

ASSEMBLY BILL NO. 291—ASSEMBLYWOMAN JAUREGUI

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public safety.
(BDR 15-759)

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; 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; revising provisions relating to state preemption of the authority to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearms accessories and ammunition; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 2** of this bill prohibits a person from importing, selling, manufacturing,
2 transferring, receiving or possessing: (1) any manual, power-driven or electronic
3 device that is designed such that when the device is attached to a semiautomatic
4 firearm, the device eliminates the need for the operator of the semiautomatic
5 firearm to make a separate movement for each individual function of the trigger and
6 materially increases the rate of fire of the semiautomatic firearm or approximates
7 the action or rate of fire of a machine gun; (2) any part or combination of parts that
8 functions to eliminate the need for the operator of the semiautomatic firearm to
9 make a separate movement for each individual function of the trigger and
10 materially increases the rate of fire of the semiautomatic firearm or approximates
11 the action or rate of fire of a machine gun; or (3) any semiautomatic firearm that
12 has been modified in any way that eliminates the need for the operator of the
13 semiautomatic firearm to make a separate movement for each individual function of
14 the trigger and materially increases the rate of fire of the semiautomatic firearm or
15 approximates the action or rate of fire of a machine gun. **Section 2** does not apply



16 to employees of a law enforcement agency or members of the Armed Forces of the
17 United States who are carrying out official duties.

18 **Section 4** of this bill reduces the allowable concentration of alcohol that may be
19 present in the blood or breath of a person who is in possession of a firearm from
20 0.10 to 0.08. (NRS 202.257)

21 Existing law provides that: (1) except as otherwise provided by specific statute,
22 the Legislature reserves for itself such rights and powers as are necessary to
23 regulate the transfer, sale, purchase, possession, carrying, ownership,
24 transportation, storage, registration and licensing of firearms, firearm accessories
25 and ammunition in Nevada and to define such terms; and (2) no county, city or
26 town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222)

27 **Section 8** of this bill repeals those provisions, and **section 3** of this bill replaces
28 them with a new provision that generally preempts all local governments from
29 regulating such subjects, except that a county may enact ordinances that are more
30 stringent than state law. **Section 7** of this bill makes a corresponding change to the
31 provision authorizing a person who holds a permit to carry a concealed firearm to
32 carry a concealed firearm in a public building under certain circumstances to reflect
33 the possibility that a county having jurisdiction over the public building may enact
34 an ordinance prohibiting the carrying of a concealed firearm in the public building.
35 (NRS 202.3673)

36 **Sections 4 and 6** of this bill make conforming changes.

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

1 **Section 1.** Chapter 202 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *Except as otherwise provided in subsection 3, a***
4 ***person shall not import, sell, manufacture, transfer, receive or***
5 ***possess:***

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

11 ***(1) Materially increases the rate of fire of the***
12 ***semiautomatic firearm; or***

13 ***(2) Approximates the action or rate of fire of a machine***
14 ***gun;***

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

19 ***(1) Materially increases the rate of fire of a semiautomatic***
20 ***firearm; or***

21 ***(2) Approximates the action or rate of fire of a machine***
22 ***gun; or***



1 (c) Any semiautomatic firearm that has been modified in any
2 way that eliminates the need for the operator of the semiautomatic
3 firearm to make a separate movement for each individual function
4 of the trigger and:

5 (1) Materially increases the rate of fire of the
6 semiautomatic firearm; or

7 (2) Approximates the action or rate of fire of a machine
8 gun.

9 2. A person who violates any provision of this section is guilty
10 of a category D felony and shall be punished as provided in
11 NRS 193.130.

12 3. This section does not apply to:

13 (a) Any employee of a federal, state or local law enforcement
14 agency carrying out official duties.

15 (b) Any member of the Armed Forces of the United States
16 carrying out official duties.

17 **Sec. 3.** 1. The Legislature hereby declares that the purpose
18 of this section is to establish state control over the regulation of
19 and policies concerning firearms, firearm accessories and
20 ammunition except as expressly authorized by this section or
21 specific statute.

22 2. Except as expressly authorized by this section or specific
23 statute:

24 (a) The Legislature reserves for itself such rights and powers
25 as are necessary to regulate the transfer, sale, purchase,
26 possession, carrying, ownership, transportation, storage,
27 registration and licensing of firearms, firearm accessories and
28 ammunition in Nevada and to define such terms; and

29 (b) No local government may infringe upon those rights and
30 powers.

