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FIRST REPRINT

A.B. 153

ASSEMBLY BILL NO. 153—ASSEMBLYMEN FUMO, BILBRAY-AXELROD, ASSEFA; COHEN, DURAN, GORELOW, JAUREGUI, MCCURDY, MONROE-MORENO, TORRES AND WATTS

FEBRUARY 15, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the storage of firearms. (BDR 15-119)

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: 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; making it a crime to negligently store or leave a firearm under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits a child under the age of 18 years from handling,
2 possessing or controlling a firearm under certain circumstances. Existing law also
3 prohibits a person from aiding or knowingly permitting a child to handle, possess or
4 control a firearm under certain circumstances and sets forth penalties upon a person
5 who is found guilty of such an offense. A person does not aid or knowingly permit
6 a child to violate such existing law if the firearm was stored in a securely locked
7 container or at a location which a reasonable person would have believed to be
8 secure. (NRS 202.300) **Section 1** of this bill makes it a misdemeanor to negligently
9 store or leave a firearm which a person knows or has reason to know that there is a
10 substantial risk that a child, who is otherwise prohibited from handling, possessing or
11 controlling a firearm, may obtain such a firearm.

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

1 **Section 1.** NRS 202.300 is hereby amended to read as follows:
2 202.300 1. Except as otherwise provided in this section, a
3 child under the age of 18 years shall not handle or have in his or her



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1 possession or under his or her control, except while accompanied by
2 or under the immediate charge of his or her parent or guardian or an
3 adult person authorized by his or her parent or guardian to have
4 control or custody of the child, any firearm of any kind for hunting
5 or target practice or for other purposes. A child who violates this
6 subsection commits a delinquent act and the court may order the
7 detention of the child in the same manner as if the child had
8 committed an act that would have been a felony if committed by an
9 adult.

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

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

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

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

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

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

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

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

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

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

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

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

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



1 ~~15.1~~ 6. Except as otherwise provided in subsection ~~18.1~~ 9, a
2 child who is 14 years of age or older, who has in his or her
3 possession a valid license to hunt, may handle or have in his or her
4 possession or under his or her control, without being accompanied
5 by his or her parent or guardian or an adult person authorized by his
6 or her parent or guardian to have control or custody of the child:

7 (a) A rifle or shotgun that is not a fully automatic firearm, if the
8 child is not otherwise prohibited by law from possessing the rifle or
9 shotgun and the child has the permission of his or her parent or
10 guardian to handle or have in his or her possession or under his
11 or her control the rifle or shotgun; or

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

17 and the child is traveling to the area in which the child will be
18 hunting or returning from that area and the firearm is not loaded, or
19 the child is hunting pursuant to that license.

20 ~~16.1~~ 7. Except as otherwise provided in subsection ~~18.1~~ 9, a
21 child who is 14 years of age or older may handle or have in his or
22 her possession or under his or her control a rifle or shotgun that is
23 not a fully automatic firearm if the child is not otherwise prohibited
24 by law from possessing the rifle or shotgun, without being
25 accompanied by his or her parent or guardian or an adult person
26 authorized by his or her parent or guardian to have control or
27 custody of the child, if the child has the permission of his or her
28 parent or guardian to handle or have in his or her possession or
29 under his or her control the rifle or shotgun and the child is:

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

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

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

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

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

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

45 (g) At his or her residence.



~~[7.]~~ 8. Except as otherwise provided in subsection ~~[8.]~~ 9, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control, for the purpose of engaging in any of the activities listed in paragraphs (a) to (g), inclusive, of subsection ~~[6.]~~ 7, a firearm capable of being concealed upon the person, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child:

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

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

~~[8.]~~ 9. A child shall not handle or have in his or her possession or under his or her control a loaded firearm if the child is:

(a) An occupant of a motor vehicle;

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

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

~~[9.]~~ 10. For the purposes of this section, a firearm is loaded if:

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

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

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

Sec. 2. NRS 502.010 is hereby amended to read as follows:

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

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

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

(c) Except as otherwise provided in subsection ~~[5-or]~~ 6 or 7 of NRS 202.300 and NRS 502.066, it is unlawful for any child who is



1 under 18 years of age to hunt any wildlife with any firearm, unless
2 the child is accompanied at all times by the child's parent or
3 guardian or is accompanied at all times by an adult person
4 authorized by the child's parent or guardian to have control or
5 custody of the child to hunt if the authorized person is also licensed
6 to hunt.

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

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

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

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

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

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

23 **Sec. 3.** This act becomes effective upon passage and approval.



