

SENATE BILL NO. 124—SENATORS SPEARMAN, RATTI, FORD,  
WOODHOUSE, ATKINSON; CANCELA, CANNIZZARO,  
MANENDO, PARKS AND SEGERBLOM

PREFILED FEBRUARY 13, 2017

JOINT SPONSOR: ASSEMBLYMAN SPRINKLE

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning the ownership,  
possession and control of firearms by certain  
persons. (BDR 3-307)

FISCAL NOTE: Effect on Local Government: No.  
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 firearms; revising provisions concerning the  
surrender, sale or transfer of any firearm by an adverse  
party subject to an extended order for protection against  
domestic violence; requiring a person convicted of a  
battery which constitutes domestic violence and a person  
convicted of stalking in certain circumstances to  
permanently surrender, sell or transfer any such firearm;  
adding additional persons to the list of persons who are  
prohibited from owning or having in their possession or  
under their custody or control any firearm; providing  
penalties; and providing other matters properly relating  
thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law authorizes a court to include in an extended order for protection
- 2 against domestic violence: (1) a requirement that the adverse party surrender, sell or
- 3 transfer any firearm in his or her possession or under his or her custody or control;
- 4 and (2) a prohibition on the adverse party against possessing or having under his or
- 5 her custody or control any firearm while the order is in effect. (NRS 33.031)
- 6 Existing law also authorizes the court to include in such an extended order a limited
- 7 exception from the prohibition to possess or have under the adverse party’s custody
- 8 or control any firearm if the adverse party establishes certain facts relating to the



9 necessity of using or possessing a firearm for purposes of his or her employment.  
10 (NRS 33.031) **Section 1** of this bill adds the requirement that the adverse party  
11 establish that he or she only uses or possesses the firearm in the course of his or her  
12 employment. Additionally, existing law makes an adverse party who violates any  
13 provision included in an extended order for protection against domestic violence  
14 concerning the surrender, sale, transfer, possession, custody or control of a firearm  
15 guilty of a gross misdemeanor. (NRS 33.031) **Section 1** increases the crime to a  
16 category B felony.

17 **Section 2** of this bill provides that if an adverse party who is ordered to  
18 surrender, sell or transfer any firearm pursuant to an extended order for protection  
19 against domestic violence does not have any firearm to surrender, sell or transfer,  
20 the adverse party must submit an affidavit to the court stating that fact. **Section 2**  
21 additionally provides that if an adverse party sells or transfers a firearm to a  
22 licensed firearm dealer, the licensed firearm dealer is required to provide the  
23 adverse party with a receipt containing certain information regarding the sale or  
24 transfer.

25 **Section 3** of this bill provides that in every judgment of conviction or  
26 admonishment of rights issued for a battery which constitutes domestic violence,  
27 the court must inform the person convicted that he or she is prohibited from  
28 owning, possessing or having under his or her custody or control any firearm, and  
29 order the person convicted to permanently surrender, sell or transfer any firearm  
30 that he or she owns or has in his or her possession or under his or her custody or  
31 control. **Section 4** of this bill requires a court to include a finding in the judgment  
32 of conviction or admonishment of rights of a person convicted of stalking if the  
33 court determines the victim has an ongoing, reasonable fear of physical harm and  
34 the convicted person has a relationship with the victim that also makes the act  
35 domestic violence. If such a finding is entered in the judgment of conviction or  
36 admonishment of rights, **section 4** prohibits the convicted person from owning,  
37 possessing or having under his or her custody or control any firearm. **Sections 3**  
38 **and 4** also provide that a person who violates a provision included in a judgment of  
39 conviction or admonishment of rights issued for a battery which constitutes  
40 domestic violence or stalking relating to owning, possessing or taking other actions  
41 relating to a firearm is guilty of a category B felony.

