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THIRD REPRINT

A.B. 286

ASSEMBLY BILL NO. 286—ASSEMBLYWOMAN JAUREGUI

MARCH 15, 2021

JOINT SPONSOR: SENATOR SCHEIBLE

Referred to Committee on Judiciary

SUMMARY—Prohibits certain acts relating to firearms.
(BDR 15-21)

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 crimes; prohibiting a person from engaging in certain acts relating to unfinished frames or receivers under certain circumstances; prohibiting a person from engaging in certain acts relating to firearms which are not imprinted with a serial number under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes various unlawful acts relating to firearms. (Chapter 202 of NRS) **Sections 3-5** of this bill create additional unlawful acts relating to firearms.

Section 3 of this bill prohibits a person from possessing, purchasing, transporting or receiving an unfinished frame or receiver unless: (1) the person is a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required to be, and has been, imprinted with a serial number. **Section 3** provides that a person who commits such an unlawful act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense, is guilty of a category D felony.

Similarly, **section 3.5** of this bill prohibits a person from selling, offering to sell or transferring an unfinished frame or receiver unless: (1) the person is a firearms importer or manufacturer and the recipient of the unfinished frame or receiver is a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required to be, and has been, imprinted with a serial number. **Section 3.5** provides that a person who commits such an unlawful act: (1) for the first offense, is guilty



17 of a gross misdemeanor; and (2) for the second or any subsequent offense, is guilty
18 of a category D felony.

19 **Section 4** of this bill prohibits a person from manufacturing or causing to be
20 manufactured or assembling or causing to be assembled a firearm that is not
21 imprinted with a serial number issued by a firearms importer or manufacturer in
22 accordance with federal law and any regulations adopted thereunder unless the
23 firearm is: (1) rendered permanently inoperable; (2) an antique; or (3) a collector's
24 item, curio or relic. **Section 4** provides that a person who commits such an unlawful
25 act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the second
26 or any subsequent offense, is guilty of a category D felony.

27 Similarly, **section 5** of this bill prohibits a person from possessing, selling,
28 offering to sell, transferring, purchasing, transporting or receiving a firearm that is
29 not imprinted with a serial number issued by a firearms importer or manufacturer in
30 accordance with federal law and any regulations adopted thereunder unless: (1) the
31 person is a law enforcement agency or a firearms importer or manufacturer; or (2)
32 the firearm is rendered permanently inoperable, was manufactured before 1969 or
33 is an antique, collector's item, curio or relic. **Section 5** provides that a person who
34 commits such an unlawful act: (1) for the first offense, is guilty of a gross
35 misdemeanor; and (2) for the second or any subsequent offense, is guilty of a
36 category D felony. **Section 5.5** of this bill provides that nothing in **sections 3-5**
37 shall be deemed to prohibit the sale of an unfinished frame or receiver or firearm
38 that is not imprinted with a serial number to a firearms importer or manufacturer or
39 a licensed dealer before January 1, 2022.

40 **Section 6** of this bill defines the terms "antique firearm," "firearms importer or
41 manufacturer" and "unfinished frame or receiver." **Section 7** of this bill makes a
42 conforming change relating to the new definitions.

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 to 5, inclusive, of this
3 act.

4 **Sec. 2.** (Deleted by amendment.)

5 **Sec. 3. 1. A person shall not possess, purchase, transport or**
6 **receive an unfinished frame or receiver unless:**

7 **(a) The person is a firearms importer or manufacturer; or**

8 **(b) The unfinished frame or receiver is required by federal law**
9 **to be imprinted with a serial number issued by a firearms importer**
10 **or manufacturer and the unfinished frame or receiver has been**
11 **imprinted with the serial number.**

12 **2. A person who violates this section:**

13 **(a) For the first offense, is guilty of a gross misdemeanor; and**

14 **(b) For the second or any subsequent offense, is guilty of a**
15 **category D felony and shall be punished as provided in**
16 **NRS 193.130.**

17 **Sec. 3.5. 1. A person shall not sell, offer to sell or transfer**
18 **an unfinished frame or receiver unless:**

19 **(a) The person is:**



- 1 (1) *A firearms importer or manufacturer; and*
- 2 (2) *The recipient of the unfinished frame or receiver is a*
- 3 *firearms importer or manufacturer; or*

4 (b) *The unfinished frame or receiver is required by federal law*
5 *to be imprinted with a serial number issued by an importer or*
6 *manufacturer and the unfinished frame or receiver has been*
7 *imprinted with the serial number.*

8 2. *A person who violates this section:*

9 (a) *For the first offense, is guilty of a gross misdemeanor; and*

10 (b) *For the second or any subsequent offense, is guilty of a*
11 *category D felony and shall be punished as provided in*
12 *NRS 193.130.*

13 **Sec. 4.** 1. *A person shall not manufacture or cause to be*
14 *manufactured or assemble or cause to be assembled a firearm that*
15 *is not imprinted with a serial number issued by a firearms*
16 *importer or manufacturer in accordance with federal law and any*
17 *regulations adopted thereunder unless the firearm:*

18 (a) *Has been rendered permanently inoperable;*

19 (b) *Is an antique firearm; or*

20 (c) *Has been determined to be a collector's item pursuant to 26*
21 *U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C.*
22 *Chapter 44.*

