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SECOND REPRINT

A.B. 291

ASSEMBLY BILL NO. 291—ASSEMBLYWOMAN JAUREGUI

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public safety.
(BDR 3-759)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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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 public safety; establishing provisions governing certain orders for protection against high-risk behavior; defining certain terms relating to the issuance of such orders; prescribing certain conduct and acts that constitute high-risk behavior; authorizing certain persons to apply for ex parte and extended orders for protection against high-risk behavior under certain circumstances; providing for the issuance and enforcement of such orders; prohibiting a person against whom such an order is issued from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm during the period in which the order is in effect; establishing certain other procedures relating to such orders; prohibiting the filing of an application for such orders under certain circumstances; making it a crime to violate such orders; prohibiting certain acts relating to the modification of a semiautomatic firearm; reducing the concentration of alcohol that may be present in the blood or breath of a person while in possession of a firearm; making it a crime to negligently store or leave a firearm under certain circumstances; providing penalties; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law authorizes a court to issue certain temporary or extended orders
2 for protection. (NRS 33.020, 33.270, 33.400) **Sections 2-22** of this bill similarly
3 establish procedures for the issuance of ex parte or extended orders when a person
4 poses a risk of personal injury to himself or herself or another person under certain
5 circumstances. **Sections 4-9** of this bill set forth certain definitions relating to such
6 orders. **Section 10** of this bill prescribes certain acts and conduct which constitute
7 high-risk behavior for the purposes of the issuance of such orders.

8 **Section 11** of this bill authorizes a family or household member or a law
9 enforcement officer to file a verified application to obtain an ex parte or extended
10 order against a person who poses a risk of causing personal injury to himself or
11 himself or another person by possessing or having under his or her custody or
12 control or by purchasing or otherwise acquiring any firearm. **Section 12** of this bill
13 requires a court to issue an ex parte order pursuant to a verified application if the
14 court finds by a preponderance of the evidence: (1) that a person poses an imminent
15 risk of causing personal injury to himself or herself or another person by possessing
16 or having under his or her custody or control or by purchasing or otherwise
17 acquiring any firearm; (2) the person has engaged in high-risk behavior; and (3)
18 less restrictive options have been exhausted or are not effective. **Section 13** of this
19 bill requires a court to issue an extended order pursuant to a verified application if
20 the court finds by clear and convincing evidence: (1) that a person poses a risk of
21 causing personal injury to himself or herself or another person by possessing or
22 having under his or her custody or control or by purchasing or otherwise acquiring
23 any firearm; (2) the person has engaged in high-risk behavior; and (3) less
24 restrictive options have been exhausted or are not effective. **Section 21** of this bill
25 provides that a person who files a verified application for such an order: (1) which
26 he or she knows or has reason to know is false or misleading; or (2) with the intent
27 to harass the adverse party, is guilty of a misdemeanor.

28 **Section 14** of this bill requires the adverse party against whom an ex parte or
29 extended order is issued to surrender any firearm in his or her possession or under
30 his or her custody or control and prohibits the party from possessing or having
31 under his or her custody or control any firearm while the order is in effect. **Sections**
32 **15-18** of this bill establish additional procedures related to: (1) the issuance and
33 enforcement of such ex parte and extended orders; and (2) the surrender and return
34 of the firearms of the adverse party. **Section 19** of this bill provides that orders
35 issued pursuant to this bill are effective as follows: (1) for an ex parte order, a
36 period of 7 days; and (2) for an extended order, a period of 1 year.

37 **Section 22** of this bill provides that a person who violates an ex parte or
38 extended order is guilty of a misdemeanor.

39 Existing law provides that a person who commits certain crimes that are
40 punishable as a felony in violation of certain orders for protection is subject to an
41 additional penalty. (NRS 193.166) **Section 24** of this bill includes a felony
42 committed in violation of an ex parte or extended order, as defined in this bill, to
43 the list of violations which result in an additional penalty.

44 **Section 25** of this bill prohibits a person from importing, selling,
45 manufacturing, transferring, receiving or possessing: (1) any manual, power-driven
46 or electronic device that is designed such that when the device is attached to a
47 semiautomatic firearm, the device eliminates the need for the operator of the
48 semiautomatic firearm to make a separate movement for each individual function of
49 the trigger and materially increases the rate of fire of the semiautomatic firearm or
50 approximates the action or rate of fire of a machine gun; (2) any part or
51 combination of parts that functions to eliminate the need for the operator of the
52 semiautomatic firearm to make a separate movement for each individual function of
53 the trigger and materially increases the rate of fire of the semiautomatic firearm or
54 approximates the action or rate of fire of a machine gun; or (3) any semiautomatic



55 firearm that has been modified in any way that eliminates the need for the operator
56 of the semiautomatic firearm to make a separate movement for each individual
57 function of the trigger and materially increases the rate of fire of the semiautomatic
58 firearm or approximates the action or rate of fire of a machine gun. **Section 25** does
59 not apply to employees of a law enforcement agency or members of the Armed
60 Forces of the United States who are carrying out official duties. **Section 29** of this
61 bill makes a conforming change.

62 **Section 27** of this bill reduces the allowable concentration of alcohol that may
63 be present in the blood or breath of a person who is in possession of a firearm from
64 0.10 to 0.08. (NRS 202.257)

65 Existing law prohibits a child under the age of 18 years from handling,
66 possessing or controlling a firearm under certain circumstances. Existing law also
67 prohibits a person from aiding or knowingly permitting a child to handle, possess or
68 control a firearm under certain circumstances and sets forth penalties upon a person
69 who is found guilty of such an offense. A person does not aid or knowingly permit
70 a child to violate such existing law if the firearm was stored in a securely locked
71 container or at a location which a reasonable person would have believed to be
72 secure. (NRS 202.300) **Section 28** of this bill makes it a misdemeanor to
73 negligently store or leave a firearm at a location under his or her control, if a person
74 knows or has reason to know that there is a substantial risk that a child, who is
75 otherwise prohibited from handling, possessing or controlling a firearm, may obtain
76 such a firearm.

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

1 **Section 1.** Chapter 33 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 22, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 22, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 4 to 9, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

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

9 **Sec. 4.** *“Adverse party” means a natural person who is*
10 *named in an application for an order of protection against high-*
11 *risk behavior.*

12 **Sec. 5.** *“Ex parte order” means an ex parte order for*
13 *protection against high-risk behavior.*

14 **Sec. 6.** *“Extended order” means an extended order for*
15 *protection against high-risk behavior.*

16 **Sec. 7.** (Deleted by amendment.)

