

SENATE BILL NO. 176—SENATORS SETTELMAYER,
GUSTAVSON AND GOICOECHEA

FEBRUARY 19, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain dangerous or deadly weapons. (BDR 15-87)

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.

AN ACT relating to weapons; revising provisions governing certain dangerous or deadly weapons; revising provisions concerning certain concealed weapons; repealing certain provisions governing the manufacture and sale of switchblade knives; 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 knives which are made an
4 integral part of a belt buckle and switchblade knives from the list of such weapons.
5 **Sections 1, 6 and 7** of this bill revise definitions of “switchblade knife” set forth in
6 other provisions of existing law to accommodate the change made by **section 2**.
7 **Section 9** of this bill repeals a provision of existing law that authorizes a sheriff to
8 issue a permit to allow the manufacture or sale of switchblade knives under certain
9 circumstances.

10 Existing law also prohibits a person from carrying or possessing certain
11 weapons on the property of the Nevada System of Higher Education, a private or
12 public school or a child care facility, or while in a vehicle of a private or public
13 school or child care facility, unless the person: (1) is a peace officer; (2) is a school
14 security guard; or (3) has written permission from the president of a branch or
15 facility of the Nevada System of Higher Education, the principal of the school or
16 the person designated by a child care facility to carry the weapon. (NRS 202.265)
17 **Section 1** adds pneumatic guns to the list of prohibited weapons on such property.

18 Under existing law, it is a crime for a person to carry certain dangerous or
19 deadly weapons in a concealed manner unless the person has a permit to do so.
20 (NRS 202.350) **Section 2** removes dirks, daggers and knives which are made an
21 integral part of a belt buckle from the list of weapons for which such a permit is



22 required. **Section 2** also adds pneumatic guns to the list of weapons that a person
23 cannot carry in a concealed manner without a permit to do so.

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 pneumatic gun;*
12 (f) A pistol, revolver or other firearm; or
13 ~~(h)~~ (g) Any device used to mark any part of a person with
14 paint or any other substance.
15 2. Any person who violates subsection 1 is guilty of a gross
16 misdemeanor.
17 3. This section does not prohibit the possession of a weapon
18 listed in subsection 1 on the property of:
19 (a) A private or public school or child care facility by a:
20 (1) Peace officer;
21 (2) School security guard; or
22 (3) Person having written permission from the president of a
23 branch or facility of the Nevada System of Higher Education or the
24 principal of the school or the person designated by a child care
25 facility to give permission to carry or possess the weapon.
26 (b) A child care facility which is located at or in the home of a
27 natural person by the person who owns or operates the facility so
28 long as the person resides in the home and the person complies with
29 any laws governing the possession of such a weapon.
30 4. The provisions of this section apply to a child care facility
31 located at or in the home of a natural person only during the normal
32 hours of business of the facility.
33 5. For the purposes of this section:
34 (a) "Child care facility" means any child care facility that is
35 licensed pursuant to chapter 432A of NRS or licensed by a city or
36 county.



1 (b) ~~“Firearm” includes any device from which a metallic~~
2 ~~projectile, including any ball bearing or pellet, may be expelled by~~
3 ~~means of spring, gas, air or other force.~~

4 ~~—(c) “Nunchaku” has the meaning ascribed to it in NRS 202.350.~~

5 ~~[(d)] (c) “Pneumatic gun” means any implement designed as~~
6 ~~a gun that may expel a ball bearing or a pellet by action of~~
7 ~~pneumatic pressure. The term includes, without limitation, a~~
8 ~~paintball gun that expels plastic balls filled with paint for the~~
9 ~~purpose of marking the point of impact.~~

10 (d) “Switchblade knife” ~~has the meaning ascribed to it in NRS~~
11 ~~202.350.] means a spring-blade knife, snap-blade knife or any~~
12 ~~other knife having the appearance of a pocketknife, any blade of~~
13 ~~which is 2 or more inches long and which can be released~~
14 ~~automatically by a flick of a button, pressure on the handle or~~
15 ~~other mechanical device, or is released by any type of mechanism.~~
16 ~~The term does not include a knife which has a blade that is held in~~
17 ~~place by a spring if the blade does not have any type of automatic~~
18 ~~release.~~

19 (e) “Trefoil” has the meaning ascribed to it in NRS 202.350.

20 (f) “Vehicle” has the meaning ascribed to “school bus” in
21 NRS 484A.230.

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

23 202.350 1. Except as otherwise provided in this section and
24 NRS ~~202.355 and~~ 202.3653 to 202.369, inclusive, a person within
25 this State shall not:

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

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

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

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

38 (1) Explosive substance, other than ammunition or any
39 components thereof;

40 (2) ~~Dirk, dagger or machete;~~ *Machete;*

41 (3) *Pneumatic gun; or*

42 (4) Pistol, revolver or other firearm, or other dangerous or
43 deadly weapon. ~~or~~

44 ~~—(4) Knife which is made an integral part of a belt buckle.]~~



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

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

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

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

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

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

16 ~~¶The sheriff shall not issue a permit to a person to carry a~~
17 ~~switchblade knife.¶~~ This subsection does not authorize the sheriff to
18 issue a permit to a person to carry a pistol, revolver or other firearm.

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

21 (a) Sheriffs, constables, marshals, peace officers, correctional
22 officers employed by the Department of Corrections, special police
23 officers, police officers of this State, whether active or honorably
24 retired, or other appointed officers.

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

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

31 (d) Members of the Armed Forces of the United States when on
32 duty.

