

ASSEMBLY BILL NO. 235—ASSEMBLYMAN HAMBRICK

MARCH 12, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the prohibition against possessing certain weapons while on certain property. (BDR 15-216)

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 crimes; revising provisions governing the prohibition against possessing certain weapons while on certain property; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law generally prohibits a person from carrying or possessing certain
2 weapons while on the property of the Nevada System of Higher Education, a
3 private or public school or a child care facility, or while in a vehicle of a private or
4 public school or a child care facility. A person who violates the prohibition and is
5 not otherwise exempt is guilty of a gross misdemeanor. (NRS 202.265) This bill
6 provides that a person is not prohibited from possessing such a weapon on the
7 property of the Nevada System of Higher Education, a private or public school or a
8 child care facility if the weapon remains out of common observation and if the
9 weapon is: (1) inside a motor vehicle that is occupied or, if the motor vehicle is
10 unoccupied, the motor vehicle is locked; or (2) stored in a locked container that is
11 affixed securely to a motor vehicle.

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 *a*
5 child care facility, or while in a vehicle of a private or public school
6 or *a* child care facility:



- 1 (a) An explosive or incendiary device;
- 2 (b) A dirk, dagger or switchblade knife;
- 3 (c) A nunchaku or trefoil;
- 4 (d) A blackjack or billy club or metal knuckles;
- 5 (e) A pistol, revolver or other firearm; or
- 6 (f) Any device used to mark any part of a person with paint or
- 7 any other substance.

8 2. Any person who violates subsection 1 is guilty of a gross
9 misdemeanor.

10 3. This section does not prohibit the possession of a weapon
11 listed in subsection 1 on the property of:

12 (a) A private or public school or *a* child care facility by a:

- 13 (1) Peace officer;
- 14 (2) School security guard; or
- 15 (3) Person having written permission from the president of a
16 branch or facility of the Nevada System of Higher Education or the
17 principal of the school or the person designated by a child care
18 facility to give permission to carry or possess the weapon.

19 (b) A child care facility which is located at or in the home of a
20 natural person by the person who owns or operates the facility so
21 long as the person resides in the home and the person complies with
22 any laws governing the possession of such a weapon.

23 *(c) The Nevada System of Higher Education, a private or*
24 *public school or a child care facility if the weapon remains out of*
25 *common observation and is:*

- 26 *(1) Inside a motor vehicle other than a school bus that is:*
27 *(I) Occupied; or*
28 *(II) Unoccupied and locked; or*
29 *(2) Stored in a locked container that is affixed securely to a*
30 *motor vehicle other than a school bus.*

31 4. The provisions of this section apply to a child care facility
32 located at or in the home of a natural person only during the normal
33 hours of business of the facility.

34 5. For the purposes of this section:

35 (a) "Child care facility" means any child care facility that is
36 licensed pursuant to chapter 432A of NRS or licensed by a city or
37 county.

38 (b) "Firearm" includes any device from which a metallic
39 projectile, including any ball bearing or pellet, may be expelled by
40 means of spring, gas, air or other force.

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

42 (d) *"School bus" has the meaning ascribed to it in*
43 *NRS 484A.230.*

44 (e) "Switchblade knife" has the meaning ascribed to it in
45 NRS 202.350.



- 1 ~~(e)~~ (f) “Trefoil” has the meaning ascribed to it in
- 2 NRS 202.350.
- 3 ~~(f) “Vehicle” has the meaning ascribed to “school bus” in~~
- 4 ~~NRS 484A.230.]~~

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