42 Existing law prohibits certain persons from owning or having in their  
43 possession or under their custody or control any firearm. A person who violates  
44 such a provision is guilty of a category B felony. (NRS 202.360) **Section 7** of this  
45 bill adds to such a list of persons: (1) a person who has been convicted of stalking  
46 pursuant to Nevada law or a substantially similar law of any other state and the  
47 court has entered a finding in the judgment of conviction or admonishment of rights  
48 described above; and (2) a person currently subject to an extended order for  
49 protection against domestic violence in this State or an equivalent order in any  
50 other state. **Section 5** of this bill requires such a person to surrender, sell or transfer  
51 any firearm that the person owns, possesses or has under his or her custody or  
52 control, and sets forth the procedure relating to the surrender, sale or transfer of any  
53 such 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 33.031 is hereby amended to read as follows:  
2 33.031 1. A court may include in an extended order issued  
3 pursuant to NRS 33.030:



1 (a) A requirement that the adverse party surrender, sell or  
2 transfer any firearm in the adverse party's possession or under the  
3 adverse party's custody or control in the manner set forth in NRS  
4 33.033; and

5 (b) A ~~prohibition on~~ *statement that, unless the provisions of*  
6 *subsection 3 apply, the adverse party ~~against~~ is prohibited from*  
7 possessing or having under the adverse party's custody or control  
8 any firearm while the order is in effect ~~†~~ *pursuant to*  
9 *NRS 202.360.*

10 2. In determining whether to include the provisions set forth in  
11 subsection 1 in an extended order, the court must consider, without  
12 limitation, whether the adverse party:

13 (a) Has a documented history of domestic violence;

14 (b) Has used or threatened to use a firearm to injure or harass the  
15 applicant, a minor child or any other person; and

16 (c) Has used a firearm in the commission or attempted  
17 commission of any crime.

18 3. If a court includes the provisions set forth in subsection 1 in  
19 an extended order, the court may include a limited exception from  
20 the prohibition to possess or have under the adverse party's custody  
21 or control any firearm if the adverse party establishes that:

22 (a) The adverse party is employed by an employer who requires  
23 the adverse party to use or possess a firearm as an integral part of  
24 the adverse party's employment; ~~and~~

25 (b) *The adverse party only uses or possesses the firearm in the*  
26 *course of such employment; and*

27 (c) The employer will provide for the storage of any such  
28 firearm during any period when the adverse party is not working.

29 4. An adverse party who violates any provision included in an  
30 extended order pursuant to this section concerning the surrender,  
31 sale, transfer, possession, custody or control of a firearm is guilty of  
32 a ~~gross misdemeanor. If the court includes any such provision in an~~  
33 ~~extended order, the~~ *category B felony and shall be punished by*  
34 *imprisonment in the state prison for a minimum term of not less*  
35 *than 1 year and a maximum term of not more than 6 years, and*  
36 *may be further punished by a fine of not more than \$5,000. The*  
37 court must include in the order a statement that violation of such a  
38 provision in the order is a ~~gross misdemeanor.~~ *category B felony*  
39 *and shall be punished by imprisonment in the state prison for a*  
40 *minimum term of not less than 1 year and a maximum term of not*  
41 *more than 6 years, and may be further punished by a fine of not*  
42 *more than \$5,000.*



1       **Sec. 2.** NRS 33.033 is hereby amended to read as follows:

2       33.033 1. If a court orders an adverse party to surrender, *sell*  
3 *or transfer* any firearm pursuant to NRS 33.031, the adverse party  
4 shall, not later than 24 hours after service of the order:

5       (a) Surrender any firearm in the adverse party's possession or  
6 under the adverse party's custody or control to the appropriate local  
7 law enforcement agency designated by the court in the order;

8       (b) Surrender any firearm in the adverse party's possession or  
9 under the adverse party's custody or control to a person designated  
10 by the court in the order; ~~for~~

11       (c) Sell or transfer any firearm in the adverse party's possession  
12 or under the adverse party's custody or control to a licensed firearm  
13 dealer ~~for~~; or

14       (d) *Submit an affidavit:*

15           (1) *Informing the court that he or she currently does not*  
16 *have any firearm in his or her possession or under his or her*  
17 *custody or control; and*

