

Amendment No. 539

Senate Amendment to Senate Bill No. 347	(BDR 39-8)
Proposed by: Senator Scheible	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KNC/BAW



Date: 4/18/2025

S.B. No. 347—Revises provisions relating to mental health crisis holds.  
(BDR 39-8)





SENATE BILL NO. 347—SENATORS SCHEIBLE,  
CANNIZZARO; DONDERO LOOP AND PAZINA

MARCH 13, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to mental health crisis holds.  
(BDR 39-8)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 public safety; establishing procedures governing the confiscation and return of firearms involving persons placed on a mental health crisis hold; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that an officer authorized to make arrests in this State and certain providers of health care who, based on personal observation of a person, have probable cause to believe that the person is in a mental health crisis, may place the person on a mental health crisis hold. (NRS 433A.160) Under existing law, a mental health crisis hold is the detention of a person alleged to be a person in a mental health crisis for transport, assessment, evaluation, intervention and treatment, which generally may last not more than 72 hours. (NRS 433A.0175, 433A.150)

Existing law also authorizes an officer who has probable cause to believe that a person poses a risk of causing a self-inflicted injury or a personal injury to another person by possessing or purchasing a firearm to file an application for an order for protection against high-risk behavior. (NRS 33.560) Under existing law, an order for protection against high-risk behavior, among other things, requires the person to surrender any firearm possessed or controlled by the person and prohibits the person from possessing or controlling a firearm while the order is in effect. (NRS 33.590)

This bill authorizes an officer ~~[who places a person on a mental health crisis hold]~~ to immediately confiscate a firearm ~~[owned or possessed by the]~~ in the custody or control or immediate vicinity of a person placed on a mental health crisis hold and requires the officer, at the time that the firearm is confiscated, to provide the person with a receipt which describes the firearm and a notice which sets forth the procedures governing the return of the firearm.

~~[This bill also requires an administrative officer of a public or private mental health facility or hospital, upon the release of a person who was placed on a mental health crisis hold, to: (1) provide the person with a notice of the procedures governing the return of a confiscated firearm; (2) maintain certain records related to the provision of the notice; and (3) inform the law enforcement agency involved in the placement of the person on the mental health crisis hold of the release of the person.]~~

This bill requires the law enforcement agency retaining custody of the confiscated firearm ~~[, not later than 30 days after]~~ to, upon the release of the person from ~~[the public or private mental health facility or hospital, to: (1) file a petition with the clerk of the district court to~~

determine whether the treatment, return ~~of~~ the firearm to the person ~~would result in the substantial likelihood of serious harm to the person or others; and (2) provide a notice advising the person of the procedure for requesting a hearing on the matter and the potential consequences of failing to request such a hearing.~~

~~Finally, this bill provides that if a court determines that the return of a firearm would result in a substantial likelihood of serious harm to the person or others or if the court enters an order of default in the matter, the court may authorize the law enforcement agency retaining custody of the confiscated firearm to take certain actions relating to the retention, sale, destruction, trade or donation of the firearm.] unless: (1) an officer of the law enforcement agency files a verified application for an order for protection against high-risk behavior; or (2) the person is prohibited by law from owning, possessing or having custody or control of the firearm.~~

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

**Section 1.** Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. An officer authorized to make arrests in the State of Nevada ~~[who places a person on a mental health crisis hold pursuant to NRS 433A.160]~~ may immediately confiscate any firearm found to be ~~[owned or possessed by the]~~ in the custody or control or immediate vicinity of a person ~~[and the law enforcement agency of the officer shall:~~*

~~— (a) Retain custody of the firearm until a court makes a determination pursuant to subsection 7; or~~

~~— (b) Make the firearm available for return to the person pursuant to subsection 8.] placed on a mental health crisis hold pursuant to NRS 433A.160.~~

*2. If an officer confiscates a firearm from a person placed on a mental health crisis hold pursuant to subsection 1, the officer shall immediately provide the person with:*

*(a) A receipt which includes a description of the firearm; and*

*(b) A notice describing the procedures set forth in this section for the return of the firearm.*

*3. Upon the release of ~~[a]~~ the person ~~[placed on a mental health crisis hold pursuant to NRS 433A.195, an administrative officer of the public or private mental health facility or hospital shall:~~*

~~— (a) Provide the person with a notice describing the procedures set forth in this section for the return of the firearm;~~

~~— (b) Maintain a record documenting the compliance of the public or private mental health facility or hospital with paragraph (a); and~~

~~— (c) Inform the law enforcement agency of the officer who confiscated the firearm pursuant to subsection 1 that the person placed on the mental health crisis hold has been released from the public or private mental health facility or hospital.~~

~~4. A law enforcement agency retaining custody of a firearm pursuant to subsection 1 shall, not later than 30 days after the release of the person by the public or private mental health facility or hospital:~~

~~— (a) File with the clerk of the district court of the county where the person resides a petition to determine whether the return of the firearm would result in a substantial likelihood of serious harm to the person or others, as determined pursuant to NRS 433A.0195; and~~

~~— (b) Provide a notice to the person advising that:~~

~~(1) The person has a right to a hearing on the petition described in paragraph (a);~~

~~(2) If the person desires to have a hearing on the petition, the person must, not later than 30 days after receiving the notice, respond to the clerk described in paragraph (a) to request the scheduling of the hearing; and~~

~~(3) If the person fails to respond to the notice in accordance with subparagraph (2), the court may issue an order of default and authorize the law enforcement agency to take any action described in subsection 2 of NRS 202.340 as it relates to the confiscated firearm.~~

~~5. If a person requests the scheduling of a hearing on the petition in accordance with subsection 4, the clerk of the district court shall:~~

~~(a) Transmit the petition to the appropriate district judge, who shall set a time, date and place for the hearing, which must be not more than 30 days after the date that the request was received by the clerk; and~~

~~(b) Provide notice of the date, time and place of the hearing to the person requesting the hearing and the law enforcement agency retaining custody of the confiscated firearm.~~

~~6. If a person does not request the scheduling of a hearing on the petition in accordance with subsection 4, the law enforcement agency retaining custody of the confiscated firearm may file with the clerk of the district court in the county where the person resides a petition for an order of default.~~

~~7. If a court determines that the return of the firearm would result in a substantial likelihood of serious harm to the person or others pursuant to NRS 433A.0195 or enters an order of default pursuant to subsection 6, the court may authorize the law enforcement agency to take any action described in subsection 2 of NRS 202.340 relating to the confiscated firearm.~~

~~8. A) from treatment, the law enforcement agency [that does not file a petition in the time described in subsection 4] retaining custody of the confiscated firearm shall make the firearm available for return to the person [from whom the firearm was confiscated pursuant to subsection 1.] unless:~~

~~(a) An officer of the law enforcement agency files a verified application for an order for protection against high-risk behavior pursuant to NRS 33.560; or~~

~~(b) The person is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360.~~

**Sec. 2.** This act becomes effective on July 1, 2025.