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

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

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



1 8. As used in this section:

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

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

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

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

17 (e) *"Pneumatic gun" has the meaning ascribed to it in*
18 *NRS 202.265.*

19 (f) "Qualified law enforcement officer" has the meaning
20 ascribed to it in 18 U.S.C. § 926B(c).

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

23 ~~(g)~~ (h) "Silencer" means any device for silencing, muffling or
24 diminishing the report of a firearm, including any combination of
25 parts, designed or redesigned, and intended for use in assembling or
26 fabricating a silencer or muffler, and any part intended only for use
27 in such assembly or fabrication.

28 ~~(h) "Switchblade knife" means a spring blade knife, snap blade~~
29 ~~knife or any other knife having the appearance of a pocketknife, any~~
30 ~~blade of which is 2 or more inches long and which can be released~~
31 ~~automatically by a flick of a button, pressure on the handle or other~~
32 ~~mechanical device, or is released by any type of mechanism. The~~
33 ~~term does not include a knife which has a blade that is held in place~~
34 ~~by a spring if the blade does not have any type of automatic release.]~~

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

39 **Sec. 3.** (Deleted by amendment.)

40 **Sec. 4.** (Deleted by amendment.)

41 **Sec. 5.** (Deleted by amendment.)

42 **Sec. 6.** NRS 392.466 is hereby amended to read as follows:

43 392.466 1. Except as otherwise provided in this section, any
44 pupil who commits a battery which results in the bodily injury of an
45 employee of the school or who sells or distributes any controlled



1 substance while on the premises of any public school, at an activity
2 sponsored by a public school or on any school bus must, for the first
3 occurrence, be suspended or expelled from that school, although the
4 pupil may be placed in another kind of school, for at least a period
5 equal to one semester for that school. For a second occurrence, the
6 pupil must be permanently expelled from that school and:

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

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

15 2. Except as otherwise provided in this section, any pupil who
16 is found in possession of a firearm or a dangerous weapon while on
17 the premises of any public school, at an activity sponsored by a
18 public school or on any school bus must, for the first occurrence, be
19 expelled from the school for a period of not less than 1 year,
20 although the pupil may be placed in another kind of school for a
21 period not to exceed the period of the expulsion. For a second
22 occurrence, the pupil must be permanently expelled from the school
23 and:

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

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

32 ↪ The superintendent of schools of a school district may, for good
33 cause shown in a particular case in that school district, allow a
34 modification to the expulsion requirement of this subsection if such
35 modification is set forth in writing.

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

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

43 (b) Enroll in a program of independent study provided pursuant
44 to NRS 389.155 for pupils who have been suspended or expelled
45 from public school or a program of distance education provided



1 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
2 for enrollment and is accepted for enrollment in accordance with the
3 requirements of the applicable program.

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

9 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has
10 been found to have possessed a firearm in violation of subsection 2,
11 may be suspended from school or permanently expelled from school
12 pursuant to this section only after the board of trustees of the school
13 district has reviewed the circumstances and approved this action in
14 accordance with the procedural policy adopted by the board for such
15 issues.

16 6. A pupil who is participating in a program of special
17 education pursuant to NRS 388.520, other than a pupil who is gifted
18 and talented or who receives early intervening services, may, in
19 accordance with the procedural policy adopted by the board of
20 trustees of the school district for such matters, be:

21 (a) Suspended from school pursuant to this section for not more
22 than 10 days. Such a suspension may be imposed pursuant to
23 this paragraph for each occurrence of conduct proscribed by
24 subsection 1.

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

31 7. As used in this section:

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

34 (b) "Dangerous weapon" includes, without limitation, a
35 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
36 or dagger, a nunchaku ~~[-, switchblade knife]~~ or trefoil, as defined in
37 NRS 202.350, a butterfly knife or any other knife described in NRS
38 202.350, *a switchblade knife as defined in NRS 202.265*, or any
39 other object which is used, or threatened to be used, in such a
40 manner and under such circumstances as to pose a threat of, or
41 cause, bodily injury to a person.

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



1 8. The provisions of this section do not prohibit a pupil who is
2 suspended or expelled from enrolling in a charter school that is
3 designed exclusively for the enrollment of pupils with disciplinary
4 problems if the pupil is accepted for enrollment by the charter
5 school pursuant to NRS 386.580. Upon request, the governing body
6 of a charter school must be provided with access to the records of
7 the pupil relating to the pupil's suspension or expulsion in
8 accordance with applicable federal and state law before the
9 governing body makes a decision concerning the enrollment of the
10 pupil.

11 **Sec. 7.** NRS 393.410 is hereby amended to read as follows:

12 393.410 1. It is unlawful for any person:

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

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

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

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

20 2. Except as otherwise provided in subsection 3, any person
21 violating any of the provisions of this section is guilty of a public
22 offense, as prescribed in NRS 193.155, proportionate to the value of
23 the property damaged or destroyed and in no event less than a
24 misdemeanor.

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

28 4. As used in this section:

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

33 (b) "Dangerous weapon" means:

34 (1) An explosive or incendiary device;

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

36 (3) A nunchaku or trefoil;

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

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

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

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

42 (e) "Switchblade knife" has the meaning ascribed to it in NRS

43 ~~202.350.~~ **202.265.**

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

45 **Sec. 8.** (Deleted by amendment.)



- 1 **Sec. 9.** NRS 202.355 is hereby repealed.
2 **Sec. 10.** This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

**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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