

SENATE BILL NO. 102--SENATOR SETTELMEYER

PREFILED FEBRUARY 3, 2017

Referred to Committee on Judiciary

SUMMARY—Authorizes the possession of a handgun in a vehicle that is on the property of certain educational entities or child care facilities in certain circumstances. (BDR 15-79)

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 crimes; authorizing a person who holds a permit to carry a concealed firearm to possess a handgun in a vehicle that is on the property of the Nevada System of Higher Education or a private or public school or child care facility in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) prohibits, with certain exceptions, a person from carrying
2 or possessing certain weapons, including, without limitation, pistols, revolvers or
3 other firearms, while on the property of the Nevada System of Higher Education or
4 a private or public school or child care facility or while in a school bus of a private
5 or public school or child care facility; and (2) provides that any person who violates
6 such a provision is guilty of a gross misdemeanor. (NRS 202.265) Existing law also
7 prohibits a person who holds a permit to carry a concealed firearm from carrying a
8 concealed firearm while on the premises of a public building that is located on the
9 property of the Nevada System of Higher Education or a public school or child care
10 facility without written permission from the president of a branch or facility of the
11 Nevada System of Higher Education, the principal of the school or the person
12 designated by the child care facility to give permission to carry or possess the
13 weapon. Any person who violates such a provision is guilty of a misdemeanor.
14 (NRS 202.3673)

15 **Section 1** of this bill authorizes a person who holds a permit to carry a
16 concealed firearm to possess a handgun on the property of the Nevada System of
17 Higher Education or a private or public school or child care facility if the handgun
18 remains out of common observation and is: (1) inside an occupied motor vehicle or
19 an unoccupied and locked motor vehicle; or (2) stored in a locked container that is
20 affixed securely to the motor vehicle.



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

- 1 **Section 1.** NRS 202.265 is hereby amended to read as follows:
2 202.265 1. Except as otherwise provided in this section, a
3 person shall not carry or possess while on the property of the
4 Nevada System of Higher Education ~~+~~ or a private or public school
5 or child care facility, or while in a ~~vehicle~~ *school bus* of a private
6 or public school or child care facility:
7 (a) An explosive or incendiary device;
8 (b) A dirk, dagger or switchblade knife;
9 (c) A nunchaku or trefoil;
10 (d) A blackjack or billy club or metal knuckles;
11 (e) A pneumatic gun;
12 (f) A pistol, revolver or other firearm; or
13 (g) Any device used to mark any part of a person with paint or
14 any other substance.
15 2. Any person who violates subsection 1 is guilty of a gross
16 misdemeanor.
17 3. This section does not prohibit the possession of ~~+~~ :
18 (a) *A* weapon listed in subsection 1 on the property of:
19 ~~+(a)-A+~~
20 *(I) The Nevada System of Higher Education or a* private or
21 *public school or child care facility by a:*
22 ~~+(1)+~~ *(I)* Peace officer;
23 ~~+(2)+~~ *(II)* School security guard; or
24 ~~+(3)+~~ *(III)* Person having written permission from the
25 president of a branch or facility of the Nevada System of Higher
26 Education , ~~+~~ the principal of the school or the person designated
27 by a child care facility to give permission to carry or possess the
28 weapon.
29 ~~+(b)+~~ *(2)* A child care facility which is located at or in the home
30 of a natural person by the person who owns or operates the facility
31 so long as the person resides in the home and the person complies
32 with any laws governing the possession of such a weapon.
33 *(b) A handgun on the property of the Nevada System of*
34 *Higher Education or a private or public school or child care*
35 *facility by a person who holds a permit to carry a concealed*
36 *firearm that was issued pursuant to the provisions of NRS*
37 *202.3653 to 202.369, inclusive, if the handgun remains out of*
38 *common observation and is:*
39 *(1) Inside a motor vehicle, other than a school bus, that is:*
40 *(I) Occupied; or*
41 *(II) Unoccupied and locked; or*



1 *(2) Stored in a locked container that is affixed securely to a*
2 *motor vehicle, other than a school bus.*

3 4. The provisions of this section apply to a child care facility
4 located at or in the home of a natural person only during the normal
5 hours of business of the facility.

