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SENATE BILL NO. 141—SENATORS GUSTAVSON;  
AND SETTELMAYER

FEBRUARY 12, 2015

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JOINT SPONSORS: ASSEMBLYMEN FIORE; DICKMAN,  
JONES, O’NEILL AND WHEELER

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Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain dangerous or  
deadly weapons. (BDR 15-224)

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 weapons; revising provisions governing certain  
dangerous or deadly weapons; revising provisions  
concerning certain concealed weapons; and providing  
other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, with certain exceptions, it is a crime for a person to  
2 manufacture, import, sell, give, lend or possess certain dangerous or deadly  
3 weapons. (NRS 202.350) **Section 2** of this bill removes switchblade knives from  
4 the list of such weapons. **Sections 1, 3 and 4** of this bill revise definitions of  
5 “switchblade knife” set forth in other provisions of existing law to accommodate  
6 the change made by **section 2**. **Section 5** of this bill repeals a provision of existing  
7 law that authorizes a sheriff to issue a permit to allow the manufacture or sale of  
8 switchblade knives under certain circumstances.  
9 Under existing law, it is a crime for a person to carry certain dangerous or  
10 deadly weapons in a concealed manner, unless the person has a permit to do so.  
11 (NRS 202.350) **Section 2** removes dirks, daggers and machetes from the list of  
12 weapons for which such a permit is required.

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

- 1       **Section 1.** NRS 202.265 is hereby amended to read as follows:  
2       202.265 1. Except as otherwise provided in this section, a  
3 person shall not carry or possess while on the property of the  
4 Nevada System of Higher Education, a private or public school or  
5 child care facility, or while in a vehicle of a private or public school  
6 or child care facility:  
7       (a) An explosive or incendiary device;  
8       (b) A dirk, dagger or switchblade knife;  
9       (c) A nunchaku or trefoil;  
10       (d) A blackjack or billy club or metal knuckles;  
11       (e) A pistol, revolver or other firearm; or  
12       (f) Any device used to mark any part of a person with paint or  
13 any other substance.  
14       2. Any person who violates subsection 1 is guilty of a gross  
15 misdemeanor.  
16       3. This section does not prohibit the possession of a weapon  
17 listed in subsection 1 on the property of:  
18       (a) A private or public school or child care facility by a:  
19           (1) Peace officer;  
20           (2) School security guard; or  
21           (3) Person having written permission from the president of a  
22 branch or facility of the Nevada System of Higher Education or the  
23 principal of the school or the person designated by a child care  
24 facility to give permission to carry or possess the weapon.  
25       (b) A child care facility which is located at or in the home of a  
26 natural person by the person who owns or operates the facility so  
27 long as the person resides in the home and the person complies with  
28 any laws governing the possession of such a weapon.  
29       4. The provisions of this section apply to a child care facility  
30 located at or in the home of a natural person only during the normal  
31 hours of business of the facility.  
32       5. For the purposes of this section:  
33       (a) "Child care facility" means any child care facility that is  
34 licensed pursuant to chapter 432A of NRS or licensed by a city or  
35 county.  
36       (b) "Firearm" includes any device from which a metallic  
37 projectile, including any ball bearing or pellet, may be expelled by  
38 means of spring, gas, air or other force.  
39       (c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.  
40       (d) "Switchblade knife" ~~has the meaning ascribed to it in NRS~~  
41 ~~202.350.~~ *means a spring-blade knife, snap-blade knife or any*  
42 *other knife having the appearance of a pocketknife, any blade of*



1 *which is 2 or more inches long and which can be released*  
2 *automatically by a flick of a button, pressure on the handle or*  
3 *other mechanical device, or is released by any type of mechanism.*  
4 *The term does not include a knife which has a blade that is held in*  
5 *place by a spring if the blade does not have any type of automatic*  
6 *release.*

7 (e) "Trefoil" has the meaning ascribed to it in NRS 202.350.

8 (f) "Vehicle" has the meaning ascribed to "school bus" in  
9 NRS 484A.230.

