

Assembly Bill No. 355—Assemblymen Jauregui,  
Yeager and Monroe-Moreno

CHAPTER.....

AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law prohibits a child under the age of 18 years from handling, possessing or controlling a firearm under certain circumstances. (NRS 202.300) **Section 1** of this bill makes it a gross misdemeanor for a person who is less than 21 years of age to possess or control a: (1) semiautomatic shotgun; or (2) semiautomatic centerfire rifle.

Existing law provides that a person does not aid or knowingly permit a child to handle, possess or control a firearm if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure. Under existing law, a person who aids or knowingly permits a child to handle, possess or control a firearm is guilty of: (1) for the first offense, a misdemeanor; (2) for a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, a category C felony; and (3) for a second or any subsequent offense, a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years. (NRS 202.300) **Section 1:** (1) provides the same penalties for a person who aids or knowingly permits a person who is less than 21 years of age to handle, possess or control certain firearms; and (2) includes similar provisions concerning the circumstances in which a person does not aid or knowingly permit a person who is less than 21 years of age to handle, possess or control such firearms.

Existing law makes it a misdemeanor for a person to negligently store or leave a firearm at a location under his or her control if the person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing or controlling a firearm, may obtain the firearm. (NRS 202.300) **Section 1** adds a similar provision imposing the same penalty for a person who negligently stores or leaves a firearm at a similar location from which a person who is less than 21 years of age may obtain the firearm.

Existing law authorizes a child who is 14 years of age or older and who, among other requirements, has a valid hunting license, to handle, possess or control a: (1) rifle or shotgun; or (2) firearm capable of being concealed upon the person. However, existing law provides that the rifle or shotgun must not be a fully automatic firearm. (NRS 202.300) **Section 3** of this bill prohibits a child who is 14 years of age or older from handling, possessing or controlling a semiautomatic shotgun or semiautomatic centerfire rifle.

Under certain circumstances, existing law authorizes a child who is 14 years of age or older to handle, possess or control a rifle or shotgun that is not a fully



automatic firearm at his or her residence. (NRS 202.300) **Section 3:** (1) provides that the rifle or shotgun must not be a semiautomatic shotgun or semiautomatic centerfire rifle; and (2) requires that the rifle or shotgun, while not in use, must remain unloaded and stored in a securely locked container under the possession of certain persons.

**Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

**Section 1.** Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A person who is less than 21 years of age shall not handle or have in his or her possession or under his or her control any:*

- (a) Semiautomatic shotgun; or*
- (b) Semiautomatic centerfire rifle.*

*↪ A person who violates this subsection is guilty of a gross misdemeanor.*

*2. A person who aids or knowingly permits a person who is less than 21 years of age to violate subsection 1:*

*(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.*

*(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the person who is less than 21 years of age will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

*(c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.*

*3. A person does not aid or knowingly permit a person who is less than 21 years of age to violate subsection 1 if:*

*(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;*

*(b) The person who is less than 21 years of age obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;*



*(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or*

*(d) The person who is less than 21 years of age gained possession of the firearm from a member of the Armed Forces of the United States, a reserve component thereof or the National Guard or a law enforcement officer while the member or law enforcement officer was carrying out official duties.*

*4. The provisions of subsection 1 do not apply to a person who is less than 21 years of age and who:*

*(a) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard;*

*(b) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions; or*

*(c) Is a law enforcement officer who is employed by a federal, state or local law enforcement agency.*

*5. Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:*

*(a) Negligently stores or leaves a firearm at a location under his or her control; and*

*(b) Knows or has reason to know that there is a substantial risk that a person who is less than 21 years of age and who is prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.*

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

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

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

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

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

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. "Motor vehicle" means every vehicle that is self-propelled.

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. 3.** NRS 202.300 is hereby amended to read as follows:

202.300 1. Except as otherwise provided in this section, a child under the age of 18 years shall not handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, any firearm of any kind for hunting or target practice or for other purposes. A child who violates this subsection commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.

2. A person who aids or knowingly permits a child to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.



3. A person does not aid or knowingly permit a child to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his or her official duties.

4. The provisions of subsection 1 do not apply to a child who is a member of the Armed Forces of the United States.

5. Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

6. Except as otherwise provided in subsection 9, a child who is 14 years of age or older, who has in his or her possession a valid license to hunt, may handle or have in his or her possession or under his or her control, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child:

(a) A rifle or shotgun that is not a *semiautomatic shotgun, semiautomatic centerfire rifle or* fully automatic firearm, if the child is not otherwise prohibited by law from possessing the rifle or shotgun and the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun; or

(b) A firearm capable of being concealed upon the person, if the child has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm and the child is not otherwise prohibited by law from possessing such a firearm,

↳ and the child is traveling to the area in which the child will be hunting or returning from that area and the firearm is not loaded, or the child is hunting pursuant to that license.



7. Except as otherwise provided in subsection 9, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control a rifle or shotgun that is not a *semiautomatic shotgun, semiautomatic centerfire rifle or* fully automatic firearm if the child is not otherwise prohibited by law from possessing the rifle or shotgun, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun and the child is:

(a) Attending a course of instruction in the responsibilities of hunters or a course of instruction in the safe use of firearms;

(b) Practicing the use of a firearm at an established firing range or at any other area where the discharge of a firearm is permitted;

(c) Participating in a lawfully organized competition or performance involving the use of a firearm;

(d) Within an area in which the discharge of firearms has not been prohibited by local ordinance or regulation and the child is engaging in a lawful hunting activity in accordance with chapter 502 of NRS for which a license is not required;

(e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d), and the firearm is not loaded;

(f) On real property that is under the control of an adult, and the child has the permission of that adult to possess the firearm on the real property; or

(g) At his or her residence ~~is~~, *so long as the rifle or shotgun, when not in use, is unloaded and stored in a securely locked container under the possession of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child.*

8. Except as otherwise provided in subsection 9, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control, for the purpose of engaging in any of the activities listed in paragraphs (a) to (g), inclusive, of subsection 7, a firearm capable of being concealed upon the person, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child:

(a) Has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm for the purpose of engaging in such an activity; and



(b) Is not otherwise prohibited by law from possessing such a firearm.

9. A child shall not handle or have in his or her possession or under his or her control a loaded firearm if the child is:

(a) An occupant of a motor vehicle;

(b) Within any residence, including his or her residence, or any building other than a facility licensed for target practice, unless possession of the firearm is necessary for the immediate defense of the child or another person; or

(c) Within an area designated by a county or municipal ordinance as a populated area for the purpose of prohibiting the discharge of weapons, unless the child is within a facility licensed for target practice.

10. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

**Sec. 4.** This act becomes effective on July 1, 2023.