18           (2) *Acknowledging that failure to surrender, sell or transfer*  
19 *any firearm in his or her possession or under his or her custody or*  
20 *control is a violation of the extended order and state law.*

21       2. If the court orders the adverse party to surrender any firearm  
22 to a local law enforcement agency pursuant to paragraph (a) of  
23 subsection 1, the law enforcement agency shall provide the adverse  
24 party with a receipt which includes a description of each firearm  
25 surrendered and the *serial number of each firearm surrendered.*  
26 *The* adverse party shall, not later than 72 hours or 1 business day,  
27 whichever is later, after surrendering any such firearm, provide the  
28 receipt to the court.

29       3. If the court orders the adverse party to surrender any firearm  
30 to a person designated by the court pursuant to paragraph (b) of  
31 subsection 1, the adverse party shall, not later than 72 hours or 1  
32 business day, whichever is later, after the adverse party surrenders  
33 any firearm to such person, provide to the court and the appropriate  
34 local law enforcement agency the name and address of the person  
35 designated in the order and a written description of each firearm  
36 surrendered *and the serial number of each firearm surrendered* to  
37 such person.

38       4. If the adverse party sells or transfers any firearm to a  
39 licensed firearm dealer ~~that is subject to an order~~ pursuant to  
40 paragraph (c) of subsection 1 ~~for the~~ :

41       (a) *The licensed firearm dealer shall provide the adverse party*  
42 *with a receipt which includes a description of each firearm sold or*  
43 *transferred, the serial number of each firearm sold or transferred*  
44 *and, if the firearm was transferred, whether the transfer is*  
45 *permanent or temporary; and*



1       ***(b) The*** adverse party shall, not later than 72 hours or 1 business  
2 day, whichever is later, after such sale or transfer, provide ***the***  
3 ***receipt*** to the court and the appropriate local law enforcement  
4 agency. ~~***[a receipt of such sale or transfer and a written description***~~  
5 ~~***of each firearm sold or transferred.]***~~

6       5. If there is probable cause to believe that the adverse party  
7 has not surrendered, sold or transferred any firearm in the adverse  
8 party's possession or under the adverse party's custody or control  
9 within 24 hours after service of the order, the court may issue and  
10 deliver to any law enforcement officer a search warrant which  
11 authorizes the law enforcement officer to enter and search any place  
12 where there is probable cause to believe any firearm is located and  
13 seize the firearm.

14       6. A local law enforcement agency may charge and collect a  
15 fee from the adverse party for the collection and storage of a firearm  
16 pursuant to this section. The fee must not exceed the cost incurred  
17 by the local law enforcement agency to provide the service.

18       ***7. A licensed firearm dealer may charge and collect a fee***  
19 ***from the adverse party for the storage of a firearm pursuant to this***  
20 ***section.***

21       ***8. As used in this section, "licensed firearm dealer" means a***  
22 ***person licensed pursuant to 18 U.S.C. § 923(a).***

23       **Sec. 3.** NRS 200.485 is hereby amended to read as follows:

24       200.485 1. Unless a greater penalty is provided pursuant to  
25 subsection 2 or NRS 200.481, a person convicted of a battery which  
26 constitutes domestic violence pursuant to NRS 33.018:

27       (a) For the first offense within 7 years, is guilty of a  
28 misdemeanor and shall be sentenced to:

29           (1) Imprisonment in the city or county jail or detention  
30 facility for not less than 2 days, but not more than 6 months; and

31           (2) Perform not less than 48 hours, but not more than 120  
32 hours, of community service.

33       ➤ The person shall be further punished by a fine of not less than  
34 \$200, but not more than \$1,000. A term of imprisonment imposed  
35 pursuant to this paragraph may be served intermittently at the  
36 discretion of the judge or justice of the peace, except that each  
37 period of confinement must be not less than 4 consecutive hours and  
38 must occur at a time when the person is not required to be at his or  
39 her place of employment or on a weekend.