31 3. A board of county commissioners of a county may enact
32 ordinances regulating the transfer, sale, purchase, possession,
33 carrying, ownership, transportation, storage, registration and
34 licensing of firearms, firearm accessories and ammunition within
35 the geographical boundaries of the county, including, without
36 limitation, within an incorporated city located within the
37 geographical boundaries of the county, if such ordinances are
38 more stringent than state law governing the regulation of the
39 transfer, sale, purchase, possession, carrying, ownership,
40 transportation, storage, registration and licensing of firearms,
41 firearm accessories and ammunition. Notwithstanding any other
42 provision of law, a peace officer who is employed by a local law
43 enforcement agency may enforce the provisions of a county
44 ordinance enacted by a board of county commissioners pursuant



1 *to this subsection within the boundaries of the jurisdiction of the*
2 *local law enforcement agency that employs the peace officer.*

3 4. *A board of county commissioners, governing body of a city*
4 *or town board may prescribe by ordinance or regulation the*
5 *unsafe discharge of firearms.*

6 5. *Any ordinance or regulation which is inconsistent with this*
7 *section is null and void, and any official action taken by an*
8 *employee or agent of a local government in violation of this*
9 *section is void.*

10 6. *This section must not be construed to prevent:*

11 (a) *A state or local law enforcement agency or correctional*
12 *institution from promulgating and enforcing its own rules*
13 *pertaining to firearms, firearm accessories or ammunition that are*
14 *issued to or used by peace officers in the course of their official*
15 *duties.*

16 (b) *A court or administrative law judge from hearing and*
17 *resolving a case or controversy or issuing an opinion or order on a*
18 *matter within its jurisdiction.*

19 (c) *A public employer from regulating or prohibiting the*
20 *carrying or possession of firearms, firearm accessories or*
21 *ammunition during or in the course of an employee's official*
22 *duties.*

23 (d) *The enactment or enforcement of a county, city or town*
24 *zoning or business ordinance which is generally applicable to*
25 *businesses within the county, city or town, as applicable, and*
26 *thereby affects a firearms business within the county, city or town,*
27 *as applicable, including, without limitation, an indoor or outdoor*
28 *shooting range.*

29 (e) *A county, city or town from enacting and enforcing rules*
30 *for the operation and use of any firearm range owned and*
31 *operated by the county, city or town, as applicable.*

32 (f) *A political subdivision from sponsoring or conducting a*
33 *firearm-related competition or educational or cultural program*
34 *and enacting and enforcing rules for participation in or*
35 *attendance at any such competition or program.*

36 (g) *A political subdivision or any official thereof with*
37 *appropriate authority from enforcing any statute of this State.*

38 7. *As used in this section:*

39 (a) *"Ammunition" includes, without limitation, fixed cartridge*
40 *ammunition and the individual components thereof, shotgun*
41 *shells and the individual components thereof, projectiles for*
42 *muzzle-loading firearms and any propellant used in firearms or*
43 *ammunition.*

44 (b) *"Firearm" includes, without limitation, a pistol, revolver,*
45 *rifle, shotgun, machine gun, submachine gun, black powder*



1 *weapon, muzzle-loading firearm or any device which is designed*
2 *to, able to or able to be readily converted to expel a projectile*
3 *through the barrel by the action of an explosive, other form of*
4 *combustion or expanding gases.*

5 (c) *“Firearm accessories” means:*

6 (1) *Devices specifically designed or adapted to enable the*
7 *wearing or carrying of a firearm or the storing in or mounting on*
8 *a conveyance of a firearm; or*

9 (2) *Attachments or devices specifically designed or adapted*
10 *to be inserted into or affixed on a firearm to enable, alter or*
11 *improve the functioning or capability of the firearm.*

12 (d) *“Local government” means any political subdivision of this*
13 *State, including, without limitation, a city, a county, a town, a*
14 *school district, a library district, a consolidated library district, any*
15 *entity or agency that is directly or indirectly controlled by any city*
16 *or county, and any entity or agency that is created by joint action*
17 *or any interlocal or cooperative agreement of two or more cities or*
18 *counties, or any combination thereof.*

