

ASSEMBLY BILL NO. 171—ASSEMBLYMAN MARCHANT

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Removes the prohibition against carrying certain concealed weapons. (BDR 15-458)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 concealed weapons; removing the prohibition against carrying certain concealed weapons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes provisions governing the issuance of permits to carry
2 concealed firearms to qualified applicants. (NRS 202.3653-202.369) Existing law
3 also generally prohibits a person from carrying concealed upon his or her person
4 any pistol, revolver or other firearm, other dangerous or deadly weapon or
5 pneumatic gun unless the person is authorized to do so because he or she holds a
6 permit to carry a concealed firearm or is otherwise exempt from such a prohibition.
7 (NRS 202.350) **Section 2** of this bill removes the prohibition against carrying such
8 concealed weapons. Accordingly, **section 7** of this bill repeals the provisions of law
9 governing the issuance of permits to carry concealed firearms. **Sections 1 and 3-6**
10 of this bill make conforming changes.

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

1 **Section 1.** NRS 202.253 is hereby amended to read as follows:
2 202.253 As used in NRS 202.253 to ~~202.369,~~ **202.362,**
3 inclusive:
4 1. “Explosive or incendiary device” means any explosive or
5 incendiary material or substance that has been constructed, altered,
6 packaged or arranged in such a manner that its ordinary use would
7 cause destruction or injury to life or property.



1 2. "Firearm" means any device designed to be used as a
2 weapon from which a projectile may be expelled through the barrel
3 by the force of any explosion or other form of combustion.

4 3. "Firearm capable of being concealed upon the person"
5 applies to and includes all firearms having a barrel less than 12
6 inches in length.

7 4. "Motor vehicle" means every vehicle that is self-propelled.

8 **Sec. 2.** NRS 202.350 is hereby amended to read as follows:

9 202.350 1. Except as otherwise provided in this section, ~~and~~
10 ~~NRS 202.3653 to 202.369, inclusive,~~ a person within this State
11 shall not:

12 (a) Manufacture or cause to be manufactured, or import into the
13 State, or keep, offer or expose for sale, or give, lend or possess any
14 instrument or weapon of the kind commonly known as a blackjack,
15 slungshot, billy, sand-club, sandbag or metal knuckles;

16 (b) Manufacture or cause to be manufactured, or import into the
17 State, or keep, offer or expose for sale, or give, lend, possess or use
18 a machine gun or a silencer, unless authorized by federal law;

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

21 (d) Carry concealed upon his or her person any:

22 (1) Explosive substance, other than ammunition or any
23 components thereof; *or*

24 (2) Machete. ~~;~~ ~~or~~

25 ~~(3) Pistol, revolver or other firearm, other dangerous or~~
26 ~~deadly weapon or pneumatic gun.~~

27 2. Except as otherwise provided in NRS 202.275 and 212.185,
28 a person who violates any of the provisions of:

29 (a) Paragraph (a) or (c) of subsection 1 or subparagraph (2) of
30 paragraph (d) of subsection 1 is guilty:

31 (1) For the first offense, of a gross misdemeanor.

32 (2) For any subsequent offense, of a category D felony and
33 shall be punished as provided in NRS 193.130.

34 (b) Paragraph (b) of subsection 1 or subparagraph (1) ~~or (3)~~ of
35 paragraph (d) of subsection 1 is guilty of a category C felony and
36 shall be punished as provided in NRS 193.130.

37 3. Except as otherwise provided in this subsection, the sheriff
38 of any county may, upon written application by a resident of that
39 county showing the reason or the purpose for which a concealed
40 weapon is to be carried, issue a permit authorizing the applicant to
41 carry in this State the concealed weapon described in the permit.

42 ~~[This subsection does not authorize the sheriff to issue a permit to a~~
43 ~~person to carry a pistol, revolver or other firearm.]~~

44 4. Except as otherwise provided in subsection 5, this section
45 does not apply to:



1 (a) Sheriffs, constables, marshals, peace officers, correctional
2 officers employed by the Department of Corrections, special police
3 officers, police officers of this State, whether active or honorably
4 retired, or other appointed officers.

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

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

11 (d) Members of the Armed Forces of the United States when on
12 duty.

13 5. The exemptions provided in subsection 4 do not include a
14 former peace officer who is retired for disability unless his or her
15 former employer has approved his or her fitness to carry a concealed
16 weapon.

17 6. The provisions of paragraph (b) of subsection 1 do not apply
18 to any person who is licensed, authorized or permitted to possess or
19 use a machine gun or silencer pursuant to federal law. The burden of
20 establishing federal licensure, authorization or permission is upon
21 the person possessing the license, authorization or permission.

