

Amendment No. 333

Assembly Amendment to Assembly Bill No. 286	(BDR 15-21)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





ASSEMBLY BILL NO. 286—ASSEMBLYWOMAN JAUREGUI

MARCH 15, 2021

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 possessing a firearm on a covered premises under certain circumstances; 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; revising provisions relating to the confiscation and disposal of dangerous weapons; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law makes it a misdemeanor for a person to go upon the land or into any  
2 building of another person in certain circumstances, including willfully going or remaining on  
3 land or in a building after being warned by the owner or occupant not to trespass. (NRS  
4 207.200) **Section 2** of this bill establishes similar provisions which make it unlawful for a  
5 person to possess a firearm on a covered premises without the written consent of the owner or  
6 operator of the covered premises or an agent thereof after being warned by the owner,  
7 operator or agent that possessing the firearm on the covered premises is prohibited. **Section 2**  
8 defines “covered premises” as real property ~~{that serves as certain venues, establishments,~~  
9 ~~facilities and any real property extending to the property line} **owned or operated by a**~~  
10 ~~person who holds a nonrestricted gaming license, or any affiliate~~ thereof.  
11 **Section 2** provides that, for the purpose of determining whether a person has been given a  
12 sufficient warning against the possession of a firearm, the owner or occupant of the covered  
13 premises or an agent thereof may ~~{(1) conspicuously}~~ post a sign **which meets certain**  
14 **specifications at each public entrance of** the covered premises  ~~, {which contains specific~~  
15 ~~language relating to the prohibition on firearms; or (2)}~~ **Section 2 also provides that, in**  
16 **addition to posting the sign,** if the covered premises is a public accommodation facility, **the**  
17 **covered premises may** provide guests at the time of check-in with documentation containing  
18 specific language relating to the prohibition on firearms. Upon the posting of the sign, ~~for~~  
19 ~~implementation of a policy for the provision of the documentation,}~~ **section 2** requires the  
20 owner, operator or agent to inform ~~{a}~~ **the respective** law enforcement agency of the warning  
21 relating to the prohibition on firearms at the covered premises.  
22 **Section 2** provides that any person who possesses a firearm in such an unlawful manner:  
23 (1) for the first offense, is guilty of a misdemeanor; (2) for the second offense, is guilty of a  
24 gross misdemeanor; and (3) for the third or any subsequent offense, is guilty of a category E

25 felony. **Section 9** of this bill adds an exception to the crime of trespass for application of the  
 26 greater penalties prescribed by **section 2**.

27 Existing law establishes procedures for the disposal of certain dangerous instruments and  
 28 weapons taken from the possession of a person charged with the commission of a public  
 29 offense or crime or a child charged with committing a delinquent act. (NRS 202.340) **Section**  
 30 **8** of this bill requires firearms confiscated from the possession of a person who commits a  
 31 third or subsequent violation of **section 2** to be disposed of in the manner provided for  
 32 dangerous instruments and weapons.

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

39 Similarly, section 3.5 of this bill prohibits a person from selling, offering to sell or  
 40 transferring an unfinished frame or receiver unless the person: (1) is a firearms  
 41 importer or manufacturer and the recipient of the unfinished frame or receiver is a  
 42 firearms importer or manufacturer; or (2) the unfinished frame or receiver is required  
 43 to be, and has been, imprinted with a serial number. Section 3.5 provides that a person  
 44 who commits such an unlawful act: (1) for the first offense, is guilty of a gross  
 45 misdemeanor; and (2) for the second or any subsequent offense, is guilty of a category D  
 46 felony.

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

55 Similarly, **section 5** of this bill prohibits a person from possessing, selling, offering to  
 56 sell, transferring, purchasing, transporting or receiving a firearm that is not imprinted with a  
 57 serial number issued by a firearms importer or manufacturer in accordance with federal law  
 58 and any regulations adopted thereunder unless: (1) the person is a law enforcement agency or  
 59 a firearms importer or manufacturer; or (2) the firearm is rendered permanently inoperable or  
 60 is an antique, collector's item, curio or relic. **Section 5** provides that a person who commits  
 61 such an unlawful act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the  
 62 second or any subsequent offense, is guilty of a category D felony.

63 **Section 6** of this bill defines the terms "antique firearm," "firearms importer or  
 64 ~~manufacturer~~ **manufacturer**" and **"unfinished frame or receiver."** **Section 7** of this bill  
 65 makes a 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 thereto the  
 2 provisions set forth as sections 2 to 5, inclusive, of this act.

