

ASSEMBLY BILL NO. 354—ASSEMBLYWOMAN JAUREGUI

MARCH 20, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to firearms. (BDR 15-251)

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 firearms; prohibiting, under certain circumstances, the possession of a firearm in or within a certain distance of an election site; revising the definition of the term “firearms importer or manufacturer”; defining certain terms; prohibiting a person from engaging in certain acts relating to unfinished frames or receivers, ready frames or receivers and market frames or receivers; revising provisions relating to certain acts involving unfinished frames or receivers, ready frames or receivers and market frames or receivers which are not imprinted with a serial number under certain circumstances; providing penalties; repealing certain provisions relating to firearms; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from carrying or possessing certain weapons on
2 the property of the Nevada System of Higher Education, a private or public school
3 or a child care facility, or while in a vehicle of a private or public school or child
4 care facility. (NRS 202.265) **Section 1** of this bill additionally prohibits a person
5 from possessing or causing a firearm to be present in, or within 100 feet of an
6 entrance to, a place the person knows or reasonably should know is an election site,
7 unless the person: (1) is a law enforcement officer engaged in the performance of
8 his or her official duties; (2) is a private guard or security personnel hired by the
9 owner of the facility or property in which the election site is located; (3) possesses
10 the firearm while in a vehicle, so long as the person does not brandish the firearm
11 or remove the firearm from the vehicle; or (4) lawfully possesses a firearm in a



12 place of residence, in a business or on private property that is located within 100
13 feet of an entrance to an election site. Under **section 1**, a person who violates this
14 prohibition is guilty of a gross misdemeanor, except that if the person knowingly
15 possesses a firearm or causes a firearm to be present with the specific intent to
16 disrupt, interfere with or monitor the administration of the election, the counting of
17 votes or any person who is voting or attempting to vote, then the person is guilty of
18 a category D felony.

19 Existing law prohibits a person from selling, offering to sell or transferring an
20 unfinished frame or receiver unless: (1) the person is a firearms importer or
21 manufacturer, and the recipient of the unfinished frame or receiver is a firearms
22 importer or manufacturer; or (2) the unfinished frame or receiver is required by
23 federal law to be imprinted with a serial number issued by an importer or
24 manufacturer, and the unfinished frame or receiver has been imprinted with the
25 serial number. Existing law also prohibits a person from possessing, purchasing,
26 transporting or receiving an unfinished frame or receiver unless: (1) the person is a
27 firearms importer or manufacturer; or (2) the unfinished frame or receiver is
28 required by federal law to be imprinted with a serial number issued by a firearms
29 importer or manufacturer, and the unfinished frame or receiver has been imprinted
30 with the serial number. (NRS 202.3625, 202.363) Existing law defines the term
31 "firearms importer or manufacturer" for the purposes of these prohibitions. (NRS
32 202.253) **Section 2** of this bill revises the definition of the term "firearms importer
33 or manufacturer" to include a firearms dealer and **sections 3-7** of this bill make
34 conforming changes to reflect the changed definition.

35 **Section 4** of this bill additionally prohibits a person from selling, offering to
36 sell or transferring an unfinished frame or receiver, ready frame or receiver or
37 market frame or receiver unless: (1) the recipient of the unfinished frame or
38 receiver, ready frame or receiver or market frame or receiver is a firearms dealer,
39 importer or manufacturer; or (2) the unfinished frame or receiver, ready frame or
40 receiver or market frame or receiver has been imprinted with a serial number issued
41 by a firearms dealer, importer or manufacturer in accordance with federal law and
42 any regulations adopted thereunder.

43 **Section 5** of this bill prohibits a person from possessing, purchasing,
44 transporting or receiving an unfinished frame or receiver, a ready frame or receiver
45 or a market frame or receiver unless: (1) the recipient of the unfinished frame or
46 receiver, ready frame or receiver or market frame or receiver is a firearms dealer,
47 importer or manufacturer; or (2) the unfinished frame or receiver, ready frame or
48 receiver or market frame or receiver has been imprinted with a serial number issued
49 by a firearms dealer, importer or manufacturer in accordance with federal law and
50 any regulations adopted thereunder.

51 **Section 2** additionally defines the terms "market frame or receiver" and "ready
52 frame or receiver" as used in the prohibitions in **sections 4 and 5**.

53 **Section 9** of this bill makes a technical correction by repealing a provision
54 relating to the sale of an unfinished frame or receiver that is no longer necessary.