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

18 **Sec. 9.** *“Family or household member” means, with respect*
19 *to an adverse party, any:*

20 *1. Person related by blood, adoption or marriage to the*
21 *adverse party within the first degree of consanguinity;*



1 2. Person who has a child in common with the adverse party,
2 regardless of whether the person has been married to the adverse
3 party or has lived together with the adverse party at any time;

4 3. Domestic partner of the adverse party;

5 4. Person who has a biological or legal parent and child
6 relationship with the adverse party, including, without limitation,
7 a natural parent, adoptive parent, stepparent, stepchild,
8 grandparent or grandchild;

9 5. Person who is acting or has acted as a guardian to the
10 adverse party; or

11 6. Person who is currently in a dating or ongoing intimate
12 relationship with the adverse party.

13 **Sec. 10. 1. High-risk behavior occurs when a person:**

14 (a) Uses, attempts to use or threatens the use of physical force
15 against another person;

16 (b) Communicates a threat of imminent violence toward
17 himself or herself or against another person;

18 (c) Commits an act of violence directed toward himself or
19 herself or another person;

20 (d) Engages in a pattern of threats of violence or acts of
21 violence against himself or herself or another person, including,
22 without limitation, threats of violence or acts of violence that have
23 caused another person to be in reasonable fear of physical harm
24 to himself or herself;

25 (e) Exhibits conduct which a law enforcement officer
26 reasonably determines would present a serious and imminent
27 threat to the safety of the public;

28 (f) Engages in conduct which presents a danger to himself or
29 herself or another person while:

30 (1) In possession, custody or control of a firearm; or

31 (2) Purchasing or otherwise acquiring a firearm;

32 (g) Abuses a controlled substance or alcohol while engaging in
33 high-risk behavior as described in this section; or

34 (h) Acquires a firearm or other deadly weapon within the
35 immediately preceding 6 months before the person otherwise
36 engages in high-risk behavior as described in this section.

37 2. For the purposes of this section, a person shall be deemed
38 to engage in high-risk behavior if he or she has previously been
39 convicted of:

40 (a) Violating a temporary or extended order for protection
41 against domestic violence issued pursuant to NRS 33.020;

42 (b) Violating a temporary or extended order for protection
43 against sexual assault issued pursuant to NRS 200.378; or

44 (c) A crime of violence, as defined in NRS 200.408, punishable
45 as a felony.



1 **Sec. 11. 1.** *A law enforcement officer who has probable*
2 *cause to believe that a person poses a risk of causing personal*
3 *injury to himself or herself or another person by possessing or*
4 *having under his or her custody or control or by purchasing or*
5 *otherwise acquiring any firearm may file a verified application for*
6 *an ex parte or extended order.*

7 2. *A family or household member who reasonably believes*
8 *that a person poses a risk of causing personal injury to himself or*
9 *herself or another person by possessing or having under his or her*
10 *custody or control or by purchasing or otherwise acquiring any*
11 *firearm may file a verified application for an ex parte or extended*
12 *order.*

13 3. *A verified application filed pursuant to this section must*
14 *include, without limitation:*

15 (a) *The name of the person seeking the order and whether he*
16 *or she is requesting an ex parte order or an extended order;*

17 (b) *The name and address, if known, of the person who is*
18 *alleged to pose a risk pursuant to subsection 1 or 2; and*

19 (c) *A detailed description of the conduct and acts that*
20 *constitute high-risk behavior and the dates on which the high-risk*
21 *behavior occurred.*

22 4. *Service of an application for an extended order and the*
23 *notice of hearing thereon must be served upon the adverse party*
24 *pursuant to the Nevada Rules of Civil Procedure.*

25 **Sec. 12. 1.** *The court shall issue an ex parte order if the*
26 *court finds by a preponderance of the evidence from facts shown*
27 *by a verified application filed pursuant to section 11 of this act:*

28 (a) *That a person poses an imminent risk of causing personal*
29 *injury to himself or herself or another person by possessing or*
30 *having under his or her custody or control or by purchasing or*
31 *otherwise acquiring any firearm;*

32 (b) *The person engaged in high-risk behavior; and*

33 (c) *Less restrictive options have been exhausted or are not*
34 *effective.*

35 2. *The court may require the person who filed the verified*
36 *application or the adverse party, or both, to appear before the*
37 *court before determining whether to issue an ex parte order.*

38 3. *An ex parte order may be issued with or without notice to*
39 *the adverse party.*

40 4. *Except as otherwise provided in this subsection, a hearing*
41 *must not be held by telephone. The court shall hold a hearing on*
42 *the ex parte order and shall issue or deny the ex parte order on the*
43 *day the verified application is filed or the judicial day immediately*
44 *following the day the verified application is filed. If the verified*
45 *application is filed by a law enforcement officer, the court may*



1 *hold the hearing on the ex parte order by telephone, which must*
2 *be recorded in the presence of the magistrate or in the immediate*
3 *vicinity of the magistrate by a certified court reporter or by*
4 *electronic means. Any such recording must be transcribed,*
5 *certified by the reporter if the reporter made the recording and*
6 *certified by the magistrate. The certified transcript must be filed*
7 *with the clerk of the court.*

8 *5. A hearing on an application for an ex parte order must be*
9 *held within 7 calendar days after the date on which the verified*
10 *application for the order is filed.*

11 *6. In a county whose population is 100,000 or more, the court*
12 *shall be available 24 hours a day, 7 days a week, including*
13 *nonjudicial days and holidays, to receive communications by*
14 *telephone and for the issuance of an ex parte order pursuant to*
15 *subsection 4.*

16 *7. In a county whose population is less than 100,000, the*
17 *court may be available 24 hours a day, 7 days a week, including*
18 *nonjudicial days and holidays, to receive communications by*
19 *telephone and for the issuance of an ex parte order pursuant to*
20 *subsection 4.*

21 *8. The clerk of the court shall inform the applicant and the*
22 *adverse party upon the successful transfer of information*
23 *concerning the registration to the Central Repository for Nevada*
24 *Records of Criminal History as required pursuant to NRS 33.095.*

25 **Sec. 13.** *1. The court shall issue an extended order if the*
26 *court finds by clear and convincing evidence from facts shown by*
27 *a verified application filed pursuant to section 11 of this act:*

28 *(a) That a person poses a risk of causing personal injury to*
29 *himself or herself or another person by possessing or having*
30 *under his or her custody or control or by purchasing or otherwise*
31 *acquiring any firearm;*

