, reasonable  
6 attorney's fees and costs which the person has incurred if,  
7 within 30 days after the person commenced the action but  
8 before a final determination has been issued by the court, the  
9 town board repeals the ordinance or regulation that violates  
10 this section.

11 (b) Liquidated damages in an amount equal to two times  
12 the actual damages, reasonable attorney's fees and costs  
13 incurred by the person if, more than 30 days after the person  
14 commenced the action but before a final determination has  
15 been issued by the court, the town board repeals the  
16 ordinance or regulation that violates this section.

17 (c) Liquidated damages in an amount equal to three times  
18 the actual damages, reasonable attorney's fees and costs  
19 incurred by the person if the court makes a final  
20 determination in favor of the person.

21 8. This section must not be construed to prevent:

22 (a) A law enforcement agency or correctional institution  
23 from promulgating and enforcing its own rules pertaining to  
24 firearms, firearm accessories or ammunition that are issued to  
25 or used by peace officers in the course of their official duties.

26 (b) A court or administrative law judge from hearing and  
27 resolving a case or controversy or issuing an opinion or order  
28 on a matter within its jurisdiction.

29 (c) A public employer from regulating or prohibiting the  
30 carrying or possession of firearms, firearm accessories or  
31 ammunition during or in the course of an employee's official  
32 duties.

33 (d) The enactment of enforcement of a town zoning or  
34 business ordinance which is generally applicable to  
35 businesses within the town and thereby affects a firearms  
36 business within the town, including, without limitation, an  
37 indoor or outdoor shooting range.

38 (e) A town from enacting and enforcing rules for the  
39 operation and use of any firearm range owned and operated  
40 by the town.

41 (f) A political subdivision from sponsoring or conducting  
42 a firearm-related competition or educational or cultural  
43 program and enacting and enforcing rules for participation in  
44 or attendance at any such competition or program.



1 (g) A political subdivision or any official thereof with  
2 appropriate authority from enforcing any statute of this State.

3 9. As used in this section:

4 (a) "Ammunition" includes, without limitation, fixed  
5 cartridge ammunition and the individual components thereof,  
6 shotgun shells and the individual components thereof,  
7 projectiles for muzzle-loading firearms and any propellant  
8 used in firearms or ammunition.

9 (b) "Firearm" includes, without limitation, a pistol,  
10 revolver, rifle, shotgun, machine gun, submachine gun, black  
11 powder weapon, muzzle-loading firearm or any device which  
12 is designed to, able to or able to be readily converted to expel  
13 a projectile through the barrel by the action of an explosive,  
14 other form of combustion or expanding gases.

15 (c) "Firearm accessories" means:

16 (1) Devices specifically designed or adapted to enable  
17 the wearing or carrying of a firearm or the storing in or  
18 mounting on a conveyance of a firearm; or

19 (2) Attachments or devices specifically designed or  
20 adapted to be inserted into or affixed on a firearm to enable,  
21 alter or improve the functioning or capability of the firearm.

22 (d) "Person" includes, without limitation:

23 (1) Any person who has standing to bring or maintain  
24 an action concerning this section pursuant to the laws of this  
25 State.

26 (2) Any person who:

27 (I) Can legally possess a firearm under state and  
28 federal law;

29 (II) Owns, possesses, stores, transports, carries or  
30 transfers firearms, ammunition or ammunition components  
31 within a town; and

32 (III) Is subject to the town ordinance or regulation  
33 at issue.

34 (3) A membership organization whose members  
35 include a person described in subparagraphs (1) and (2) and  
36 which is dedicated in whole or in part to protecting the legal,  
37 civil or constitutional rights of its members.

38 (e) "Political subdivision" includes, without limitation, a  
39 state agency, county, city, town or school district.

40 (f) "Public employer" has the meaning ascribed to it in  
41 NRS 286.070.

42 **Sec. 5.** This act becomes effective upon passage and approval.