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

11 202.350 1. Except as otherwise provided in this section and  
12 NRS ~~202.355 and~~ 202.3653 to 202.369, inclusive, a person within  
13 this State shall not:

14 (a) Manufacture or cause to be manufactured, or import into the  
15 State, or keep, offer or expose for sale, or give, lend or possess any  
16 knife which is made an integral part of a belt buckle or any  
17 instrument or weapon of the kind commonly known as a  
18 ~~switchblade knife,~~ blackjack, slungshot, billy, sand-club, sandbag  
19 or metal knuckles;

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

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

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

26 (1) Explosive substance, other than ammunition or any  
27 components thereof;

28 (2) ~~Dirk, dagger or machete;~~

29 ~~(3)~~ (3) Pistol, revolver or other firearm, or other dangerous or  
30 deadly weapon; or

31 ~~(4)~~ (3) Knife which is made an integral part of a belt  
32 buckle.

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

35 (a) Paragraph (a) or (c) or subparagraph ~~(2) or (4)~~ (3) of  
36 paragraph (d) of subsection 1 is guilty:

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

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

40 (b) Paragraph (b) or subparagraph (1) or ~~(3)~~ (2) of paragraph  
41 (d) of subsection 1 is guilty of a category C felony and shall be  
42 punished as provided in NRS 193.130.

43 3. Except as otherwise provided in this subsection, the sheriff  
44 of any county may, upon written application by a resident of that  
45 county showing the reason or the purpose for which a concealed



1 weapon is to be carried, issue a permit authorizing the applicant to  
2 carry in this State the concealed weapon described in the permit.  
3 ~~[The sheriff shall not issue a permit to a person to carry a~~  
4 ~~switchblade knife.]~~ This subsection does not authorize the sheriff to  
5 issue a permit to a person to carry a pistol, revolver or other firearm.

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

8 (a) Sheriffs, constables, marshals, peace officers, correctional  
9 officers employed by the Department of Corrections, special police  
10 officers, police officers of this State, whether active or honorably  
11 retired, or other appointed officers.

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

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

18 (d) Members of the Armed Forces of the United States when on  
19 duty.

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

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

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

33 8. As used in this section:

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

37 (b) "Honorably retired" means retired in Nevada after  
38 completion of 10 years of creditable service as a member of the  
39 Public Employees' Retirement System. A former peace officer is  
40 not "honorably retired" if he or she was discharged for cause or  
41 resigned before the final disposition of allegations of serious  
42 misconduct.

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



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

4 (e) "Qualified law enforcement officer" has the meaning  
5 ascribed to it in 18 U.S.C. § 926B(c).

6 (f) "Qualified retired law enforcement officer" has the meaning  
7 ascribed to it in 18 U.S.C. § 926C(c).

8 (g) "Silencer" means any device for silencing, muffling or  
9 diminishing the report of a firearm, including any combination of  
10 parts, designed or redesigned, and intended for use in assembling or  
11 fabricating a silencer or muffler, and any part intended only for use  
12 in such assembly or fabrication.

13 (h) ~~"Switchblade knife" means a spring blade knife, snap blade~~  
14 ~~knife or any other knife having the appearance of a pocketknife, any~~  
15 ~~blade of which is 2 or more inches long and which can be released~~  
16 ~~automatically by a flick of a button, pressure on the handle or other~~  
17 ~~mechanical device, or is released by any type of mechanism. The~~  
18 ~~term does not include a knife which has a blade that is held in place~~  
19 ~~by a spring if the blade does not have any type of automatic release.~~

20 ~~(i)~~ "Trefoil" means an instrument consisting of a metal plate  
21 having three or more radiating points with sharp edges, designed in  
22 the shape of a star, cross or other geometric figure and used as a  
23 weapon for throwing.