22 7. This section shall not be construed to prohibit a qualified
23 law enforcement officer or a qualified retired law enforcement
24 officer from carrying a concealed weapon in this State if he or she is
25 authorized to do so pursuant to 18 U.S.C. § 926B or 926C.

26 8. As used in this section:

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

30 (b) "Honorably retired" means retired in Nevada after
31 completion of 10 years of creditable service as a member of the
32 Public Employees' Retirement System. A former peace officer is
33 not "honorably retired" if he or she was discharged for cause or
34 resigned before the final disposition of allegations of serious
35 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) ~~["Pneumatic gun" has the meaning ascribed to it in~~
43 ~~NRS 202.265.~~



1 ~~(f)~~ “Qualified law enforcement officer” has the meaning
2 ascribed to it in 18 U.S.C. § 926B(c).

3 ~~(e)~~ (f) “Qualified retired law enforcement officer” has the
4 meaning ascribed to it in 18 U.S.C. § 926C(c).

5 ~~(h)~~ (g) “Silencer” means any device for silencing, muffling or
6 diminishing the report of a firearm, including any combination of
7 parts, designed or redesigned, and intended for use in assembling or
8 fabricating a silencer or muffler, and any part intended only for use
9 in such assembly or fabrication.

10 ~~(i)~~ (h) “Trefoil” means an instrument consisting of a metal
11 plate having three or more radiating points with sharp edges,
12 designed in the shape of a star, cross or other geometric figure and
13 used as a weapon for throwing.

14 **Sec. 3.** NRS 239.010 is hereby amended to read as follows:

15 239.010 1. Except as otherwise provided in this section and
16 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
17 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
18 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
19 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
20 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
21 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
22 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
23 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
24 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
25 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
26 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
27 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
28 200.3771, 200.3772, 200.5095, 200.604, ~~202.3662,~~ 205.4651,
29 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
30 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
31 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
32 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
33 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
34 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
35 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
36 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
37 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
38 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
39 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
40 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
41 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
42 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
43 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
44 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
45 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,



1 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
2 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
3 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
4 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
5 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
6 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
7 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
8 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
9 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
10 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
11 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
12 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
13 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
14 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
15 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
16 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
17 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
18 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
19 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
20 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
21 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
22 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
23 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
24 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
25 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
26 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
27 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
28 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
29 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
30 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
31 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
32 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
33 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
34 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
35 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
36 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of
37 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
38 and unless otherwise declared by law to be confidential, all public
39 books and public records of a governmental entity must be open at
40 all times during office hours to inspection by any person, and may
41 be fully copied or an abstract or memorandum may be prepared
42 from those public books and public records. Any such copies,
43 abstracts or memoranda may be used to supply the general public
44 with copies, abstracts or memoranda of the records or may be used
45 in any other way to the advantage of the governmental entity or of



1 the general public. This section does not supersede or in any manner
2 affect the federal laws governing copyrights or enlarge, diminish or
3 affect in any other manner the rights of a person in any written book
4 or record which is copyrighted pursuant to federal law.

5 2. A governmental entity may not reject a book or record
6 which is copyrighted solely because it is copyrighted.

7 3. A governmental entity that has legal custody or control of a
8 public book or record shall not deny a request made pursuant to
9 subsection 1 to inspect or copy or receive a copy of a public book or
10 record on the basis that the requested public book or record contains
11 information that is confidential if the governmental entity can
12 redact, delete, conceal or separate the confidential information from
13 the information included in the public book or record that is not
14 otherwise confidential.

15 4. A person may request a copy of a public record in any
16 medium in which the public record is readily available. An officer,
17 employee or agent of a governmental entity who has legal custody
18 or control of a public record:

19 (a) Shall not refuse to provide a copy of that public record in a
20 readily available medium because the officer, employee or agent has
21 already prepared or would prefer to provide the copy in a different
22 medium.

23 (b) Except as otherwise provided in NRS 239.030, shall, upon
24 request, prepare the copy of the public record and shall not require
25 the person who has requested the copy to prepare the copy himself
26 or herself.

27 **Sec. 4.** NRS 258.065 is hereby amended to read as follows:

28 258.065 1. The constable of a township may, subject to the
29 approval of the board of county commissioners, appoint such
30 clerical and operational staff as the work of the constable requires.
31 The compensation of any person so appointed must be fixed by the
32 board of county commissioners.

