

ASSEMBLY BILL NO. 167—ASSEMBLYMEN FIORE, SHELTON, SEAMAN, ELLISON, HANSEN; ARMSTRONG, DICKMAN, DOOLING, GARDNER, HAMBRICK, JONES, KIRNER, MOORE, O’NEILL, OSCARSON, SILBERKRAUS, STEWART, TITUS, TROWBRIDGE, WHEELER AND WOODBURY

FEBRUARY 17, 2015

JOINT SPONSORS: SENATORS GUSTAVSON, ATKINSON; AND GOICOECHEA

Referred to Committee on Judiciary

SUMMARY—Authorizes the storage and carrying of firearms and ammunition on the premises of a family foster home or by certain persons who reside in a family foster home under certain circumstances. (BDR 38-234)

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 foster care; authorizing the storage of a firearm and ammunition on the premises of a family foster home in certain circumstances; authorizing certain persons to carry a firearm on their person while off of the premises of a family foster home in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Division of Child and Family Services of the
2 Department of Health and Human Services to adopt regulations to establish
3 requirements for the licensure of family foster homes, specialized foster homes,
4 independent living foster homes and group foster homes. (NRS 424.020) Existing
5 regulations require all weapons on the premises of a foster home to be unstrung and
6 unloaded at all times when children are in the home and stored in locked containers
7 or rooms out of the reach of children or made inoperable. Ammunition is required
8 to be kept in a separate locked container and weapons may not be transported in a
9 vehicle in which children are riding unless the weapons are made inoperable and
10 inaccessible. (NAC 424.600) This bill authorizes a person lawfully in possession of
11 a firearm or ammunition to store the firearm or ammunition on the premises of a



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12 family foster home in a locked secure storage container. This bill also authorizes a
13 provider of family foster care or other person who resides in a family foster home
14 to carry a firearm on his or her person while off of the premises of a family foster
15 home but in the presence of a foster child in a manner which ensures that the
16 firearm is inaccessible to the foster child if the provider or other person is a law
17 enforcement officer or has a permit to carry a concealed firearm.

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

1 **Section 1.** Chapter 424 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A person who is lawfully in possession of a firearm or*
4 *ammunition may store the firearm, whether loaded or unloaded,*
5 *or ammunition on the premises of a family foster home in a locked*
6 *secure storage container.*

7 *2. A provider of family foster care or any other person who*
8 *resides in a family foster home may carry a firearm on his or her*
9 *person while off of the premises of the family foster home but in*
10 *the presence of a foster child, including, without limitation, while*
11 *operating or riding in a motor vehicle, if the provider or other*
12 *person carries the firearm in a manner which ensures that the*
13 *firearm is inaccessible to any foster child and the provider or other*
14 *person is a person who:*

15 *(a) Is listed in paragraph (a) of subsection 4 of NRS 202.350;*
16 *or*

17 *(b) Has been issued a permit to carry a concealed firearm*
18 *pursuant to NRS 202.3653 to 202.369, inclusive.*

19 *3. As used in this section:*

20 *(a) "Firearm" has the meaning ascribed to it in NRS 202.253.*

21 *(b) "Secure storage container" means any device, including,*
22 *without limitation, a safe, gun safe, gun case or lock box, that is*
23 *marketed commercially for storing a firearm or ammunition and*
24 *is designed to be unlocked only by means of a key, a combination*
25 *or other similar means.*

26 **Sec. 2.** NRS 424.090 is hereby amended to read as follows:

27 424.090 The provisions of NRS 424.020 to 424.090, inclusive,
28 *and section 1 of this act* do not apply to homes in which:

29 1. Care is provided only for a neighbor's or friend's child on an
30 irregular or occasional basis for a brief period, not to exceed 90
31 days.

32 2. Care is provided by the legal guardian.

33 3. Care is provided for an exchange student.



1 4. Care is provided to enable a child to take advantage of
2 educational facilities that are not available in his or her home
3 community.

4 5. Any child or children are received, cared for and maintained
5 pending completion of proceedings for adoption of such child or
6 children, except as otherwise provided in regulations adopted by the
7 Division.

8 6. Except as otherwise provided in regulations adopted by the
9 Division, care is voluntarily provided to a minor child who is related
10 to the caregiver by blood, adoption or marriage.

11 7. Care is provided to a minor child who is in the custody of an
12 agency which provides child welfare services pursuant to chapter
13 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

14 (a) The caregiver is related to the child within the fifth degree of
15 consanguinity; and

16 (b) The caregiver is not licensed pursuant to the provisions of
17 NRS 424.020 to 424.090, inclusive ~~H~~, *and section 1 of this act.*

18 **Sec. 3.** Any regulations adopted pursuant to NRS 424.020 that
19 conflict with section 1 of this act are void.

20 **Sec. 4.** This act becomes effective upon passage and approval.