3 **Sec. 2. 1. A person shall not possess a firearm on a covered premises**  
 4 **without the written consent of the owner or operator of the covered premises or**  
 5 **an agent thereof after having been warned by the owner, operator or agent that**  
 6 **the person is prohibited from possessing the firearm on the covered premises.**

7 **2. A sufficient warning against possessing a firearm on a covered premises,**  
 8 **within the meaning of this section, is given by ~~any of the following methods:~~**

9 ~~(a) Posting a sign in a conspicuous place~~ **posting at each public entrance of**  
 10 **the covered premises ~~[which contains the following language printed in~~**  
 11 **contrasting colors and in block letters measuring at least 1 inch in height.**

~~“Firearms are prohibited on this property unless the person wishing to possess the firearm has obtained the written consent of the owner or operator of this property or an agent thereof.”~~

~~(b) If~~ the following sign, which must be not less than 8 1/2 inches in width by 11 inches in height:



3. In addition to posting the sign prescribed by subsection 2, if the covered premises is a public accommodation facility, ~~providing~~ the covered premises may provide guests at the time of check-in with a document which contains the language: “Firearms are prohibited on this property unless the person wishing to possess the firearm has obtained the written consent of the owner or operator of this property or an agent thereof.”

~~3. 4. Upon the posting of ~~the~~ the sign ~~described in paragraph (a) of~~ prescribed by subsection 2 ~~for the implementation of a policy for the provision of the documentation described in paragraph (b) of subsection 2,~~ at each public entrance of the covered premises, the owner or operator of the covered premises or the agent thereof shall inform a law enforcement agency with jurisdiction over a violation of subsection 1 that a sufficient warning within the meaning of this section is being provided on the covered premises.~~

~~4. 5. A person who violates subsection 1:~~

~~(a) For the first offense, is guilty of a misdemeanor;~~

~~(b) For the second offense, is guilty of a gross misdemeanor; and~~

~~(c) For the third or any subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~5. 6. This section:~~

~~(a) Except as otherwise provided in paragraph (b), applies to any person entering a covered premises, including, without limitation, any person who is the holder of a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive.~~

~~(b) Does not apply to:~~

~~(1) ~~An~~ A security guard of a covered premises or an officer of a law enforcement agency who is required to carry a firearm as part of his or her~~

1 official duties and who is acting in his or her official capacity at the time of  
2 possessing the firearm on the covered premises;

3 (2) A residential unit owner who:

4 (I) Carries or stores a firearm in his or her unit;

5 (II) Carries a firearm directly to his or her unit from a location  
6 where he or she is authorized to carry or store a firearm under this subparagraph  
7 or from his or her unit to a location where he or she is authorized to carry or  
8 store a firearm under this subparagraph;

9 (III) Carries or stores a ~~handgun~~ firearm in his or her vehicle  
10 located in a parking area designated for the residential unit owner; or

11 (IV) Carries a ~~handgun~~ firearm directly to his or her vehicle  
12 located in a parking area designated for the residential unit owner from a  
13 location where he or she is authorized to carry or store a firearm under this  
14 subparagraph or from such a vehicle to a location where he or she is authorized  
15 to carry or store a firearm under this subparagraph ~~to~~;

16 (3) A guest of a public accommodation facility who:

17 (I) Purchases a firearm at a trade show in this State;

18 (II) Transports the purchased firearm directly from the trade show to  
19 the public accommodation facility in accordance with all applicable laws;

20 (III) Enters the public accommodation facility with the firearm  
21 unloaded and contained within a bag; and

22 (IV) Notifies the public accommodation facility in writing that his or  
23 her bag contains an unloaded firearm ~~to~~;

24 ~~6.~~ or

25 (4) If a major purpose of a trade show is the feature of firearms, an  
26 employee or operator of the tradeshow who:

27 (I) Possesses or displays a firearm at the trade show while acting in  
28 his or her official capacity as an employee or operator of the trade show; and

29 (II) Transports an operable or inoperable firearm directly between a  
30 parking garage, parking structure or staging area and the trade show.

31 7. Nothing in this section shall:

32 (a) Prohibit or restrict a rule, policy or practice of an owner or operator of a  
33 covered premises concerning or prohibiting the presence of firearms on the  
34 covered premises; or

35 (b) Require an owner or operator of a covered premises to adopt a rule,  
36 policy or practice concerning or prohibiting the presence of firearms on the  
37 covered premises.