40       (b) For the second offense within 7 years, is guilty of a  
41 misdemeanor and shall be sentenced to:

42           (1) Imprisonment in the city or county jail or detention  
43 facility for not less than 10 days, but not more than 6 months; and

44           (2) Perform not less than 100 hours, but not more than 200  
45 hours, of community service.



1   ↳ The person shall be further punished by a fine of not less than  
2   \$500, but not more than \$1,000.

3   (c) For the third and any subsequent offense within 7 years, is  
4   guilty of a category C felony and shall be punished as provided in  
5   NRS 193.130.

6   2. Unless a greater penalty is provided pursuant to NRS  
7   200.481, a person convicted of a battery which constitutes domestic  
8   violence pursuant to NRS 33.018, if the battery is committed by  
9   strangulation as described in NRS 200.481, is guilty of a category C  
10   felony and shall be punished as provided in NRS 193.130 and by a  
11   fine of not more than \$15,000.

12   3. In addition to any other penalty, if a person is convicted of a  
13   battery which constitutes domestic violence pursuant to NRS  
14   33.018, the court shall:

15   (a) For the first offense within 7 years, require the person to  
16   participate in weekly counseling sessions of not less than 1 1/2  
17   hours per week for not less than 6 months, but not more than 12  
18   months, at his or her expense, in a program for the treatment of  
19   persons who commit domestic violence that has been certified  
20   pursuant to NRS 228.470.

21   (b) For the second offense within 7 years, require the person to  
22   participate in weekly counseling sessions of not less than 1 1/2  
23   hours per week for 12 months, at his or her expense, in a program  
24   for the treatment of persons who commit domestic violence that has  
25   been certified pursuant to NRS 228.470.

26   ↳ If the person resides in this State but the nearest location at which  
27   counseling services are available is in another state, the court may  
28   allow the person to participate in counseling in the other state in a  
29   program for the treatment of persons who commit domestic violence  
30   that has been certified pursuant to NRS 228.470.

31   4. An offense that occurred within 7 years immediately  
32   preceding the date of the principal offense or after the principal  
33   offense constitutes a prior offense for the purposes of this section  
34   when evidenced by a conviction, without regard to the sequence of  
35   the offenses and convictions. The facts concerning a prior offense  
36   must be alleged in the complaint, indictment or information, must  
37   not be read to the jury or proved at trial but must be proved at the  
38   time of sentencing and, if the principal offense is alleged to be a  
39   felony, must also be shown at the preliminary examination or  
40   presented to the grand jury.

41   5. In addition to any other fine or penalty, the court shall order  
42   such a person to pay an administrative assessment of \$35. Any  
43   money so collected must be paid by the clerk of the court to the  
44   State Controller on or before the fifth day of each month for the



1 preceding month for credit to the Account for Programs Related to  
2 Domestic Violence established pursuant to NRS 228.460.

3 6. In addition to any other penalty, the court may require such a  
4 person to participate, at his or her expense, in a program of  
5 treatment for the abuse of alcohol or drugs that has been certified by  
6 the Division of Public and Behavioral Health of the Department of  
7 Health and Human Services.

8 7. If it appears from information presented to the court that a  
9 child under the age of 18 years may need counseling as a result of  
10 the commission of a battery which constitutes domestic violence  
11 pursuant to NRS 33.018, the court may refer the child to an agency  
12 which provides child welfare services. If the court refers a child to  
13 an agency which provides child welfare services, the court shall  
14 require the person convicted of a battery which constitutes domestic  
15 violence pursuant to NRS 33.018 to reimburse the agency for the  
16 costs of any services provided, to the extent of the convicted  
17 person's ability to pay.