32 *(b) The person engaged in high-risk behavior; and*

33 *(c) Less restrictive options have been exhausted or are not*
34 *effective.*

35 *2. A hearing on an application for an extended order must be*
36 *held within 7 calendar days after the date on which the application*
37 *for the extended order is filed.*

38 *3. The clerk of the court shall inform the applicant and the*
39 *adverse party upon the successful transfer of information*
40 *concerning the registration to the Central Repository for Nevada*
41 *Records of Criminal History as required pursuant to NRS 33.095.*

42 **Sec. 14.** *Each ex parte or extended order issued pursuant to*
43 *section 12 or 13 of this act must:*



1 *1. Require the adverse party to surrender any firearm in his*
2 *or her possession or under his or her custody or control in the*
3 *manner set forth in section 15 of this act.*

4 *2. Prohibit the adverse party from possessing or having under*
5 *his or her custody or control any firearm while the order is in*
6 *effect.*

7 *3. Include a provision ordering any law enforcement officer*
8 *to arrest the adverse party with a warrant, or without a warrant if*
9 *the officer has probable cause to believe that the person has been*
10 *served with a copy of the order and has violated a provision of the*
11 *order.*

12 *4. State the reasons for the issuance of the order.*

13 *5. Include instructions for surrendering any firearm as*
14 *ordered by the court.*

15 *6. State the time and date on which the order expires.*

16 *7. Require the adverse party to surrender any permit issued*
17 *pursuant to NRS 202.3657.*

18 *8. Include the following statement:*

19
20 **WARNING**

21 *This is an official court order. If you disobey this order, you*
22 *may be arrested and prosecuted for the crime of violating an*
23 *ex parte or extended order and any other crime that you*
24 *may have committed in disobeying this order.*

25 **Sec. 15. 1.** *After a court orders an adverse party to*
26 *surrender any firearm pursuant to section 14 of this act, the*
27 *adverse party shall, immediately after service of the order:*

28 *(a) Surrender any firearm in his or her possession or under*
29 *his or her custody or control to the appropriate law enforcement*
30 *agency designated by the court in the order; or*

31 *(b) Surrender any firearm in his or her possession or under*
32 *his or her custody or control to a person, other than a person who*
33 *resides with the adverse party, designated by the court in the order.*

34 **2.** *If the court orders the adverse party to surrender any*
35 *firearm to a law enforcement agency pursuant to paragraph (a) of*
36 *subsection 1, the law enforcement agency shall provide the*
37 *adverse party with a receipt which includes a description of each*
38 *firearm surrendered and the adverse party shall, not later than 72*
39 *hours or 1 business day, whichever is later, after surrendering any*
40 *such firearm, provide the original receipt to the court. The law*
41 *enforcement agency shall store any such firearm or may contract*
42 *with a licensed firearm dealer to provide storage.*

43 **3.** *If the court orders the adverse party to surrender any*
44 *firearm to a person designated by the court pursuant to paragraph*
45 *(b) of subsection 1, the adverse party shall, not later than 72 hours*



1 *or 1 business day, whichever is later, after surrendering any such*
2 *firearm, provide to the court and the appropriate law enforcement*
3 *agency the name and address of the person designated in the order*
4 *and a written description of each firearm surrendered.*

5 *4. If there is probable cause to believe that the adverse party*
6 *has not surrendered any firearm in his or her possession or under*
7 *his or her custody or control within the time set forth in*
8 *subsections 2 and 3, the court may issue and deliver to any law*
9 *enforcement officer a search warrant which authorizes the officer*
10 *to enter and search any place where there is probable cause to*
11 *believe any such firearm is located and seize the firearm.*

12 *5. If, while executing a search warrant pursuant to*
13 *subsection 4, the health or safety of the officer or the adverse party*
14 *is put at risk because of any action of the adverse party, the law*
15 *enforcement officer is under no duty to continue to attempt to*
16 *execute the search warrant and the execution of the warrant shall*
17 *be deemed unsuccessful. If such execution is unsuccessful, the*
18 *law enforcement agency shall, as soon as practicable after the risk*
19 *has subsided, attempt to execute the search warrant until the*
20 *search warrant is successfully executed.*

21 *6. A law enforcement agency shall return any surrendered or*
22 *seized firearm to the adverse party:*

23 *(a) In the manner provided by the policies and procedures of*
24 *the law enforcement agency;*

25 *(b) After confirming that:*

26 *(1) The adverse party is eligible to own or possess a firearm*
27 *under state and federal law; and*

28 *(2) Any ex parte or extended order issued pursuant to*
29 *section 12 or 13 of this act is dissolved or no longer in effect; and*

30 *(c) As soon as practicable but not more than 14 days after the*
31 *dissolution of an ex parte or extended order.*

32 *7. If a person other than the adverse party claims title to any*
33 *firearm surrendered or seized pursuant to this section and he or*
34 *she is determined by the law enforcement agency to be the lawful*
35 *owner, the firearm must be returned to him or her, if:*

36 *(a) The lawful owner agrees to store the firearm in a manner*
37 *such that the adverse party does not have access to or control of*
38 *the firearm; and*

39 *(b) The law enforcement agency determines that:*

40 *(1) The firearm is not otherwise unlawfully possessed by*
41 *the lawful owner; and*

42 *(2) The person is eligible to own or possess a firearm under*
43 *state or federal law.*

44 *8. As used in this section, "licensed firearm dealer" means a*
45 *person licensed pursuant to 18 U.S.C. § 923(a).*



1 **Sec. 16. 1.** *The clerk of the court or other person*
2 *designated by the court shall provide any family or household*
3 *member who files a verified application pursuant to section 11 of*
4 *this act or any adverse party, free of cost, with information about*
5 *the:*

- 6 (i) *Availability of ex parte or extended orders;*
7 (ii) *Procedures for filing an application for such an order;*
8 (iii) *Procedures for modifying, dissolving or renewing such an*
9 *order; and*
10 (iv) *Right to proceed without counsel.*

11 **2.** *The clerk of the court or other person designated by the*
12 *court shall assist any person in completing and filing the*
13 *application, affidavit and any other paper or pleading necessary to*
14 *initiate or respond to an application for an ex parte or extended*
15 *order. This assistance does not constitute the practice of law, but*
16 *the clerk shall not render any advice or service that requires the*
17 *professional judgment of an attorney.*

18 **Sec. 17. 1.** *The court shall transmit, by the end of the next*
19 *business day after an ex parte or extended order is issued or*
20 *renewed, a copy of the order to the appropriate law enforcement*
21 *agency.*