38 ~~7.~~ 8. As used in this section:

39 (a) ~~“Club venue” means a venue, including, without limitation, a pool~~  
40 ~~venue, that~~

41 ~~(1) Prohibits patrons under 21 years of age from entering the premises;~~

42 ~~(2) Is licensed to serve alcohol;~~

43 ~~(3) Allows dancing; and~~

44 ~~(4) Offers live music, a disc jockey or an emcee.~~

45 (b) ~~“Condominium hotel” has the meaning ascribed to it in NRS 116B.060.~~

46 (c) ~~“Consent” does not include consent that is induced by force, threat or~~  
47 ~~fraud.~~

48 ~~(d)~~ (b) “Covered premises” means ~~to~~

49 ~~(1) Any~~ any real property ~~that serves as:~~

50 ~~(I) A club venue;~~

51 ~~(II) A golf course;~~

52 ~~(III) A licensed gaming establishment;~~

53 ~~(IV) A motion picture theater;~~

~~(V) A place of religious worship;~~  
~~(VI) A public accommodation facility;~~  
~~(VII) A shopping mall; or~~  
~~(VIII) A stadium, arena, concert hall, theater, showroom or any other facility used for live entertainment or a sporting event; and~~

~~(2) Any real property extending to the property line of any property described in subparagraph (1), owned or operated by a person who holds a nonrestricted license, as defined in NRS 463.0177, or any affiliate thereof. The term includes, without limitation any tenant of the real property or establishment located within the bounds of the real property.~~

~~(c)~~ (c) "Law enforcement agency" has the meaning ascribed to it in NRS 289.010.

~~(f) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.~~

~~(g) "Public accommodation facility" means a hotel and casino, resort, hotel, condominium, hotel, motel, hostel, bed and breakfast facility or other facility offering rooms or areas to the public for monetary compensation or other financial consideration on an hourly, daily or weekly basis.~~

~~(h)~~ (d) "Official capacity" includes, without limitation, the observance of a meal or other authorized break.

(e) "Public entrance" includes, without limitation, a parking lot or parking structure.

(f) "Residential unit owner" has the meaning ascribed to it in NRS 116B.205.

~~(i) "Shopping mall" includes any area or premises where multiple vendors assemble for the primary purpose of selling goods.~~

(g) "Trade show" means an event of limited duration primarily attended by members of a particular trade or industry for the purpose of exhibiting their merchandise or services or discussing matters of interest to members of that trade or industry.

**Sec. 3. 1. A person shall not possess, ~~sell, offer to sell, transfer,~~ purchase, transport or receive an unfinished frame or receiver unless:**

- (a) The person is a firearms importer or manufacturer; or**
- (b) The unfinished frame or receiver is required by federal law to be imprinted with a serial number issued by ~~an~~ a firearms importer or manufacturer and the unfinished frame or receiver has been imprinted with the serial number.**

- 2. A person who violates this section:**
  - (a) For the first offense, is guilty of a gross misdemeanor; and**
  - (b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.**

~~3. As used in this section, "unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire control cavity area of the blank, casting or machined body is still completely solid and unmachined.~~

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

- (a) The person is:**
  - (1) A firearms importer or manufacturer; and**

1 (2) The recipient of the unfinished frame or receiver is a firearms  
2 importer or manufacturer; or

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

6 2. A person who violates this section:

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

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

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

14 (a) Has been rendered permanently inoperable;

15 (b) Is an antique firearm; or

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

18 2. A person who violates this section:

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

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

22 3. As used in this section:

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

24 (b) "Manufacture" means to fabricate, make, form, produce or construct by  
25 manual labor or machinery.

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

30 (a) The person is:

31 (1) A law enforcement agency; or

32 (2) A firearms importer or manufacturer; or

33 (b) The firearm:

34 (1) Has been rendered permanently inoperable;

35 (2) Is an antique firearm; or

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

38 2. A person who violates this section:

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

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

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

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

45 202.253 As used in NRS 202.253 to 202.369, inclusive [F], and sections 2 to  
46 5, inclusive, of this act:

47 1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. §  
48 921(a)(16).

49 2. "Explosive or incendiary device" means any explosive or incendiary  
50 material or substance that has been constructed, altered, packaged or arranged in  
51 such a manner that its ordinary use would cause destruction or injury to life or  
52 property.