19 (e) *“Local law enforcement agency” means:*

20 (1) *The sheriff’s office of a county;*

21 (2) *A metropolitan police department; or*

22 (3) *A police department of an incorporated city.*

23 (f) *“Public employer” has the meaning ascribed to it in*
24 *NRS 286.070.*

25 **Sec. 4.** NRS 202.253 is hereby amended to read as follows:

26 202.253 As used in NRS 202.253 to 202.369, inclusive **[H]** ,
27 *and sections 2 and 3 of this act:*

28 1. *“Explosive or incendiary device” means any explosive or*
29 *incendiary material or substance that has been constructed, altered,*
30 *packaged or arranged in such a manner that its ordinary use would*
31 *cause destruction or injury to life or property.*

32 2. *“Firearm” means any device designed to be used as a*
33 *weapon from which a projectile may be expelled through the barrel*
34 *by the force of any explosion or other form of combustion.*

35 3. *“Firearm capable of being concealed upon the person”*
36 *applies to and includes all firearms having a barrel less than 12*
37 *inches in length.*

38 4. *“Machine gun” means any weapon which shoots, is*
39 *designed to shoot or can be readily restored to shoot more than*
40 *one shot, without manual reloading, by a single function of the*
41 *trigger.*

42 5. *“Motor vehicle” means every vehicle that is self-propelled.*

43 6. *“Semiautomatic firearm” means any firearm that:*

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



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

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

4 **Sec. 5.** NRS 202.257 is hereby amended to read as follows:

5 202.257 1. It is unlawful for a person who:

6 (a) Has a concentration of alcohol of ~~{0.10}~~ 0.08 or more in his
7 or her blood or breath; or

8 (b) Is under the influence of any controlled substance, or is
9 under the combined influence of intoxicating liquor and a controlled
10 substance, or any person who inhales, ingests, applies or otherwise
11 uses any chemical, poison or organic solvent, or any compound or
12 combination of any of these, to a degree which renders him or her
13 incapable of safely exercising actual physical control of a firearm,
14 ➔ to have in his or her actual physical possession any firearm. This
15 prohibition does not apply to the actual physical possession of a
16 firearm by a person who was within the person's personal residence
17 and had the firearm in his or her possession solely for self-defense.

18 2. Any evidentiary test to determine whether a person has
19 violated the provisions of subsection 1 must be administered in the
20 same manner as an evidentiary test that is administered pursuant to
21 NRS 484C.160 to 484C.250, inclusive, except that submission to
22 the evidentiary test is required of any person who is requested by a
23 police officer to submit to the test. If a person to be tested fails to
24 submit to a required test as requested by a police officer, the officer
25 may apply for a warrant or court order directing that reasonable
26 force be used to the extent necessary to obtain the samples of blood
27 from the person to be tested, if the officer has reasonable cause to
28 believe that the person to be tested was in violation of this section.

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

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

35 5. As used in this section, the phrase "concentration of alcohol
36 of ~~{0.10}~~ 0.08 or more in his or her blood or breath" means ~~{0.10}~~
37 0.08 gram or more of alcohol per 100 milliliters of the blood of a
38 person or per 210 liters of his or her breath.

39 **Sec. 6.** NRS 202.350 is hereby amended to read as follows:

40 202.350 1. Except as otherwise provided in this section and
41 NRS 202.3653 to 202.369, inclusive, a person within this State shall
42 not:

43 (a) Manufacture or cause to be manufactured, or import into the
44 State, or keep, offer or expose for sale, or give, lend or possess any



1 instrument or weapon of the kind commonly known as a blackjack,
2 slungshot, billy, sand-club, sandbag or metal knuckles;

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

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

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

9 (1) Explosive substance, other than ammunition or any
10 components thereof;

11 (2) Machete; or

12 (3) Pistol, revolver or other firearm, other dangerous or
13 deadly weapon or pneumatic gun.

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

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

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

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

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

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

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

33 (a) Sheriffs, constables, marshals, peace officers, correctional
34 officers employed by the Department of Corrections, special police
35 officers, police officers of this State, whether active or honorably
36 retired, or other appointed officers.

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

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

43 (d) Members of the Armed Forces of the United States when on
44 duty.



