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ASSEMBLY BILL NO. 78—ASSEMBLYMAN ELLISON

PREFILED JANUARY 26, 2021

Referred to Committee on Judiciary

**SUMMARY**—Revises provisions relating to background checks for certain sales or transfers of firearms. (BDR 15-16)

**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.

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**AN ACT** relating to firearms; exempting from a background check the sale or transfer of a firearm by an unlicensed person to another unlicensed person if the buyer or transferee possesses a permit to carry a concealed firearm; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law: (1) generally prohibits an unlicensed person from selling or  
2 transferring a firearm to another unlicensed person unless a licensed dealer first  
3 conducts a background check on the buyer or transferee; and (2) makes certain  
4 sales or transfers of a firearm exempt from such a background check. (NRS  
5 202.2547, 202.2548) This bill exempts from the requirement to conduct a  
6 background check the sale or transfer of a firearm by an unlicensed person to  
7 another unlicensed person if the buyer or transferee possesses a permit to carry a  
8 concealed firearm.

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

1 **Section 1.** NRS 202.2548 is hereby amended to read as  
2 follows:

3 202.2548 The provisions of NRS 202.2547 do not apply to:  
4 1. The sale or transfer of a firearm by or to any law  
5 enforcement agency and, to the extent he or she is acting within the  
6 course and scope of his or her employment and official duties, any  
7 peace officer, security guard entitled to carry a firearm under NAC  
8 648.345, member of the armed forces or federal official.



1 2. The sale or transfer of an antique firearm, as defined in 18  
2 U.S.C. § 921 (a)(16).

3 3. The sale or transfer of a firearm between immediate family  
4 members, which for the purposes of this section means spouses and  
5 domestic partners and any of the following relations, whether by  
6 whole or half blood, adoption, or step-relation: parents, children,  
7 siblings, grandparents, grandchildren, aunts, uncles, nieces and  
8 nephews.

9 4. The transfer of a firearm to an executor, administrator,  
10 trustee or personal representative of an estate or a trust that occurs  
11 by operation of law upon the death of the former owner of the  
12 firearm.

13 5. A temporary transfer of a firearm to a person who is not  
14 prohibited from buying or possessing firearms under state or federal  
15 law if such transfer:

16 (a) Is necessary to prevent imminent death or great bodily harm;  
17 and

18 (b) Lasts only as long as immediately necessary to prevent such  
19 imminent death or great bodily harm.

20 6. A temporary transfer of a firearm if:

21 (a) The transferor has no reason to believe that the transferee is  
22 prohibited from buying or possessing firearms under state or federal  
23 law;

24 (b) The transferor has no reason to believe that the transferee  
25 will use or intends to use the firearm in the commission of a crime;  
26 and

27 (c) Such transfer occurs and the transferee's possession of the  
28 firearm following the transfer is exclusively:

29 (1) At an established shooting range authorized by the  
30 governing body of the jurisdiction in which such range is located;

31 (2) At a lawful organized competition involving the use of a  
32 firearm;

33 (3) While participating in or practicing for a performance by  
34 an organized group that uses firearms as a part of the public  
35 performance;

36 (4) While hunting or trapping if the hunting or trapping is  
37 legal in all places where the transferee possesses the firearm and the  
38 transferee holds all licenses or permits required for such hunting or  
39 trapping; or

40 (5) While in the presence of the transferor.

41 ***7. The sale or transfer of a firearm to a person who possesses***  
42 ***a permit to carry a concealed firearm issued pursuant to the***  
43 ***provisions of NRS 202.3653 to 202.369, inclusive.***