~~3.~~ 3. “Firearm” means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

~~4.~~ 4. “Firearm capable of being concealed upon the person” applies to and includes all firearms having a barrel less than 12 inches in length.

~~5.~~ 5. *“Firearms importer or manufacturer” means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.*

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

~~7.~~ 7. “Motor vehicle” means every vehicle that is self-propelled.

~~8.~~ 8. “Semiautomatic firearm” means any firearm that:

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

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

(c) Is not a machine gun.

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

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

202.2548 The provisions of NRS 202.2547 do not apply to:

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

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

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

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

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

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

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

6. A temporary transfer of a firearm if:

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

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

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

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

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

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

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

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

8 **Sec. 8.** NRS 202.340 is hereby amended to read as follows:

9 202.340 1. Except as otherwise provided for firearms forfeitable pursuant to  
10 NRS 453.301, when any instrument or weapon described in NRS 202.350 is taken  
11 from the possession of any person charged with the commission of any public  
12 offense or crime or any child charged with committing a delinquent act ~~{or}~~ *or when*  
13 *any firearm is taken from the possession of any person charged with a third or*  
14 *subsequent violation of section 2 of this act,* the instrument, ~~{or}~~ *weapon or*  
15 *firearm* must be surrendered to:

16 (a) The head of the police force or department of an incorporated city if the  
17 possession thereof was detected by any member of the police force of the city; or

18 (b) The chief administrator of a state law enforcement agency, for disposal  
19 pursuant to NRS 333.220, if the possession thereof was detected by any member of  
20 the agency.

21 ~~↳~~ In all other cases, the instrument, ~~{or}~~ *weapon or firearm* must be surrendered to  
22 the sheriff of the county or the sheriff of the metropolitan police department for the  
23 county in which the instrument, ~~{or}~~ *weapon or firearm* was taken.

24 2. Except as otherwise provided in subsection 5, the governing body of the  
25 county or city or the metropolitan police committee on fiscal affairs shall at least  
26 once a year order the local law enforcement officer to whom any instrument, ~~{or}~~  
27 *weapon or firearm* is surrendered pursuant to subsection 1 to:

28 (a) Retain the confiscated instrument, ~~{or}~~ *weapon or firearm* for use by the  
29 law enforcement agency headed by the officer;

30 (b) Sell the confiscated instrument, ~~{or}~~ *weapon or firearm* to another law  
31 enforcement agency;

32 (c) Destroy or direct the destruction of the confiscated instrument, ~~{or}~~ *weapon*  
33 *or firearm* if it is not otherwise required to be destroyed pursuant to subsection 5;

34 (d) Trade the confiscated instrument, ~~{or}~~ *weapon or firearm* to a properly  
35 licensed retailer or wholesaler in exchange for equipment necessary for the  
36 performance of the agency's duties; or

37 (e) Donate the confiscated instrument, ~~{or}~~ *weapon or firearm* to a museum,  
38 the Nevada National Guard or, if appropriate, to another person for use which  
39 furthers a charitable or public interest.

40 3. All proceeds of a sale ordered pursuant to subsection 2 by:

41 (a) The governing body of a county or city must be deposited with the county  
42 treasurer or the city treasurer and the county treasurer or the city treasurer shall  
43 credit the proceeds to the general fund of the county or city.

44 (b) A metropolitan police committee on fiscal affairs must be deposited in a  
45 fund which was created pursuant to NRS 280.220.

46 4. Any officer receiving an order pursuant to subsection 2 shall comply with  
47 the order as soon as practicable.

48 5. Except as otherwise provided in subsection 6, the officer to whom a  
49 confiscated instrument, ~~{or}~~ *weapon or firearm* is surrendered pursuant to  
50 subsection 1 shall:

51 (a) Except as otherwise provided in paragraph (c), destroy or direct to be  
52 destroyed any instrument, ~~{or}~~ *weapon or firearm* which is determined to be  
53 dangerous to the safety of the public.

1 (b) Except as otherwise provided in paragraph (c), return any instrument , ~~{}~~  
2 weapon ~~{}~~ *or firearm* which has not been destroyed pursuant to paragraph (a):

3 (1) Upon demand, to the person from whom the instrument , ~~{}~~ weapon  
4 *or firearm* was confiscated if the person is acquitted of the public offense or crime  
5 of which the person was charged; or

6 (2) To the legal owner of the instrument , ~~{}~~ weapon *or firearm* if the  
7 Attorney General or the district attorney determines that the instrument , ~~{}~~  
8 weapon *or firearm* was unlawfully acquired from the legal owner. If retention of  
9 the instrument , ~~{}~~ weapon *or firearm* is ordered or directed pursuant to paragraph  
10 (c), except as otherwise provided in paragraph (a), the instrument , ~~{}~~ weapon *or*  
11 *firearm* must be returned to the legal owner as soon as practicable after the order or  
12 direction is rescinded.