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

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

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

14 8. As used in this section:

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

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

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

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

30 ~~{(e)}~~ (d) "Pneumatic gun" has the meaning ascribed to it in
31 NRS 202.265.

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

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

36 ~~{(h)}~~ (g) "Silencer" means any device for silencing, muffling or
37 diminishing the report of a firearm, including any combination of
38 parts, designed or redesigned, and intended for use in assembling or
39 fabricating a silencer or muffler, and any part intended only for use
40 in such assembly or fabrication.

41 ~~{(i)}~~ (h) "Trefoil" means an instrument consisting of a metal
42 plate having three or more radiating points with sharp edges,
43 designed in the shape of a star, cross or other geometric figure and
44 used as a weapon for throwing.



Sec. 7. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2
3 ~~and 3.~~, 3 and 4, a permittee may carry a concealed firearm while
4 the permittee is on the premises of any public building.

2. *A permittee shall not carry a concealed firearm while the
6 permittee is on the premises of any public building if the county
7 having jurisdiction over the public building has enacted an
8 ordinance prohibiting the carrying of a concealed firearm on the
9 premises of the public building.*

3. A permittee shall not carry a concealed firearm while the
11 permittee is on the premises of a public building that is located on
12 the property of a public airport.

~~3.~~ 4. A permittee shall not carry a concealed firearm while the
14 permittee is on the premises of:

(a) A public building that is located on the property of a public
16 school or a child care facility or the property of the Nevada System
17 of Higher Education, unless the permittee has obtained written
18 permission to carry a concealed firearm while he or she is on the
19 premises of the public building pursuant to subparagraph (3) of
20 paragraph (a) of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public
22 entrance or a sign posted at each public entrance indicating that no
23 firearms are allowed in the building, unless the permittee is not
24 prohibited from carrying a concealed firearm while he or she is on
25 the premises of the public building pursuant to subsection ~~4.~~

~~4.~~ 5.

5. The provisions of paragraph (b) of subsection ~~3~~ 4 do not
28 prohibit:

(a) A permittee who is a judge from carrying a concealed
30 firearm in the courthouse or courtroom in which the judge presides
31 or from authorizing a permittee to carry a concealed firearm while in
32 the courtroom of the judge and while traveling to and from the
33 courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or
35 political subdivision of the United States or of this State from
36 carrying a concealed firearm while he or she is on the premises of a
37 public building.

(c) A permittee who is employed in the public building from
39 carrying a concealed firearm while he or she is on the premises of
40 the public building.

(d) A permittee from carrying a concealed firearm while he or
42 she is on the premises of the public building if the permittee has
43 received written permission from the person in control of the public
44 building to carry a concealed firearm while the permittee is on the
45 premises of the public building.



1 ~~5.1~~ 6. A person who violates ~~[subsection 2 or 3]~~ *this section* is
2 guilty of a misdemeanor.

3 ~~6.1~~ 7. As used in this section:

4 (a) "Child care facility" has the meaning ascribed to it in
5 paragraph (a) of subsection 5 of NRS 202.265.

6 (b) "Public building" means any building or office space
7 occupied by:

8 (1) Any component of the Nevada System of Higher
9 Education and used for any purpose related to the System; or

10 (2) The Federal Government, the State of Nevada or any
11 county, city, school district or other political subdivision of the State
12 of Nevada and used for any public purpose.

13 ↪ If only part of the building is occupied by an entity described in
14 this subsection, the term means only that portion of the building
15 which is so occupied.

16 **Sec. 8.** NRS 244.364, 268.418 and 269.222 are hereby
17 repealed.

18 **Sec. 9.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

244.364 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of county; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.

1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.



2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No county may infringe upon those rights and powers.

3. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.

5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed.

6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.



(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.

(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or



(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and

(III) Is subject to the county ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

268.418 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of city; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.

1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession,



carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No city may infringe upon those rights and powers.

3. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a city in violation of this section is void.

5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.

6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:



(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.

(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:



(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city; and

(III) Is subject to the city ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

269.222 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of town; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.

1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No town may infringe upon those rights and powers.

3. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase,



transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a town in violation of this section is void.

5. A town board shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the town must be removed.

6. A town board shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the town or any town agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.



(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.

(e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

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(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

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(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.