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 a new section to read as follows:

3 ***1. Except as otherwise provided in subsection 2, a person***
4 ***shall not possess or cause a firearm to be present in, or within 100***



1 *feet of the entrance of, a place the person knows or reasonably*
2 *should know is an election site.*

3 2. *The provisions of subsection 1 do not apply to:*

4 (a) *A law enforcement officer who is employed by a federal,*
5 *state or local law enforcement agency and carrying out official*
6 *duties.*

7 (b) *A private guard or security personnel hired or arranged for*
8 *by the owner or manager of the facility or property in which the*
9 *election site is located.*

10 (c) *The possession of a firearm in a vehicle that is located*
11 *within 100 feet of an entrance to an election site, so long as the*
12 *person does not brandish the firearm or remove the firearm from*
13 *the vehicle.*

14 (d) *The otherwise lawful possession of a firearm in a*
15 *residence, in a business or on private property that is located*
16 *within 100 feet of an entrance to an election site.*

17 3. *A person shall not knowingly possess a firearm or cause a*
18 *firearm to be present at an election site with the specific intent to*
19 *disrupt, interfere with or monitor the administration of the*
20 *election, the counting of votes or any person who is voting or*
21 *attempting to vote.*

22 4. *A person who violates subsection 1 is guilty of a gross*
23 *misdemeanor.*

24 5. *A person who violates subsection 3 is guilty of a category D*
25 *felony and shall be punished as provided in NRS 193.130.*

26 6. *As used in this section, "election site" means any:*

27 (a) *Polling place;*

28 (b) *Central counting place, as defined in NRS 293.0335; or*

29 (c) *Place a ballot box, as defined in NRS 293.026, or ballot*
30 *drop box is present.*

31 **Sec. 2.** NRS 202.253 is hereby amended to read as follows:

32 202.253 As used in NRS 202.253 to 202.369, inclusive **[1]** ,
33 **and section 1 of this act:**

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

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

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

43 4. "Firearm capable of being concealed upon the person"
44 applies to and includes all firearms having a barrel less than 12
45 inches in length.



1 5. “Firearms *dealer*, importer or manufacturer” means a person
2 licensed to *deal*, import or manufacture firearms pursuant to 18
3 U.S.C. Chapter 44.

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

7 7. “*Market frame or receiver*” means an object that is
8 marketed or sold to the public to become or to be used as the frame
9 or receiver of a firearm once completed, assembled or converted.

10 8. “Motor vehicle” means every vehicle that is self-propelled.

11 ~~8.9~~ 9. “*Ready frame or receiver*” means any forging, casting,
12 printing, extrusion, machined body or similar article that has
13 reached a stage in manufacturing where it may readily be
14 completed, assembled or converted to be used as the frame or
15 receiver of a functional firearm.

16 10. “Semiautomatic firearm” means any firearm that:

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

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

21 (c) Is not a machine gun.

22 ~~9.11~~ 11. “Unfinished frame or receiver” means a blank, a
23 casting or a machined body that is intended to be turned into the
24 frame or lower receiver of a firearm with additional machining and
25 which has been formed or machined to the point at which most of
26 the major machining operations have been completed to turn the
27 blank, casting or machined body into a frame or lower receiver of a
28 firearm even if the fire-control cavity area of the blank, casting or
29 machined body is still completely solid and unmachined.

30 **Sec. 3.** NRS 202.275 is hereby amended to read as follows:

31 202.275 1. Except as otherwise provided in subsection 3, a
32 person who knowingly or willfully possesses, manufactures or
33 disposes of any short-barreled rifle or short-barreled shotgun is
34 guilty of a category D felony and shall be punished as provided in
35 NRS 193.130.

36 2. For purposes of this section:

37 (a) “Short-barreled rifle” means:

38 (1) A rifle having one or more barrels less than 16 inches in
39 length; or

40 (2) Any weapon made from a rifle, whether by alteration,
41 modification or other means, with an overall length of less than 26
42 inches.

43 (b) “Short-barreled shotgun” means:

44 (1) A shotgun having one or more barrels less than 18 inches
45 in length; or



1 (2) Any weapon made from a shotgun, whether by alteration,
2 modification or other means, with an overall length of less than 26
3 inches.

4 3. This section does not prohibit:

5 (a) The possession or use of any short-barreled rifle or short-
6 barreled shotgun by any peace officer when authorized to do so in
7 the performance of official duties;

8 (b) The possession of any short-barreled rifle or short-barreled
9 shotgun by a person who is licensed as a firearms *dealer*, importer,
10 manufacturer, collector or dealer by the United States Department of
11 the Treasury, or by a person to whom such a rifle or shotgun is
12 registered with the United States Department of the Treasury; or

13 (c) The possession of any short-barreled rifle or short-barreled
14 shotgun that has been determined to be a collector's item pursuant to
15 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C.
16 Chapter 44.