18 8. If a person is charged with committing a battery which  
19 constitutes domestic violence pursuant to NRS 33.018, a  
20 prosecuting attorney shall not dismiss such a charge in exchange for  
21 a plea of guilty, guilty but mentally ill or nolo contendere to a lesser  
22 charge or for any other reason unless the prosecuting attorney  
23 knows, or it is obvious, that the charge is not supported by probable  
24 cause or cannot be proved at the time of trial. A court shall not grant  
25 probation to and, except as otherwise provided in NRS 4.373 and  
26 5.055, a court shall not suspend the sentence of such a person.

27 9. *In every judgment of conviction or admonishment of rights*  
28 *issued pursuant to this section, the court shall:*

29 (a) *Inform the person convicted that he or she is prohibited*  
30 *from owning, possessing or having under his or her custody or*  
31 *control any firearm pursuant to NRS 202.360; and*

32 (b) *Order the person convicted to permanently surrender, sell*  
33 *or transfer any firearm that he or she owns or that is in his or her*  
34 *possession or under his or her custody or control in the manner*  
35 *set forth in section 5 of this act.*

36 10. *A person who violates any provision included in a*  
37 *judgment of conviction or admonishment of rights issued pursuant*  
38 *to this section concerning the surrender, sale, transfer, ownership,*  
39 *possession, custody or control of a firearm is guilty of a category B*  
40 *felony and shall be punished by imprisonment in the state prison*  
41 *for a minimum term of not less than 1 year and a maximum term*  
42 *of not more than 6 years, and may be further punished by a fine of*  
43 *not more than \$5,000. The court must include in the judgment of*  
44 *conviction or admonishment of rights a statement that a violation*  
45 *of such a provision in the judgment or admonishment is a*



1 *category B felony and shall be punished by imprisonment in the*  
2 *state prison for a minimum term of not less than 1 year and a*  
3 *maximum term of not more than 6 years, and may be further*  
4 *punished by a fine of not more than \$5,000.*

5 11. As used in this section:

6 (a) "Agency which provides child welfare services" has the  
7 meaning ascribed to it in NRS 432B.030.

8 (b) "Battery" has the meaning ascribed to it in paragraph (a) of  
9 subsection 1 of NRS 200.481.

10 (c) "Offense" includes a battery which constitutes domestic  
11 violence pursuant to NRS 33.018 or a violation of the law of any  
12 other jurisdiction that prohibits the same or similar conduct.

13 **Sec. 4.** NRS 200.575 is hereby amended to read as follows:

14 200.575 1. A person who, without lawful authority, willfully  
15 or maliciously engages in a course of conduct that would cause a  
16 reasonable person to feel terrorized, frightened, intimidated,  
17 harassed or fearful for the immediate safety of a family or household  
18 member, and that actually causes the victim to feel terrorized,  
19 frightened, intimidated, harassed or fearful for the immediate safety  
20 of a family or household member, commits the crime of stalking.  
21 Except where the provisions of subsection 2 or 3 are applicable, a  
22 person who commits the crime of stalking:

23 (a) For the first offense, is guilty of a misdemeanor.

24 (b) For any subsequent offense, is guilty of a gross  
25 misdemeanor.

26 2. A person who commits the crime of stalking and in  
27 conjunction therewith threatens the person with the intent to cause  
28 the person to be placed in reasonable fear of death or substantial  
29 bodily harm commits the crime of aggravated stalking. A person  
30 who commits the crime of aggravated stalking shall be punished for  
31 a category B felony by imprisonment in the state prison for a  
32 minimum term of not less than 2 years and a maximum term of not  
33 more than 15 years, and may be further punished by a fine of not  
34 more than \$5,000.

35 3. A person who commits the crime of stalking with the use of  
36 an Internet or network site, electronic mail, text messaging or any  
37 other similar means of communication to publish, display or  
38 distribute information in a manner that substantially increases the  
39 risk of harm or violence to the victim shall be punished for a  
40 category C felony as provided in NRS 193.130.

41 4. Except as otherwise provided in subsection 2 of NRS  
42 200.571, a criminal penalty provided for in this section may be  
43 imposed in addition to any penalty that may be imposed for any  
44 other criminal offense arising from the same conduct or for any  
45 contempt of court arising from the same conduct.