6 5. For the purposes of this section:

7 (a) "Child care facility" means any child care facility that is
8 licensed pursuant to chapter 432A of NRS or licensed by a city or
9 county.

10 (b) *"Handgun" has the meaning ascribed to it in*
11 *NRS 202.3653.*

12 (c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

13 ~~{(e)}~~ (d) "Pneumatic gun" means any implement designed as a
14 gun that may expel a ball bearing or a pellet by action of pneumatic
15 pressure. The term includes, without limitation, a paintball gun that
16 expels plastic balls filled with paint for the purpose of marking the
17 point of impact.

18 ~~{(d)}~~ (e) *"School bus" has the meaning ascribed to it in NRS*
19 *484A.230 and includes any motor vehicle owned by or under the*
20 *control of a child care facility and regularly operated for the*
21 *transportation of children to or from the child care facility or an*
22 *activity in which the child care facility is participating.*

23 (f) "Switchblade knife" means a spring-blade knife, snap-blade
24 knife or any other knife having the appearance of a pocketknife, any
25 blade of which is 2 or more inches long and which can be released
26 automatically by a flick of a button, pressure on the handle or other
27 mechanical device, or is released by any type of mechanism. The
28 term does not include a knife which has a blade that is held in place
29 by a spring if the blade does not have any type of automatic release.

30 ~~{(e)}~~ (g) "Trefoil" has the meaning ascribed to it in
31 NRS 202.350.

32 ~~{(f) "Vehicle" has the meaning ascribed to "school bus" in~~
33 ~~NRS 484A.230.}~~

34 **Sec. 2.** NRS 202.3673 is hereby amended to read as follows:

35 202.3673 1. Except as otherwise provided in subsections 2
36 and 3, a permittee may carry a concealed firearm while the
37 permittee is on the premises of any public building.

38 2. A permittee shall not carry a concealed firearm while the
39 permittee is on the premises of a public building that is located on
40 the property of a public airport.

41 3. A permittee shall not carry a concealed firearm while the
42 permittee is on the premises of:

43 (a) A public building that is located on the property of a public
44 school or a child care facility or the property of the Nevada System
45 of Higher Education, unless the permittee ~~{has}~~ :



1 **(1) Has** obtained written permission to carry a concealed
2 firearm while he or she is on the premises of the public building
3 pursuant to **sub-subparagraph (III) of** subparagraph ~~†(3)†~~ **(1)** of
4 paragraph (a) of subsection 3 of NRS 202.265 ~~†; or~~

5 **(2) Possesses a handgun in accordance with the provisions**
6 **of paragraph (b) of subsection 3 of NRS 202.265.**

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

12 4. The provisions of paragraph (b) of subsection 3 do not
13 prohibit:

14 (a) A permittee who is a judge from carrying a concealed
15 firearm in the courthouse or courtroom in which the judge presides
16 or from authorizing a permittee to carry a concealed firearm while in
17 the courtroom of the judge and while traveling to and from the
18 courtroom of the judge.

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

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

26 (d) A permittee from carrying a concealed firearm while he or
27 she is on the premises of the public building if the permittee has
28 received written permission from the person in control of the public
29 building to carry a concealed firearm while the permittee is on the
30 premises of the public building.

31 5. A person who violates subsection 2 or 3 is guilty of a
32 misdemeanor.

33 6. As used in this section:

34 (a) “Child care facility” has the meaning ascribed to it in
35 paragraph (a) of subsection 5 of NRS 202.265.

36 (b) “Public building” means any building or office space
37 occupied by:

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

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

43 ➤ If only part of the building is occupied by an entity described in
44 this subsection, the term means only that portion of the building
45 which is so occupied.



1 **Sec. 3.** This act becomes effective on July 1, 2017.

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