33 2. A person who is employed as clerical or operational staff of
34 a constable:

35 (a) Does not have the powers of a peace officer; and

36 (b) May not possess a weapon or carry a concealed firearm ~~†~~
37 ~~regardless of whether the person possesses a permit to carry a~~
38 ~~concealed firearm issued pursuant to NRS 202.3653 to 202.369,~~
39 ~~inclusive.†~~ while performing the duties of the office of the constable.

40 3. The board of county commissioners may appoint for the
41 constable of a township a reasonable number of clerks. The
42 compensation of any clerk so appointed must be fixed by the board
43 of county commissioners.



1 4. A constable's clerk shall take the constitutional oath of
2 office and give bond in the sum of \$2,000 for the faithful discharge
3 of the duties of the office, and in the same manner as is or may be
4 required of other officers of that township and county.

5 5. A constable's clerk shall do all clerical work in connection
6 with keeping the records and files of the office, and shall perform
7 such other duties in connection with the office as the constable shall
8 prescribe.

9 **Sec. 5.** NRS 424.044 is hereby amended to read as follows:

10 424.044 1. A person who is listed in paragraph (a) of
11 subsection 4 of NRS 202.350 ~~for holds a permit to carry a concealed~~
12 ~~firearm pursuant to NRS 202.3653 to 202.369, inclusive,~~ may
13 possess ~~the~~ a firearm, whether loaded or unloaded, or ammunition
14 while on the premises of a family foster home in accordance with
15 the provisions of this section.

16 2. Except as otherwise provided in subsection 4, a person
17 described in subsection 1 who possesses a firearm or ammunition
18 while on the premises of a family foster home must store the firearm
19 or ammunition in a locked secure storage container except:

20 (a) When used for a lawful purpose, which may include, without
21 limitation, for an educational or recreational purpose, for hunting,
22 for the defense of a person or property, or to clean or service the
23 firearm; or

24 (b) If the firearm or ammunition is inoperable and solely
25 ornamental.

26 3. A person who stores a firearm or ammunition on the
27 premises of a family foster home in a locked secure storage
28 container as required pursuant to subsection 2 shall ensure that any
29 key, combination or access code to the locked secure storage
30 container is kept in the reasonably secure possession of an adult or a
31 locked combination or biometric safe.

32 4. A person who is authorized to possess a firearm on the
33 premises of a family foster home pursuant to subsection 1 may carry
34 a firearm on his or her person while in the presence of a foster child,
35 including, without limitation, while operating or riding in a motor
36 vehicle, if the person:

37 (a) Keeps the firearm in a holster or similarly secure case;

38 (b) Carries the firearm in a manner which ensures that the
39 firearm is inaccessible to any foster child and is in the possession
40 and control of the provider or other person; and

41 (c) Returns the firearm to a locked storage container when the
42 firearm is on the premises of a foster home or in the presence of a
43 foster child and is not being carried on his or her person in
44 accordance with this subsection or used for a lawful purpose.



1 5. An agency which provides child welfare services is immune
2 from civil and criminal liability for any injury resulting from the use
3 of a firearm or ammunition that is stored on the premises of a family
4 foster home or is carried by a provider of family foster care or any
5 other person who resides in a family foster home.

6 6. As used in this section:

7 (a) "Firearm" has the meaning ascribed to it in NRS 202.253.

8 (b) "Secure storage container" means any device, including,
9 without limitation, a safe, gun safe, secure gun case or lock box, that
10 is marketed commercially for storing a firearm or ammunition and is
11 designed to be unlocked only by means of a key, a combination, a
12 biometric lock or other similar means.

13 **Sec. 6.** NRS 433A.715 is hereby amended to read as follows:

14 433A.715 1. A court shall seal all court records relating to
15 the admission and treatment of any person who was admitted,
16 voluntarily or as the result of a noncriminal proceeding, to a public
17 or private hospital, a mental health facility or a program of
18 community-based or outpatient services in this State for the purpose
19 of obtaining mental health treatment.

20 2. Except as otherwise provided in subsections 4 and 5, a
21 person or governmental entity that wishes to inspect records that are
22 sealed pursuant to this section must file a petition with the court that
23 sealed the records. Upon the filing of a petition, the court shall fix a
24 time for a hearing on the matter. The petitioner must provide notice
25 of the hearing and a copy of the petition to the person who is the
26 subject of the records. If the person who is the subject of the records
27 wishes to oppose the petition, the person must appear before the
28 court at the hearing. If the person appears before the court at the
29 hearing, the court must provide the person an opportunity to be
30 heard on the matter.