1 5. *If the court finds that a person convicted of stalking*  
2 *pursuant to this section committed the crime against a person*  
3 *listed in subsection 1 of NRS 33.018 and that the victim has an*  
4 *ongoing, reasonable fear of physical harm, the court shall enter*  
5 *the finding in its judgment of conviction or admonishment of*  
6 *rights.*

7 6. *If the court includes such a finding in a judgment of*  
8 *conviction or admonishment of rights issued pursuant to this*  
9 *section, the court shall:*

10 (a) *Inform the person convicted that he or she is prohibited*  
11 *from owning, possessing or having under his or her control or*  
12 *custody any firearm pursuant to NRS 202.360; and*

13 (b) *Order the person convicted to permanently surrender, sell*  
14 *or transfer any firearm that he or she owns or that is in his or her*  
15 *possession or under his or her custody or control in the manner*  
16 *set forth in section 5 of this act.*

17 7. *A person who violates any provision included in a*  
18 *judgment of conviction or admonishment of rights issued pursuant*  
19 *to this section concerning the surrender, sale, transfer, ownership,*  
20 *possession, custody or control of a firearm is guilty of a category B*  
21 *felony and shall be punished by imprisonment in the state prison*  
22 *for a minimum term of not less than 1 year and a maximum term*  
23 *of not more than 6 years, and may be further punished by a fine of*  
24 *not more than \$5,000. The court must include in the judgment of*  
25 *conviction or admonishment of rights a statement that a violation*  
26 *of such a provision in the judgment or admonishment is a*  
27 *category B felony and shall be punished by imprisonment in the*  
28 *state prison for a minimum term of not less than 1 year and a*  
29 *maximum term of not more than 6 years, and may be further*  
30 *punished by a fine of not more than \$5,000.*

31 8. The penalties provided in this section do not preclude the  
32 victim from seeking any other legal remedy available.

33 ~~16.1~~ 9. As used in this section:

34 (a) "Course of conduct" means a pattern of conduct which  
35 consists of a series of acts over time that evidences a continuity of  
36 purpose directed at a specific person.

37 (b) "Family or household member" means a spouse, a former  
38 spouse, a parent or other person who is related by blood or marriage  
39 or is or was actually residing with the person.

40 (c) "Internet or network site" has the meaning ascribed to it in  
41 NRS 205.4744.

42 (d) "Network" has the meaning ascribed to it in NRS 205.4745.

43 (e) ~~"Provider of Internet service" has the meaning ascribed to it~~  
44 ~~in NRS 205.4758.~~



1 ~~(h)~~ “Text messaging” means a communication in the form of  
2 electronic text or one or more electronic images sent from a  
3 telephone or computer to another person’s telephone or computer by  
4 addressing the communication to the recipient’s telephone number.

5 ~~(h)~~ (f) “Without lawful authority” includes acts which are  
6 initiated or continued without the victim’s consent. The term does  
7 not include acts which are otherwise protected or authorized by  
8 constitutional or statutory law, regulation or order of a court of  
9 competent jurisdiction, including, but not limited to:

10 (1) Picketing which occurs during a strike, work stoppage or  
11 any other labor dispute.

12 (2) The activities of a reporter, photographer, camera  
13 operator or other person while gathering information for  
14 communication to the public if that person is employed or engaged  
15 by or has contracted with a newspaper, periodical, press association  
16 or radio or television station and is acting solely within that  
17 professional capacity.

18 (3) The activities of a person that are carried out in the  
19 normal course of his or her lawful employment.

20 (4) Any activities carried out in the exercise of the  
21 constitutionally protected rights of freedom of speech and assembly.