22 **2.** *The court shall order the appropriate law enforcement*
23 *agency to serve, without charge, the adverse party personally with*
24 *the ex parte or extended order and file with or mail to the clerk of*
25 *the court proof of service by the end of the next business day after*
26 *service is made.*

27 **3.** *If, while attempting to serve the adverse party personally*
28 *pursuant to subsection 2, the health or safety of the officer or the*
29 *adverse party is put at risk because of any action of the adverse*
30 *party, the law enforcement officer is under no duty to continue to*
31 *attempt to serve the adverse party personally and the service shall*
32 *be deemed unsuccessful. If such service is unsuccessful, the law*
33 *enforcement agency shall, as soon as practicable after the risk has*
34 *subsided, attempt to serve the adverse party personally until the ex*
35 *parte or extended order is successfully served.*

36 **4.** *A law enforcement agency shall enforce an ex parte or*
37 *extended order without regard to the county in which the order*
38 *was issued.*

39 **5.** *The clerk of the court shall issue, without fee, a copy of the*
40 *ex parte or extended order to any family or household member*
41 *who files a verified application pursuant to section 11 of this act or*
42 *the adverse party.*

43 **Sec. 18. 1.** *Whether or not a violation of an ex parte or*
44 *extended order occurs in the presence of a law enforcement*



1 *officer, the officer may arrest and take into custody an adverse*
2 *party:*

3 *(a) With a warrant; or*

4 *(b) Without a warrant if the officer has probable cause to*
5 *believe that:*

6 *(1) An order has been issued pursuant to section 12 or 13*
7 *of this act against the adverse party;*

8 *(2) The adverse party has been served with a copy of the*
9 *order; and*

10 *(3) The adverse party is acting in violation of the order.*

11 *2. If a law enforcement officer cannot verify that the adverse*
12 *party was served with a copy of the application and ex parte or*
13 *extended order, the officer shall:*

14 *(a) Inform the adverse party of the specific terms and*
15 *conditions of the order;*

16 *(b) Inform the adverse party that he or she has notice of the*
17 *provisions of the order and that a violation of the order will result*
18 *in his or her arrest;*

19 *(c) Inform the adverse party of the location of the court that*
20 *issued the original order and the hours during which the adverse*
21 *party may obtain a copy of the order; and*

22 *(d) Inform the adverse party of the date and time set for a*
23 *hearing on an application for an ex parte or extended order, if*
24 *any.*

25 *3. Information concerning the terms and conditions of the ex*
26 *parte or extended order, the date and time of any notice provided*
27 *to the adverse party and the name and identifying number of the*
28 *law enforcement officer who gave the notice must be provided in*
29 *writing to the applicant and noted in the records of the law*
30 *enforcement agency and the court.*

31 **Sec. 19.** *1. An ex parte order expires within such time, not*
32 *to exceed 7 days, as the court fixes. If a verified application for an*
33 *extended order is filed within the period of an ex parte order or at*
34 *the same time as an application for an ex parte order pursuant to*
35 *section 11 of this act, the ex parte order remains in effect until the*
36 *hearing on the extended order is held.*

37 *2. An extended order expires within such time, not to exceed*
38 *1 year, as the court fixes.*

39 *3. The family or household member or law enforcement*
40 *officer who filed the verified application or the adverse party may*
41 *request in writing to appear and move for the dissolution of an ex*
42 *parte or extended order. Upon a finding by clear and convincing*
43 *evidence that the adverse party no longer poses a risk of causing*
44 *personal injury to himself or herself or another person by*
45 *possessing or having under his or her custody or control or by*



1 *purchasing or otherwise acquiring any firearm, the court shall*
2 *dissolve the order. If the court finds that all parties agree to*
3 *dissolve the order, the court shall dissolve the order upon a finding*
4 *of good cause.*

5 *4. Not less than 3 months before the expiration of an*
6 *extended order and upon petition by a family or household*
7 *member or law enforcement officer, the court may, after notice*
8 *and a hearing, renew an extended order upon a finding by clear*
9 *and convincing evidence. Such an order expires within a period,*
10 *not to exceed 1 year, as the court fixes.*

11 **Sec. 20. 1.** *Any time that a court issues an ex parte or*
12 *extended order or renews an extended order and any time that a*
13 *person serves such an order or receives any information or takes*
14 *any other action pursuant to sections 2 to 22, inclusive, of this act,*
15 *the person shall, by the end of the next business day:*

16 *(a) Cause to be transmitted, in the manner prescribed by the*
17 *Central Repository for Nevada Records of Criminal History, any*
18 *information required by the Central Repository in a manner which*
19 *ensures that the information is received by the Central Repository;*
20 *and*

21 *(b) Transmit a copy of the order to the Attorney General.*

22 *2. If the Central Repository for Nevada Records of Criminal*
23 *History receives any information described in subsection 1, the*
24 *adverse party may petition the court for an order declaring that*
25 *the basis for the information transmitted no longer exists.*

26 *3. A petition brought pursuant to subsection 2 must be filed*
27 *in the court which issued the ex parte or extended order.*

28 *4. The court shall grant the petition and issue the order*
29 *described in subsection 2 if the court finds that the basis for the ex*
30 *parte or extended order no longer exists.*

31 *5. The court, upon granting the petition and entering an*
32 *order pursuant to this section, shall cause, on a form prescribed by*
33 *the Department of Public Safety, a record of the order to be*
34 *transmitted to the Central Repository for Nevada Records of*
35 *Criminal History.*

36 *6. Within 5 business days after receiving a record of an order*
37 *transmitted pursuant to subsection 5, the Central Repository for*
38 *Nevada Records of Criminal History shall take reasonable steps to*
39 *ensure that the information concerning the adverse party is*
40 *removed from the Central Repository.*

41 *7. If the Central Repository for Nevada Records of Criminal*
42 *History fails to remove the information as provided in subsection*
43 *6, the adverse party may bring an action to compel the removal of*
44 *the information. If the adverse party prevails in the action, the*



1 *court may award the adverse party reasonable attorney's fees and*
2 *costs incurred in bringing the action.*

3 8. *If a petition brought pursuant to subsection 2 is denied, the*
4 *adverse party may petition for a rehearing not sooner than 2 years*
5 *after the date of the denial of the petition.*

6 **Sec. 21.** 1. *A person shall not file a verified application for*
7 *an ex parte or extended order:*

8 (a) *Which he or she knows or has reason to know is false or*
9 *misleading; or*

10 (b) *With the intent to harass the adverse party.*

11 2. *A person who violates the provisions of subsection 1 is*
12 *guilty of a misdemeanor.*

13 **Sec. 22.** *A person who intentionally violates an ex parte or*
14 *extended order is, unless a more severe penalty is prescribed by*
15 *law for the act that constitutes the violation of the order, guilty of*
16 *a misdemeanor.*

17 **Sec. 23.** NRS 33.095 is hereby amended to read as follows:

18 33.095 1. Any time that a court issues a temporary or
19 extended order and any time that a person serves such an order,
20 registers such an order, registers a Canadian domestic-violence
21 protection order or receives any information or takes any other
22 action pursuant to NRS 33.017 to 33.100, inclusive, or NRS 33.110
23 to 33.158, inclusive, the person shall cause to be transmitted, in the
24 manner prescribed by the Central Repository for Nevada Records of
25 Criminal History, any information required by the Central
26 Repository in a manner which ensures that the information is
27 received by the Central Repository by the end of the next business
28 day.