24 **Sec. 3.** NRS 392.466 is hereby amended to read as follows:

25 392.466 1. Except as otherwise provided in this section, any  
26 pupil who commits a battery which results in the bodily injury of an  
27 employee of the school or who sells or distributes any controlled  
28 substance while on the premises of any public school, at an activity  
29 sponsored by a public school or on any school bus must, for the first  
30 occurrence, be suspended or expelled from that school, although the  
31 pupil may be placed in another kind of school, for at least a period  
32 equal to one semester for that school. For a second occurrence, the  
33 pupil must be permanently expelled from that school and:

34 (a) Enroll in a private school pursuant to chapter 394 of NRS or  
35 be homeschooled; or

36 (b) Enroll in a program of independent study provided pursuant  
37 to NRS 389.155 for pupils who have been suspended or expelled  
38 from public school or a program of distance education provided  
39 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies  
40 for enrollment and is accepted for enrollment in accordance with the  
41 requirements of the applicable program.

42 2. Except as otherwise provided in this section, any pupil who  
43 is found in possession of a firearm or a dangerous weapon while on  
44 the premises of any public school, at an activity sponsored by a  
45 public school or on any school bus must, for the first occurrence, be



1 expelled from the school for a period of not less than 1 year,  
2 although the pupil may be placed in another kind of school for a  
3 period not to exceed the period of the expulsion. For a second  
4 occurrence, the pupil must be permanently expelled from the school  
5 and:

6 (a) Enroll in a private school pursuant to chapter 394 of NRS or  
7 be homeschooled; or

8 (b) Enroll in a program of independent study provided pursuant  
9 to NRS 389.155 for pupils who have been suspended or expelled  
10 from public school or a program of distance education provided  
11 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies  
12 for enrollment and is accepted for enrollment in accordance with the  
13 requirements of the applicable program.

14 ➤ The superintendent of schools of a school district may, for good  
15 cause shown in a particular case in that school district, allow a  
16 modification to the expulsion requirement of this subsection if such  
17 modification is set forth in writing.

18 3. Except as otherwise provided in this section, if a pupil is  
19 deemed a habitual disciplinary problem pursuant to NRS 392.4655,  
20 the pupil must be suspended or expelled from the school for a period  
21 equal to at least one semester for that school. For the period of the  
22 pupil's suspension or expulsion, the pupil must:

23 (a) Enroll in a private school pursuant to chapter 394 of NRS or  
24 be homeschooled; or

25 (b) Enroll in a program of independent study provided pursuant  
26 to NRS 389.155 for pupils who have been suspended or expelled  
27 from public school or a program of distance education provided  
28 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies  
29 for enrollment and is accepted for enrollment in accordance with the  
30 requirements of the applicable program.

31 4. This section does not prohibit a pupil from having in his or  
32 her possession a knife or firearm with the approval of the principal  
33 of the school. A principal may grant such approval only in  
34 accordance with the policies or regulations adopted by the board of  
35 trustees of the school district.

36 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has  
37 been found to have possessed a firearm in violation of subsection 2,  
38 may be suspended from school or permanently expelled from school  
39 pursuant to this section only after the board of trustees of the school  
40 district has reviewed the circumstances and approved this action in  
41 accordance with the procedural policy adopted by the board for such  
42 issues.

43 6. A pupil who is participating in a program of special  
44 education pursuant to NRS 388.520, other than a pupil who is gifted  
45 and talented or who receives early intervening services, may, in



1 accordance with the procedural policy adopted by the board of  
2 trustees of the school district for such matters, be:

3 (a) Suspended from school pursuant to this section for not more  
4 than 10 days. Such a suspension may be imposed pursuant to  
5 this paragraph for each occurrence of conduct proscribed by  
6 subsection 1.

7 (b) Suspended from school for more than 10 days or  
8 permanently expelled from school pursuant to this section only after  
9 the board of trustees of the school district has reviewed the  
10 circumstances and determined that the action is in compliance with  
11 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400  
12 et seq.

13 7. As used in this section:

14 (a) "Battery" has the meaning ascribed to it in paragraph (a) of  
15 subsection 1 of NRS 200.481.