22 **Sec. 5.** Chapter 202 of NRS is hereby amended by adding  
23 thereto a new section to read as follows:

24 *1. If a person is prohibited from owning, possessing or*  
25 *having under his or her custody or control a firearm pursuant to*  
26 *NRS 202.360, the court in which the person is convicted shall*  
27 *order the person to surrender any firearm that the person owns or*  
28 *that is in his or her possession or under his or her custody or*  
29 *control to a designated law enforcement agency, a person*  
30 *designated by court order or a licensed firearm dealer, and the*  
31 *person shall, not later than 24 hours after service of the order:*

32 *(a) Surrender any firearm that the person owns or that is in*  
33 *his or her possession or under his or her custody or control to the*  
34 *appropriate local law enforcement agency designated by the court*  
35 *in the order;*

36 *(b) Surrender any firearm that the person owns or that is in*  
37 *his or her possession or under his or her custody or control to a*  
38 *person designated by the court in the order;*

39 *(c) Sell or transfer any firearm that the person owns or that is*  
40 *in his or her possession or under his or her custody or control to a*  
41 *licensed firearm dealer; or*

42 *(d) Submit an affidavit:*

43 *(1) Informing the court that he or she currently does not*  
44 *own or have any firearm in his or her possession or under his or*  
45 *her custody or control; and*



\* S B 1 2 4 R 3 \*

1           (2) *Acknowledging that failure to surrender, sell or transfer*  
2 *any firearm that he or she owns or has in his or her possession or*  
3 *under his or her custody or control is a violation of the order and*  
4 *state law.*

5           2. *If the court orders a person to surrender any firearm to a*  
6 *local law enforcement agency pursuant to paragraph (a) of*  
7 *subsection 1, the law enforcement agency shall provide the person*  
8 *with a receipt which includes a description of each firearm*  
9 *surrendered and the serial number of each firearm surrendered.*  
10 *The person shall, not later than 72 hours or 1 business day,*  
11 *whichever is later, after surrendering any such firearm, provide*  
12 *the receipt to the court.*

13           3. *If a person surrenders any firearm to a person designated*  
14 *by the court pursuant to paragraph (b) of subsection 1, the person*  
15 *who surrenders the firearm shall, not later than 72 hours or 1*  
16 *business day, whichever is later, after the person surrenders any*  
17 *firearm to such person, provide to the court and the appropriate*  
18 *local law enforcement agency the name and address of the person*  
19 *designated in the order and a written description of each firearm*  
20 *surrendered and the serial number of each firearm surrendered to*  
21 *such person*

22           4. *If a person sells or transfers any firearm to a licensed*  
23 *firearm dealer pursuant to paragraph (c) of subsection 1:*

24           (a) *The licensed firearm dealer shall provide the person with a*  
25 *receipt which includes a description of each firearm sold or*  
26 *transferred and the serial number of each firearm sold or*  
27 *transferred; and*

28           (b) *The person shall, not later than 72 hours or 1 business day,*  
29 *whichever is later, after such sale or transfer, provide the receipt*  
30 *to the court and the appropriate local law enforcement agency.*

31           5. *If there is probable cause to believe that the person has not*  
32 *surrendered, sold or transferred any firearm that the person owns*  
33 *or in the person's possession or under the person's custody or*  
34 *control within 24 hours after service of the order, the court may*  
35 *issue and deliver to any law enforcement officer a search warrant*  
36 *which authorizes the law enforcement officer to enter and search*  
37 *any place where there is probable cause to believe any firearm is*  
38 *located and seize the firearm.*

39           6. *A local law enforcement agency may charge and collect a*  
40 *fee from the person for the collection of a firearm pursuant to this*  
41 *section. The fee must not exceed the cost incurred by the local law*  
42 *enforcement agency to provide the service.*

43           7. *As used in this section, "licensed firearm dealer" means a*  
44 *person licensed pursuant to 18 U.S.C. § 923(a).*



1     **Sec. 6.** NRS 202.253 is hereby amended to read as follows:

2     202.253 As used in NRS 202.253 to 202.369, inclusive ~~H~~ ,  
3     *and section 5 of this act:*

4     1. “Explosive or incendiary device” means any explosive or  
5     incendiary material or substance that has been constructed, altered,  
6     packaged or arranged in such a manner that its ordinary use would  
7     cause destruction or injury to life or property.