29 2. *Any time that a court issues an ex parte or extended order*
30 *pursuant to section 12 or 13 of this act, the court shall cause to be*
31 *transmitted, in the manner prescribed by the Central Repository*
32 *for Nevada Records of Criminal History, any information required*
33 *by the Central Repository in a manner which ensures that the*
34 *information is received by the Central Repository by the end of the*
35 *next business day.*

36 3. As used in this section, "Canadian domestic-violence
37 protection order" has the meaning ascribed to it in NRS 33.119.

38 **Sec. 24.** NRS 193.166 is hereby amended to read as follows:

39 193.166 1. Except as otherwise provided in NRS 193.169, a
40 person who commits a crime that is punishable as a felony, other
41 than a crime that is punishable as a felony pursuant to subsection 6
42 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of
43 NRS 200.591, in violation of:

44 (a) A temporary or extended order for protection against
45 domestic violence issued pursuant to NRS 33.020;



1 (b) An order for protection against harassment in the workplace
2 issued pursuant to NRS 33.270;

3 (c) A temporary or extended order for the protection of a child
4 issued pursuant to NRS 33.400;

5 (d) *An ex parte or extended order for protection against high-*
6 *risk behavior issued pursuant to section 12 or 13 of this act;*

7 (e) An order for protection against domestic violence issued in
8 an action or proceeding brought pursuant to title 11 of NRS;

9 ~~(f)~~ (f) A temporary or extended order issued pursuant to NRS
10 200.378; or

11 ~~(g)~~ (g) A temporary or extended order issued pursuant to
12 NRS 200.591,

13 ↪ shall, in addition to the term of imprisonment prescribed by
14 statute for the crime, be punished by imprisonment in the state
15 prison, except as otherwise provided in this subsection, for a
16 minimum term of not less than 1 year and a maximum term of not
17 more than 20 years. If the crime committed by the person is
18 punishable as a category A felony or category B felony, in addition
19 to the term of imprisonment prescribed by statute for that crime, the
20 person shall be punished by imprisonment in the state prison for a
21 minimum term of not less than 1 year and a maximum term of not
22 more than 5 years.

23 2. In determining the length of the additional penalty imposed
24 pursuant to this section, the court shall consider the following
25 information:

26 (a) The facts and circumstances of the crime;

27 (b) The criminal history of the person;

28 (c) The impact of the crime on any victim;

29 (d) Any mitigating factors presented by the person; and

30 (e) Any other relevant information.

31 ↪ The court shall state on the record that it has considered the
32 information described in paragraphs (a) to (e), inclusive, in
33 determining the length of the additional penalty imposed.

34 3. The sentence prescribed by this section:

35 (a) Must not exceed the sentence imposed for the crime; and

36 (b) Runs concurrently or consecutively with the sentence
37 prescribed by statute for the crime, as ordered by the court.

38 4. The court shall not grant probation to or suspend the
39 sentence of any person convicted of attempted murder, battery
40 which involves the use of a deadly weapon, battery which results in
41 substantial bodily harm or battery which is committed by
42 strangulation as described in NRS 200.481 or 200.485 if an
43 additional term of imprisonment may be imposed for that primary
44 offense pursuant to this section.



1 5. This section does not create a separate offense but provides
2 an additional penalty for the primary offense, whose imposition is
3 contingent upon the finding of the prescribed fact.

4 **Sec. 25.** Chapter 202 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 *1. Except as otherwise provided in subsection 3, a person*
7 *shall not import, sell, manufacture, transfer, receive or possess:*

8 *(a) Any manual, power-driven or electronic device that is*
9 *designed such that when the device is attached to a semiautomatic*
10 *firearm, the device eliminates the need for the operator of a*
11 *semiautomatic firearm to make a separate movement for each*
12 *individual function of the trigger and:*

13 *(1) Materially increases the rate of fire of the*
14 *semiautomatic firearm; or*

15 *(2) Approximates the action or rate of fire of a machine*
16 *gun;*

17 *(b) Any part or combination of parts that is designed and*
18 *functions to eliminate the need for the operator of a*
19 *semiautomatic firearm to make a separate movement for each*
20 *individual function of the trigger and:*

21 *(1) Materially increases the rate of fire of a semiautomatic*
22 *firearm; or*

23 *(2) Approximates the action or rate of fire of a machine*
24 *gun; or*

25 *(c) Any semiautomatic firearm that has been modified in any*
26 *way that eliminates the need for the operator of the semiautomatic*
27 *firearm to make a separate movement for each individual function*
28 *of the trigger and:*

29 *(1) Materially increases the rate of fire of the*
30 *semiautomatic firearm; or*

31 *(2) Approximates the action or rate of fire of a machine*
32 *gun.*

33 *2. A person who violates any provision of this section is guilty*
34 *of a category D felony and shall be punished as provided in*
35 *NRS 193.130.*

36 *3. This section does not apply to:*

37 *(a) Any employee of a federal, state or local law enforcement*
38 *agency carrying out official duties.*

39 *(b) Any member of the Armed Forces of the United States*
40 *carrying out official duties.*

41 **Sec. 26.** NRS 202.253 is hereby amended to read as follows:

42 202.253 As used in NRS 202.253 to 202.369, inclusive **[]**,
43 *and section 25 of this act:*

44 1. "Explosive or incendiary device" means any explosive or
45 incendiary material or substance that has been constructed, altered,



1 packaged or arranged in such a manner that its ordinary use would
2 cause destruction or injury to life or property.

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

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

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

13 5. "Motor vehicle" means every vehicle that is self-propelled.