16 (b) "Dangerous weapon" includes, without limitation, a  
17 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk  
18 or dagger, a nunchaku ~~[- switchblade knife]~~ or trefoil, as defined in  
19 NRS 202.350, a butterfly knife or any other knife described in NRS  
20 202.350, *a switchblade knife*, or any other object which is used, or  
21 threatened to be used, in such a manner and under such  
22 circumstances as to pose a threat of, or cause, bodily injury to a  
23 person.

24 (c) "Firearm" includes, without limitation, any pistol, revolver,  
25 shotgun, explosive substance or device, and any other item included  
26 within the definition of a "firearm" in 18 U.S.C. § 921, as that  
27 section existed on July 1, 1995.

28 *(d) "Switchblade knife" has the meaning ascribed to it in*  
29 *NRS 202.265.*

30 8. The provisions of this section do not prohibit a pupil who is  
31 suspended or expelled from enrolling in a charter school that is  
32 designed exclusively for the enrollment of pupils with disciplinary  
33 problems if the pupil is accepted for enrollment by the charter  
34 school pursuant to NRS 386.580. Upon request, the governing body  
35 of a charter school must be provided with access to the records of  
36 the pupil relating to the pupil's suspension or expulsion in  
37 accordance with applicable federal and state law before the  
38 governing body makes a decision concerning the enrollment of the  
39 pupil.

40 **Sec. 4.** NRS 393.410 is hereby amended to read as follows:

41 393.410 1. It is unlawful for any person:

42 (a) Willfully and maliciously to injure, mark or deface any  
43 public schoolhouse, its fixtures, books or appurtenances;

44 (b) To commit any nuisance in any public schoolhouse;

45 (c) To loiter on or near the school grounds; or



1 (d) Purposely and maliciously to commit any trespass upon the  
2 grounds attached to a public schoolhouse, or any fixtures placed  
3 thereon, or any enclosure or sidewalk about the same.

4 2. Except as otherwise provided in subsection 3, any person  
5 violating any of the provisions of this section is guilty of a public  
6 offense, as prescribed in NRS 193.155, proportionate to the value of  
7 the property damaged or destroyed and in no event less than a  
8 misdemeanor.

9 3. Any person who is in possession of a dangerous weapon  
10 during his or her commission of a violation of paragraph (b), (c) or  
11 (d) of subsection 1 is guilty of a gross misdemeanor.

12 4. As used in this section:

13 (a) "Dangerous knife" means a knife having a blade that is 2  
14 inches or more in length when measured from the tip of the knife  
15 which is customarily sharpened to the unsharpened extension of the  
16 blade which forms the hinge connecting the blade to the handle.

17 (b) "Dangerous weapon" means:

18 (1) An explosive or incendiary device;

19 (2) A dirk, dagger, switchblade knife or dangerous knife;

20 (3) A nunchaku or trefoil;

21 (4) A blackjack or billy club or metal knuckles; or

22 (5) A pistol, revolver or other firearm.

23 (c) "Explosive or incendiary device" has the meaning ascribed  
24 to it in NRS 202.253.

25 (d) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

26 (e) "Switchblade knife" has the meaning ascribed to it in  
27 NRS ~~202.350.~~ 202.265.

28 (f) "Trefoil" has the meaning ascribed to it in NRS 202.350.

29 **Sec. 5.** NRS 202.355 is hereby repealed.

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### TEXT OF REPEALED SECTION

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#### **202.355 Manufacture or sale of switchblade knives: Application for permit; eligibility; public hearing; restrictions.**

1. Upon written application, the sheriff of any county may issue a permit authorizing a person whose place of business is located in that county to manufacture or to keep, offer or expose for sale switchblade knives if the person demonstrates good cause for such authorization.

2. Before issuing a permit, the sheriff shall request the board of county commissioners to hold a public hearing concerning the issuance of the permit.





3. If the sheriff issues a permit which authorizes a person to sell switchblade knives, the permit must provide that switchblade knives may be sold only to:

- (a) A person in another state, territory or country;
- (b) A person who is authorized by law to possess a switchblade knife in this state, including, without limitation, any sheriff, constable, marshal, peace officer and member of the Armed Forces of the United States when on duty; and
- (c) A distributor who has been issued a permit pursuant to this section.

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