13 (c) Retain the confiscated instrument , ~~{}~~ weapon *or firearm* held by the  
14 officer pursuant to an order of a judge of a court of record or by direction of the  
15 Attorney General or district attorney that the retention is necessary for purposes of  
16 evidence, until the order or direction is rescinded.

17 (d) Return any instrument , ~~{}~~ weapon *or firearm* which was stolen to its  
18 rightful owner, unless the return is otherwise prohibited by law.

19 6. Before any disposition pursuant to subsection 5, the officer who is in  
20 possession of the confiscated instrument , ~~{}~~ weapon *or firearm* shall submit a  
21 full description of the instrument , ~~{}~~ weapon *or firearm* to a laboratory which  
22 provides forensic services in this State. The director of the laboratory shall  
23 determine whether the instrument , ~~{}~~ weapon ~~{}~~ *or firearm*:

24 (a) Must be sent to the laboratory for examination as part of a criminal  
25 investigation; or

26 (b) Is a necessary addition to a referential collection maintained by the  
27 laboratory for purposes relating to law enforcement.

28 **Sec. 9.** NRS 207.200 is hereby amended to read as follows:

29 207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603 ~~{}~~  
30 *or section 2 of this act*, any person who, under circumstances not amounting to a  
31 burglary:

32 (a) Goes upon the land or into any building of another with intent to vex or  
33 annoy the owner or occupant thereof, or to commit any unlawful act; or

34 (b) Willfully goes or remains upon any land or in any building after having  
35 been warned by the owner or occupant thereof not to trespass,  
36 ~~is~~ is guilty of a misdemeanor. The meaning of this subsection is not limited by  
37 subsections 2 and 4.

38 2. A sufficient warning against trespassing, within the meaning of this  
39 section, is given by any of the following methods:

40 (a) Painting with fluorescent orange paint:

41 (1) Not less than 50 square inches of a structure or natural object or the top  
42 12 inches of a post, whether made of wood, metal or other material, at:

43 (I) Intervals of such a distance as is necessary to ensure that at least  
44 one such structure, natural object or post would be within the direct line of sight of  
45 a person standing next to another such structure, natural object or post, but at  
46 intervals of not more than 1,000 feet; and

47 (II) Each corner of the land, upon or near the boundary; and

48 (2) Each side of all gates, cattle guards and openings that are designed to  
49 allow human ingress to the area;

50 (b) Fencing the area;

51 (c) Posting "no trespassing" signs or other notice of like meaning at:

1 (1) Intervals of such a distance as is necessary to ensure that at least one  
2 such sign would be within the direct line of sight of a person standing next to  
3 another such sign, but at intervals of not more than 500 feet; and

4 (2) Each corner of the land, upon or near the boundary;

5 (d) Using the area as cultivated land; or

6 (e) By the owner or occupant of the land or building making an oral or written  
7 demand to any guest to vacate the land or building.

8 3. It is prima facie evidence of trespass for any person to be found on private  
9 or public property which is posted or fenced as provided in subsection 2 without  
10 lawful business with the owner or occupant of the property.

11 4. An entryman on land under the laws of the United States is an owner  
12 within the meaning of this section.

13 5. As used in this section:

14 (a) "Cultivated land" means land that has been cleared of its natural vegetation  
15 and is presently planted with a crop.

16 (b) "Fence" means a barrier sufficient to indicate an intent to restrict the area to  
17 human ingress, including, but not limited to, a wall, hedge or chain link or wire  
18 mesh fence. The term does not include a barrier made of barbed wire.

19 (c) "Guest" means any person entertained or to whom hospitality is extended,  
20 including, but not limited to, any person who stays overnight. The term does not  
21 include a tenant as defined in NRS 118A.170.

22 **Sec. 10.** 1. This section and sections 1 to 4, inclusive, and 6 to 9, inclusive,  
23 of this act become effective ~~on October 1, 2021,~~ **upon passage and approval.**

24 2. Section 5 of this act becomes effective on January 1, 2022.