14 6. *"Semiautomatic firearm" means any firearm that:*

15 (a) *Uses a portion of the energy of a firing cartridge to extract*
16 *the fired cartridge case and chamber the next shell or round;*

17 (b) *Requires a separate function of the trigger to fire each*
18 *cartridge; and*

19 (c) *Is not a machine gun.*

20 **Sec. 27.** NRS 202.257 is hereby amended to read as follows:

21 202.257 1. It is unlawful for a person who:

22 (a) Has a concentration of alcohol of ~~[0.10]~~ 0.08 or more in his
23 or her blood or breath; or

24 (b) Is under the influence of any controlled substance, or is
25 under the combined influence of intoxicating liquor and a controlled
26 substance, or any person who inhales, ingests, applies or otherwise
27 uses any chemical, poison or organic solvent, or any compound or
28 combination of any of these, to a degree which renders him or her
29 incapable of safely exercising actual physical control of a firearm,
30 ➔ to have in his or her actual physical possession any firearm. This
31 prohibition does not apply to the actual physical possession of a
32 firearm by a person who was within the person's personal residence
33 and had the firearm in his or her possession solely for self-defense.

34 2. Any evidentiary test to determine whether a person has
35 violated the provisions of subsection 1 must be administered in the
36 same manner as an evidentiary test that is administered pursuant to
37 NRS 484C.160 to 484C.250, inclusive, except that submission to
38 the evidentiary test is required of any person who is requested by a
39 police officer to submit to the test. If a person to be tested fails to
40 submit to a required test as requested by a police officer, the officer
41 may apply for a warrant or court order directing that reasonable
42 force be used to the extent necessary to obtain the samples of blood
43 from the person to be tested, if the officer has reasonable cause to
44 believe that the person to be tested was in violation of this section.



1 3. Any person who violates the provisions of subsection 1 is
2 guilty of a misdemeanor.

3 4. A firearm is subject to forfeiture pursuant to NRS 179.1156
4 to 179.1205, inclusive, only if, during the violation of subsection 1,
5 the firearm is brandished, aimed or otherwise handled by the person
6 in a manner which endangered others.

7 5. As used in this section, the phrase "concentration of alcohol
8 of ~~[0.10]~~ 0.08 or more in his or her blood or breath" means ~~[0.10]~~
9 0.08 gram or more of alcohol per 100 milliliters of the blood of a
10 person or per 210 liters of his or her breath.

11 **Sec. 28.** NRS 202.300 is hereby amended to read as follows:

12 202.300 1. Except as otherwise provided in this section, a
13 child under the age of 18 years shall not handle or have in his or her
14 possession or under his or her control, except while accompanied by
15 or under the immediate charge of his or her parent or guardian or an
16 adult person authorized by his or her parent or guardian to have
17 control or custody of the child, any firearm of any kind for hunting
18 or target practice or for other purposes. A child who violates this
19 subsection commits a delinquent act and the court may order the
20 detention of the child in the same manner as if the child had
21 committed an act that would have been a felony if committed by an
22 adult.

23 2. A person who aids or knowingly permits a child to violate
24 subsection 1:

25 (a) Except as otherwise provided in paragraph (b), for the first
26 offense, is guilty of a misdemeanor.

27 (b) For a first offense, if the person knows or has reason to know
28 that there is a substantial risk that the child will use the firearm to
29 commit a violent act, is guilty of a category C felony and shall be
30 punished as provided in NRS 193.130.

31 (c) For a second or any subsequent offense, is guilty of a
32 category B felony and shall be punished by imprisonment in the
33 state prison for a minimum term of not less than 1 year and a
34 maximum term of not more than 6 years, and may be further
35 punished by a fine of not more than \$5,000.

36 3. A person does not aid or knowingly permit a child to violate
37 subsection 1 if:

38 (a) The firearm was stored in a securely locked container or at a
39 location which a reasonable person would have believed to be
40 secure;

41 (b) The child obtained the firearm as a result of an unlawful
42 entry by any person in or upon the premises where the firearm was
43 stored;

44 (c) The injury or death resulted from an accident which was
45 incident to target shooting, sport shooting or hunting; or



1 (d) The child gained possession of the firearm from a member of
2 the military or a law enforcement officer, while the member or
3 officer was performing his or her official duties.

4 4. The provisions of subsection 1 do not apply to a child who is
5 a member of the Armed Forces of the United States.

6 5. *Unless a greater penalty is provided by law, a person is*
7 *guilty of a misdemeanor who:*

8 (a) *Negligently stores or leaves a firearm at a location under*
9 *his or her control; and*

10 (b) *Knows or has reason to know that there is a substantial*
11 *risk that a child prohibited from handling or having in his or her*
12 *possession or under his or her control any firearm pursuant to this*
13 *section may obtain such a firearm.*

14 6. Except as otherwise provided in subsection ~~8.1~~ 9, a child
15 who is 14 years of age or older, who has in his or her possession a
16 valid license to hunt, may handle or have in his or her possession or
17 under his or her control, without being accompanied by his or her
18 parent or guardian or an adult person authorized by his or her parent
19 or guardian to have control or custody of the child:

20 (a) A rifle or shotgun that is not a fully automatic firearm, if the
21 child is not otherwise prohibited by law from possessing the rifle or
22 shotgun and the child has the permission of his or her parent or
23 guardian to handle or have in his or her possession or under his or
24 her control the rifle or shotgun; or

25 (b) A firearm capable of being concealed upon the person, if the
26 child has the written permission of his or her parent or guardian to
27 handle or have in his or her possession or under his or her control
28 such a firearm and the child is not otherwise prohibited by law from
29 possessing such a firearm,

30 and the child is traveling to the area in which the child will be
31 hunting or returning from that area and the firearm is not loaded, or
32 the child is hunting pursuant to that license.

33 ~~6.1~~ 7. Except as otherwise provided in subsection ~~8.1~~ 9, a
34 child who is 14 years of age or older may handle or have in his or
35 her possession or under his or her control a rifle or shotgun that is
36 not a fully automatic firearm if the child is not otherwise prohibited
37 by law from possessing the rifle or shotgun, without being
38 accompanied by his or her parent or guardian or an adult person
39 authorized by his or her parent or guardian to have control or
40 custody of the child, if the child has the permission of his or her
41 parent or guardian to handle or have in his or her possession or
42 under his or her control the rifle or shotgun and the child is:

43 (a) Attending a course of instruction in the responsibilities of
44 hunters or a course of instruction in the safe use of firearms;



1 (b) Practicing the use of a firearm at an established firing range
2 or at any other area where the discharge of a firearm is permitted;

3 (c) Participating in a lawfully organized competition or
4 performance involving the use of a firearm;

5 (d) Within an area in which the discharge of firearms has not
6 been prohibited by local ordinance or regulation and the child is
7 engaging in a lawful hunting activity in accordance with chapter 502
8 of NRS for which a license is not required;

9 (e) Traveling to or from any activity described in paragraph (a),
10 (b), (c) or (d), and the firearm is not loaded;

11 (f) On real property that is under the control of an adult, and the
12 child has the permission of that adult to possess the firearm on the
13 real property; or

14 (g) At his or her residence.