31 3. After the hearing described in subsection 2, the court may
32 order the inspection of records that are sealed pursuant to this
33 section if:

34 (a) A law enforcement agency must obtain or maintain
35 information concerning persons who have been admitted to a public
36 or private hospital, a mental health facility or a program of
37 community-based or outpatient services in this State pursuant to
38 state or federal law;

39 (b) A prosecuting attorney or an attorney who is representing the
40 person who is the subject of the records in a criminal action requests
41 to inspect the records; or

42 (c) The person who is the subject of the records petitions the
43 court to permit the inspection of the records by a person named in
44 the petition.



1 4. A governmental entity is entitled to inspect court records
2 that are sealed pursuant to this section without following the
3 procedure described in subsection 2 if:

4 (a) The governmental entity has made a conditional offer of
5 employment to the person who is the subject of the records;

6 (b) The position of employment conditionally offered to the
7 person concerns public safety, including, without limitation,
8 employment as a firefighter or peace officer;

9 (c) The governmental entity is required by law, rule, regulation
10 or policy to obtain the mental health records of each individual
11 conditionally offered the position of employment; and

12 (d) An authorized representative of the governmental entity
13 presents to the court a written authorization signed by the person
14 who is the subject of the records and notarized by a notary public or
15 judicial officer in which the person who is the subject of the records
16 consents to the inspection of the records.

17 5. Upon its own order, any court of this State may inspect court
18 records that are sealed pursuant to this section without following the
19 procedure described in subsection 2 if the records are necessary and
20 relevant for the disposition of a matter pending before the court. The
21 court may allow a party in the matter to inspect the records without
22 following the procedure described in subsection 2 if the court deems
23 such inspection necessary and appropriate.

24 6. Following the sealing of records pursuant to this section, the
25 admission of the person who is the subject of the records to the
26 public or private hospital, mental health facility or program of
27 community-based or outpatient services, is deemed never to have
28 occurred, and the person may answer accordingly any question
29 related to its occurrence, except in connection with:

30 (a) ~~[(An application for a permit to carry a concealed firearm~~
31 ~~pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;~~

32 ~~—(b)]~~ A transfer of a firearm; or

33 ~~[(e)]~~ (b) An application for a position of employment described
34 in subsection 4.

35 7. As used in this section:

36 (a) “Firefighter” means a person who is a salaried employee of a
37 fire-fighting agency and whose principal duties are to control,
38 extinguish, prevent and suppress fires. As used in this paragraph,
39 “fire-fighting agency” means a public fire department, fire
40 protection district or other agency of this State or a political
41 subdivision of this State, the primary functions of which are to
42 control, extinguish, prevent and suppress fires.

43 (b) “Peace officer” has the meaning ascribed to it in
44 NRS 289.010.



1 (c) "Seal" means placing records in a separate file or other
2 repository not accessible to the general public.

3 **Sec. 7.** NRS 202.3653, 202.3657, 202.366, 202.3662,
4 202.3663, 202.3665, 202.3667, 202.367, 202.3673, 202.3677,
5 202.3678, 202.368, 202.3683, 202.3687, 202.3688, 202.3689 and
6 202.369 are hereby repealed.

7 **Sec. 8.** This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

202.3653 Definitions.

202.3657 Application for permit; eligibility; denial or revocation of permit.

202.366 Investigation of applicant for permit; issuance or denial of permit; expiration of permit.

202.3662 Confidentiality of information about applicant for permit and permittee.

202.3663 Judicial review of denial of application for permit.

202.3665 Duties of sheriff upon receiving notification that applicant or permittee has been charged with or convicted of crime involving use or threatened use of force or violence.

202.3667 Permittee to carry permit and proper identification when in possession of concealed firearm; penalty.

202.367 Duplicate permit; notification to sheriff of recovered permit; penalty.

202.3673 Permittee authorized to carry concealed firearm while on premises of public building; exceptions; penalty.

202.3677 Application for renewal of permit; fees; demonstrated continued competence required.

202.3678 Application for certification as qualified retired law enforcement officer; law enforcement agency required to offer certain officers opportunity to obtain qualifications necessary for certification; fees.

202.368 Fees to be deposited with county treasurer.

202.3683 Immunity of state and local governments from civil liability.

202.3687 Temporary permits.

202.3688 Circumstances in which holder of permit issued by another state may carry concealed firearm in this State.



202.3689 Department to prepare list of states that meet certain requirements concerning permits; Department to provide copy of list to law enforcement agencies in this State; Department to make list available to public.

202.369 Regulations.

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