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

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

14    4. “Motor vehicle” means every vehicle that is self-propelled.

15    **Sec. 7.** NRS 202.360 is hereby amended to read as follows:

16    202.360 1. A person shall not own or have in his or her  
17    possession or under his or her custody or control any firearm if the  
18    person:

19    (a) Has been convicted in this State or any other state of a  
20    misdemeanor crime of domestic violence as defined in 18 U.S.C. §  
21    921(a)(33);

22    (b) Has been convicted of a felony in this State or any other  
23    state, or in any political subdivision thereof, or of a felony in  
24    violation of the laws of the United States of America, unless the  
25    person has received a pardon and the pardon does not restrict his or  
26    her right to bear arms;

27    (c) *Has been convicted of a violation of NRS 200.575 or a law*  
28    *of any other state that prohibits the same or substantially similar*  
29    *conduct and the court entered a finding in the judgment of*  
30    *conviction or admonishment of rights pursuant to subsection 5 of*  
31    *NRS 200.575;*

32    (d) *Except as otherwise provided in NRS 33.031, is currently*  
33    *subject to:*

34    (1) *An extended order for protection against domestic*  
35    *violence pursuant to NRS 33.017 to 33.100, inclusive, which*  
36    *includes a statement that the adverse party is prohibited from*  
37    *possessing or having under his or her custody or control any*  
38    *firearm while the order is in effect; or*

39    (2) *An equivalent order in any other state;*

40    (e) Is a fugitive from justice;

41    ~~(d)~~ (f) Is an unlawful user of, or addicted to, any controlled  
42    substance; or

43    ~~(e)~~ (g) Is otherwise prohibited by federal law from having a  
44    firearm in his or her possession or under his or her custody or  
45    control.



1   ↳ A person who violates the provisions of this subsection is guilty  
2 of a category B felony and shall be punished by imprisonment in the  
3 state prison for a minimum term of not less than 1 year and a  
4 maximum term of not more than 6 years, and may be further  
5 punished by a fine of not more than \$5,000.

6   2. A person shall not own or have in his or her possession or  
7 under his or her custody or control any firearm if the person:

8   (a) Has been adjudicated as mentally ill or has been committed  
9 to any mental health facility by a court of this State, any other state  
10 or the United States;

11   (b) Has entered a plea of guilty but mentally ill in a court of this  
12 State, any other state or the United States;

13   (c) Has been found guilty but mentally ill in a court of this State,  
14 any other state or the United States;

15   (d) Has been acquitted by reason of insanity in a court of this  
16 State, any other state or the United States; or

17   (e) Is illegally or unlawfully in the United States.

18   ↳ A person who violates the provisions of this subsection is guilty  
19 of a category D felony and shall be punished as provided in  
20 NRS 193.130.

21   3. As used in this section:

22   (a) "Controlled substance" has the meaning ascribed to it in 21  
23 U.S.C. § 802(6).

24   (b) "Firearm" includes any firearm that is loaded or unloaded  
25 and operable or inoperable.

26   **Sec. 8.** 1. The provisions of NRS 33.031 and 33.033, as  
27 amended by sections 1 and 2 of this act, apply to an extended order  
28 issued pursuant to NRS 33.030 on or after October 1, 2017.

29   2. The provisions of NRS 200.485 and 200.575, as amended by  
30 sections 3 and 4 of this act, apply to a judgment of conviction or  
31 admonishment of rights issued on or after October 1, 2017.

32   3. The provisions of paragraph (c) of subsection 1 of NRS  
33 202.360, as amended by section 7 of this act, apply to a judgment of  
34 conviction or admonishment of rights issued on or after October 1,  
35 2017.

36   4. The provisions of paragraph (d) of subsection 1 of NRS  
37 202.360, as amended by section 7 of this act, apply to an extended  
38 order issued pursuant to NRS 33.030 on or after October 1, 2017.