15 ~~7.1~~ **8.** Except as otherwise provided in subsection ~~8.1~~ **9**, a
16 child who is 14 years of age or older may handle or have in his or
17 her possession or under his or her control, for the purpose of
18 engaging in any of the activities listed in paragraphs (a) to (g),
19 inclusive, of subsection ~~6.1~~ **7**, a firearm capable of being concealed
20 upon the person, without being accompanied by his or her parent or
21 guardian or an adult person authorized by his or her parent or
22 guardian to have control or custody of the child, if the child:

23 (a) Has the written permission of his or her parent or guardian to
24 handle or have in his or her possession or under his or her control
25 such a firearm for the purpose of engaging in such an activity; and

26 (b) Is not otherwise prohibited by law from possessing such a
27 firearm.

28 ~~8.1~~ **9.** A child shall not handle or have in his or her possession
29 or under his or her control a loaded firearm if the child is:

30 (a) An occupant of a motor vehicle;

31 (b) Within any residence, including his or her residence, or any
32 building other than a facility licensed for target practice, unless
33 possession of the firearm is necessary for the immediate defense of
34 the child or another person; or

35 (c) Within an area designated by a county or municipal
36 ordinance as a populated area for the purpose of prohibiting the
37 discharge of weapons, unless the child is within a facility licensed
38 for target practice.

39 ~~9.1~~ **10.** For the purposes of this section, a firearm is loaded if:

40 (a) There is a cartridge in the chamber of the firearm;

41 (b) There is a cartridge in the cylinder of the firearm, if the
42 firearm is a revolver; or

43 (c) There is a cartridge in the magazine and the magazine is in
44 the firearm or there is a cartridge in the chamber, if the firearm is a
45 semiautomatic firearm.



1 **Sec. 29.** NRS 202.350 is hereby amended to read as follows:
2 202.350 1. Except as otherwise provided in this section and
3 NRS 202.3653 to 202.369, inclusive, a person within this State shall
4 not:

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

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

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

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

15 (1) Explosive substance, other than ammunition or any
16 components thereof;

17 (2) Machete; or

18 (3) Pistol, revolver or other firearm, other dangerous or
19 deadly weapon or pneumatic gun.

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

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

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

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

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

30 3. Except as otherwise provided in this subsection, the sheriff
31 of any county may, upon written application by a resident of that
32 county showing the reason or the purpose for which a concealed
33 weapon is to be carried, issue a permit authorizing the applicant to
34 carry in this State the concealed weapon described in the permit.
35 This subsection does not authorize the sheriff to issue a permit to a
36 person to carry a pistol, revolver or other firearm.

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

39 (a) Sheriffs, constables, marshals, peace officers, correctional
40 officers employed by the Department of Corrections, special police
41 officers, police officers of this State, whether active or honorably
42 retired, or other appointed officers.

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



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

4 (d) Members of the Armed Forces of the United States when on
5 duty.

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

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

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

19 8. As used in this section:

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

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

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

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

35 ~~(e)~~ (d) "Pneumatic gun" has the meaning ascribed to it in
36 NRS 202.265.

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

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

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



1 ~~(h)~~ (h) "Trefoil" means an instrument consisting of a metal
2 plate having three or more radiating points with sharp edges,
3 designed in the shape of a star, cross or other geometric figure and
4 used as a weapon for throwing.

5 **Sec. 30.** NRS 202.3657 is hereby amended to read as follows:

6 202.3657 1. Any person who is a resident of this State may
7 apply to the sheriff of the county in which he or she resides for a
8 permit on a form prescribed by regulation of the Department. Any
9 person who is not a resident of this State may apply to the sheriff of
10 any county in this State for a permit on a form prescribed by
11 regulation of the Department. Application forms for permits must be
12 furnished by the sheriff of each county upon request.

13 2. A person applying for a permit may submit one application
14 and obtain one permit to carry all handguns owned by the person.
15 The person must not be required to list and identify on the
16 application each handgun owned by the person. A permit is valid for
17 any handgun which is owned or thereafter obtained by the person to
18 whom the permit is issued.

19 3. Except as otherwise provided in this section, the sheriff shall
20 issue a permit to any person who is qualified to possess a handgun
21 under state and federal law, who submits an application in
22 accordance with the provisions of this section and who:

23 (a) Is:

24 (1) Twenty-one years of age or older; or

25 (2) At least 18 years of age but less than 21 years of age if
26 the person:

27 (I) Is a member of the Armed Forces of the United States,
28 a reserve component thereof or the National Guard; or

29 (II) Was discharged or released from service in the
30 Armed Forces of the United States, a reserve component thereof or
31 the National Guard under honorable conditions;

32 (b) Is not prohibited from possessing a firearm pursuant to NRS
33 202.360; and

34 (c) Demonstrates competence with handguns by presenting a
35 certificate or other documentation to the sheriff which shows that
36 the applicant:

37 (1) Successfully completed a course in firearm safety
38 approved by a sheriff in this State; or

39 (2) Successfully completed a course in firearm safety offered
40 by a federal, state or local law enforcement agency, community
41 college, university or national organization that certifies instructors
42 in firearm safety.

43 ↪ Such a course must include instruction in the use of handguns
44 and in the laws of this State relating to the use of a firearm. A sheriff
45 may not approve a course in firearm safety pursuant to subparagraph



1 (1) unless the sheriff determines that the course meets any standards
2 that are established by the Nevada Sheriffs' and Chiefs' Association
3 or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist,
4 its legal successor.

5 4. The sheriff shall deny an application or revoke a permit if
6 the sheriff determines that the applicant or permittee:

7 (a) Has an outstanding warrant for his or her arrest.

8 (b) Has been judicially declared incompetent or insane.

9 (c) Has been voluntarily or involuntarily admitted to a mental
10 health facility during the immediately preceding 5 years.