23 2. *A person who violates this section:*

24 (a) *For the first offense, is guilty of a gross misdemeanor; and*

25 (b) *For the second or any subsequent offense, is guilty of a*
26 *category D felony and shall be punished as provided in*
27 *NRS 193.130.*

28 3. *As used in this section:*

29 (a) *"Assemble" means to fit together component parts.*

30 (b) *"Manufacture" means to fabricate, make, form, produce or*
31 *construct by manual labor or machinery.*

32 **Sec. 5.** 1. *A person shall not possess, sell, offer to sell,*
33 *transfer, purchase, transport or receive a firearm that is not*
34 *imprinted with a serial number issued by a firearms importer or*
35 *manufacturer in accordance with federal law and any regulations*
36 *adopted thereunder unless:*

37 (a) *The person is:*

38 (1) *A law enforcement agency; or*

39 (2) *A firearms importer or manufacturer; or*

40 (b) *The firearm:*

41 (1) *Has been rendered permanently inoperable;*

42 (2) *Was manufactured before 1969;*

43 (3) *Is an antique firearm; or*



1 (4) *Has been determined to be a collector's item pursuant*
2 *to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C.*
3 *Chapter 44.*

4 2. *A person who violates this section:*

5 (a) *For the first offense, is guilty of a gross misdemeanor; and*

6 (b) *For the second or any subsequent offense, is guilty of a*
7 *category D felony and shall be punished as provided in*
8 *NRS 193.130.*

9 3. *As used in this section, "law enforcement agency" has the*
10 *meaning ascribed to it in NRS 239C.065.*

11 **Sec. 5.5.** *Nothing in the provisions of sections 3 to 5,*
12 *inclusive, of this act shall be deemed to prohibit the sale of an*
13 *unfinished frame or receiver or firearm that is not imprinted with*
14 *a serial number to a firearms importer or manufacturer or a*
15 *licensed dealer before January 1, 2022. As used in this section,*
16 *"licensed dealer" has the meaning ascribed to it in NRS 202.2546.*

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

18 202.253 As used in NRS 202.253 to 202.369, inclusive ~~1~~ ,
19 *and sections 2 to 5.5, inclusive, of this act:*

20 1. *"Antique firearm" has the meaning ascribed to it in 18*
21 *U.S.C. § 921(a)(16).*

22 2. *"Explosive or incendiary device" means any explosive or*
23 *incendiary material or substance that has been constructed, altered,*
24 *packaged or arranged in such a manner that its ordinary use would*
25 *cause destruction or injury to life or property.*

26 ~~2~~ 3. *"Firearm" means any device designed to be used as a*
27 *weapon from which a projectile may be expelled through the barrel*
28 *by the force of any explosion or other form of combustion.*

29 ~~3~~ 4. *"Firearm capable of being concealed upon the person"*
30 *applies to and includes all firearms having a barrel less than 12*
31 *inches in length.*

32 ~~4~~ 5. *"Firearms importer or manufacturer" means a person*
33 *licensed to import or manufacture firearms pursuant to 18 U.S.C.*
34 *Chapter 44.*

35 6. *"Machine gun" means any weapon which shoots, is*
36 *designed to shoot or can be readily restored to shoot more than one*
37 *shot, without manual reloading, by a single function of the trigger.*

38 ~~5~~ 7. *"Motor vehicle" means every vehicle that is self-*
39 *propelled.*

40 ~~6~~ 8. *"Semiautomatic firearm" means any firearm that:*

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

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

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



1 **9. “Unfinished frame or receiver” means a blank, a casting**
2 **or a machined body that is intended to be turned into the frame or**
3 **lower receiver of a firearm with additional machining and which**
4 **has been formed or machined to the point at which most of the**
5 **major machining operations have been completed to turn the**
6 **blank, casting or machined body into a frame or lower receiver of**
7 **a firearm even if the fire-control cavity area of the blank, casting**
8 **or machined body is still completely solid and unmachined.**

9 **Sec. 7.** NRS 202.2548 is hereby amended to read as follows:

10 202.2548 The provisions of NRS 202.2547 do not apply to:

11 1. The sale or transfer of a firearm by or to any law
12 enforcement agency and, to the extent he or she is acting within the
13 course and scope of his or her employment and official duties, any
14 peace officer, security guard entitled to carry a firearm under NAC
15 648.345, member of the armed forces or federal official.

16 2. The sale or transfer of an antique firearm. [~~as defined in 18~~
17 ~~U.S.C. § 921(a)(16).]~~

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

24 4. The transfer of a firearm to an executor, administrator,
25 trustee or personal representative of an estate or a trust that occurs
26 by operation of law upon the death of the former owner of the
27 firearm.

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

31 (a) Is necessary to prevent imminent death or great bodily harm;
32 and

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

35 6. A temporary transfer of a firearm if:

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

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

42 (c) Such transfer occurs and the transferee’s possession of the
43 firearm following the transfer is exclusively:

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



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

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

6 (4) While hunting or trapping if the hunting or trapping is
7 legal in all places where the transferee possesses the firearm and the
8 transferee holds all licenses or permits required for such hunting or
9 trapping; or

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

11 **Sec. 8.** (Deleted by amendment.)

12 **Sec. 9.** (Deleted by amendment.)

13 **Sec. 10.** 1. This section and sections 1, 2, 3.5, 4, 5.5 and 6 to
14 9, inclusive, of this act become effective upon passage and approval.

15 2. Sections 3 and 5 of this act become effective on January 1,
16 2022.