17 **Sec. 4.** NRS 202.3625 is hereby amended to read as follows:

18 202.3625 1. A person shall not sell, offer to sell or transfer an
19 unfinished frame or receiver , *ready frame or receiver or market*
20 *frame or receiver* unless:

21 (a) The ~~person is:~~

22 ~~— (1) A firearms importer or manufacturer; and~~

23 ~~— (2) The}~~ recipient of the unfinished frame or receiver , *ready*
24 *frame or receiver or market frame or receiver* is a firearms *dealer*,
25 importer or manufacturer; or

26 (b) The unfinished frame or receiver ~~is required by federal law~~
27 ~~to be imprinted with a serial number issued by an importer or~~
28 ~~manufacturer and the unfinished}~~ , *ready* frame or receiver *or*
29 *market frame or receiver* has been imprinted with ~~the~~ a serial
30 number ~~[-]~~ *issued by a firearms dealer, importer or manufacturer*
31 *in accordance with federal law and any regulations adopted*
32 *thereunder.*

33 2. A person who violates this section:

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

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

38 **Sec. 5.** NRS 202.363 is hereby amended to read as follows:

39 202.363 1. A person shall not possess, purchase, transport or
40 receive an unfinished frame or receiver , *ready frame or receiver or*
41 *market frame or receiver* unless:

42 (a) The person is a firearms *dealer*, importer or manufacturer; or

43 (b) The unfinished frame or receiver ~~is required by federal law~~
44 ~~to be}~~ , *ready frame or receiver or market frame or receiver has*
45 *been* imprinted with a serial number issued by a firearms *dealer*,



1 importer or manufacturer ~~[and the unfinished frame or receiver has~~
2 ~~been imprinted with the serial number.]~~ *in accordance with federal*
3 *law and any regulations adopted thereunder.*

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 **Sec. 6.** NRS 202.3635 is hereby amended to read as follows:

10 202.3635 1. A person shall not manufacture or cause to be
11 manufactured or assemble or cause to be assembled a firearm that is
12 not imprinted with a serial number issued by a firearms *dealer,*
13 importer or manufacturer in accordance with federal law and any
14 regulations adopted thereunder unless the firearm:

15 (a) Has been rendered permanently inoperable;

16 (b) Is an antique firearm; or

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

20 2. A person who violates this section:

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

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

25 3. As used in this section:

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

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

29 **Sec. 7.** NRS 202.364 is hereby amended to read as follows:

30 202.364 1. A person shall not possess, sell, offer to sell,
31 transfer, purchase, transport or receive a firearm that is not
32 imprinted with a serial number issued by a firearms *dealer,* importer
33 or manufacturer in accordance with federal law and any regulations
34 adopted thereunder unless:

35 (a) The person is:

36 (1) A law enforcement agency; or

37 (2) A firearms *dealer,* importer or manufacturer; or

38 (b) The firearm:

39 (1) Has been rendered permanently inoperable;

40 (2) Was manufactured before 1969;

41 (3) Is an antique firearm; or

42 (4) Has been determined to be a collector's item pursuant to
43 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C.
44 Chapter 44.

45 2. A person who violates this section:



1 (a) For the first offense, is guilty of a gross misdemeanor; and
2 (b) For the second or any subsequent offense, is guilty of a
3 category D felony and shall be punished as provided in
4 NRS 193.130.

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

7 **Sec. 8.** 1. The amendatory provisions of this act do not apply
8 to a person who possesses a ready frame or receiver or a market
9 frame or receiver before October 1, 2023.

10 2. As used in this section:

11 (a) "Market frame or receiver" means an object that is marketed
12 or sold to the public to become or to be used as the frame or receiver
13 of a firearm once completed, assembled or converted.

14 (b) "Ready frame or receiver" means any forging, casting,
15 printing, extrusion, machined body or similar article that has
16 reached a stage in manufacturing where it may readily be
17 completed, assembled or converted to be used as the frame or
18 receiver of a functional firearm.

19 **Sec. 9.** NRS 202.3645 is hereby repealed.

TEXT OF REPEALED SECTION

202.3645 Exception to prohibition on sale of unfinished frame or receiver or firearm without serial number. Nothing in the provisions of NRS 202.3625 to 202.364, inclusive, shall be deemed to prohibit the sale of an unfinished frame or receiver or firearm that is not imprinted with a serial number to a firearms importer or manufacturer or a licensed dealer before January 1, 2022. As used in this section, "licensed dealer" has the meaning ascribed to it in NRS 202.2546.