11 (d) Has habitually used intoxicating liquor or a controlled
12 substance to the extent that his or her normal faculties are impaired.
13 For the purposes of this paragraph, it is presumed that a person has
14 so used intoxicating liquor or a controlled substance if, during the
15 immediately preceding 5 years, the person has been:

16 (1) Convicted of violating the provisions of NRS 484C.110;

17 or

18 (2) Committed for treatment pursuant to NRS 458.290 to
19 458.350, inclusive.

20 (e) Has been convicted of a crime involving the use or
21 threatened use of force or violence punishable as a misdemeanor
22 under the laws of this or any other state, or a territory or possession
23 of the United States at any time during the immediately preceding 3
24 years.

25 (f) Has been convicted of a felony in this State or under the laws
26 of any state, territory or possession of the United States.

27 (g) Has been convicted of a crime involving domestic violence
28 or stalking, or is currently subject to a restraining order, injunction
29 or other order for protection against domestic violence.

30 (h) *Is currently subject to an ex parte or extended order for*
31 *protection against high-risk behavior issued pursuant to section 12*
32 *or 13 of this act.*

33 (i) Is currently on parole or probation from a conviction
34 obtained in this State or in any other state or territory or possession
35 of the United States.

36 ~~(j)~~ (j) Has, within the immediately preceding 5 years, been
37 subject to any requirements imposed by a court of this State or of
38 any other state or territory or possession of the United States, as a
39 condition to the court's:

40 (1) Withholding of the entry of judgment for a conviction of
41 a felony; or

42 (2) Suspension of sentence for the conviction of a felony.

43 ~~(k)~~ (k) Has made a false statement on any application for a
44 permit or for the renewal of a permit.



1 ~~(1)~~ (1) Has been discharged or released from service in the
2 Armed Forces of the United States, a reserve component thereof or
3 the National Guard under conditions other than honorable
4 conditions and is less than 21 years of age.

5 5. The sheriff may deny an application or revoke a permit if the
6 sheriff receives a sworn affidavit stating articulable facts based upon
7 personal knowledge from any natural person who is 18 years of age
8 or older that the applicant or permittee has or may have committed
9 an offense or engaged in any other activity specified in subsection 4
10 which would preclude the issuance of a permit to the applicant or
11 require the revocation of a permit pursuant to this section.

12 6. If the sheriff receives notification submitted by a court or
13 law enforcement agency of this or any other state, the United States
14 or a territory or possession of the United States that a permittee or
15 an applicant for a permit has been charged with a crime involving
16 the use or threatened use of force or violence, the conviction for
17 which would require the revocation of a permit or preclude the
18 issuance of a permit to the applicant pursuant to this section, the
19 sheriff shall suspend the person's permit or the processing of
20 the person's application until the final disposition of the charges
21 against the person. If a permittee is acquitted of the charges, or if the
22 charges are dropped, the sheriff shall restore his or her permit
23 without imposing a fee.

24 7. An application submitted pursuant to this section must be
25 completed and signed under oath by the applicant. The applicant's
26 signature must be witnessed by an employee of the sheriff or
27 notarized by a notary public. The application must include:

28 (a) The name, address, place and date of birth, social security
29 number, occupation and employer of the applicant and any other
30 names used by the applicant;

31 (b) A complete set of the applicant's fingerprints taken by the
32 sheriff or his or her agent;

33 (c) A front-view colored photograph of the applicant taken by
34 the sheriff or his or her agent;

35 (d) If the applicant is a resident of this State, the driver's license
36 number or identification card number of the applicant issued by the
37 Department of Motor Vehicles;

38 (e) If the applicant is not a resident of this State, the driver's
39 license number or identification card number of the applicant issued
40 by another state or jurisdiction;

41 (f) If the applicant is a person described in subparagraph (2) of
42 paragraph (a) of subsection 3, proof that the applicant:

43 (1) Is a member of the Armed Forces of the United States, a
44 reserve component thereof or the National Guard, as evidenced by
45 his or her current military identification card; or



1 (2) Was discharged or released from service in the Armed
2 Forces of the United States, a reserve component thereof or the
3 National Guard under honorable conditions, as evidenced by his or
4 her DD Form 214, "Certificate of Release or Discharge from Active
5 Duty," or other document of honorable separation issued by the
6 United States Department of Defense;

7 (g) A nonrefundable fee equal to the nonvolunteer rate charged
8 by the Central Repository for Nevada Records of Criminal History
9 and the Federal Bureau of Investigation to obtain the reports
10 required pursuant to subsection 1 of NRS 202.366; and

11 (h) A nonrefundable fee set by the sheriff not to exceed \$60.

12 **Sec. 31.** NRS 502.010 is hereby amended to read as follows:

13 502.010 1. A person who hunts or fishes any wildlife without
14 having first procured a license or permit to do so, as provided in this
15 title, is guilty of a misdemeanor, except that:

16 (a) A license to hunt or fish is not required of a resident of this
17 State who is under 12 years of age, unless required for the issuance
18 of tags as prescribed in this title or by the regulations of the
19 Commission.

20 (b) A license to fish is not required of a nonresident of this State
21 who is under 12 years of age, but the number of fish taken by the
22 nonresident must not exceed 50 percent of the daily creel and
23 possession limits as provided by law.

24 (c) Except as otherwise provided in subsection ~~5 or 6~~ 6 or 7 of
25 NRS 202.300 and NRS 502.066, it is unlawful for any child who is
26 under 18 years of age to hunt any wildlife with any firearm, unless
27 the child is accompanied at all times by the child's parent or
28 guardian or is accompanied at all times by an adult person
29 authorized by the child's parent or guardian to have control or
30 custody of the child to hunt if the authorized person is also licensed
31 to hunt.

32 (d) A child under 12 years of age, whether accompanied by a
33 qualified person or not, shall not hunt big game in the State of
34 Nevada. This section does not prohibit any child from
35 accompanying an adult licensed to hunt.

36 (e) The Commission may adopt regulations setting forth:

37 (1) The species of wildlife which may be hunted or trapped
38 without a license or permit; or

39 (2) The circumstances under which a person may fish
40 without a license, permit or stamp in a lake or pond that is located
41 entirely on private property and is stocked with lawfully acquired
42 fish.

43 (f) The Commission may declare 1 day per year as a day upon
44 which persons may fish without a license to do so.



1 2. This section does not apply to the protection of persons or
2 property from unprotected wildlife on or in the immediate vicinity
3 of home or ranch premises.

4 **Sec. 32.** 1. This section and sections 25 to 28, inclusive, and
5 31 of this act become effective upon passage and approval.

6 2. Sections 1 to 24, inclusive, 29 and 30 of this act become
7 effective on January 1, 2020.

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