

Amendment No. 320

Assembly Amendment to Assembly Bill No. 354	(BDR 15-251)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes 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.

MR/BAW



Date: 4/22/2023

A.B. No. 354—Revises provisions relating to firearms. (BDR 15-251)



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 ~~“unfinished frame or receiver”~~; “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:

Existing law prohibits a person from carrying or possessing certain weapons on the property of the Nevada System of Higher Education, a private or public school or a child care facility, or while in a vehicle of a private or public school or child care facility. (NRS 202.265) **Section 1** of this bill additionally prohibits a person from possessing or causing a firearm to be present in, or within 100 ~~yards~~ feet of an entrance to, a place the person knows or reasonably should know is an election site, unless the person: (1) is a law enforcement officer engaged in the performance of his or her official duties; (2) is a private guard or security personnel hired by the owner of the facility or property in which the election site is located; (3) possesses the firearm while in a vehicle, so long as the person does not brandish the firearm or remove the firearm from the vehicle; or (4) lawfully possesses a firearm in a place of residence, in a business or on private property that is located within 100 ~~yards~~ feet of an entrance to an election site. Under **section 1**, a person who violates this prohibition is guilty of a gross misdemeanor, except that if the person knowingly possesses a firearm or causes a firearm to be present with the specific intent to disrupt, interfere with or monitor the administration of the election, the counting of votes or any person who is voting or attempting to vote, then the person is guilty of a category D felony.

Existing law 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

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20 unfinished frame or receiver is required by federal law to be imprinted with a serial number
 21 issued by an importer or manufacturer, and the unfinished frame or receiver has been
 22 imprinted with the serial number. Existing law also prohibits a person from possessing,
 23 purchasing, transporting or receiving an unfinished frame or receiver unless: (1) the person is
 24 a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required by
 25 federal law to be imprinted with a serial number issued by a firearms importer or
 26 manufacturer, and the unfinished frame or receiver has been imprinted with the serial number.
 27 (NRS 202.3625, 202.363) Existing law defines the term ~~["unfinished frame or receiver"]~~
 28 "firearms importer or manufacturer" for the purposes of these prohibitions. (NRS
 29 202.253) Section 2 of this bill revises the definition of the term ~~["unfinished frame or~~
 30 ~~receiver"] "firearms importer or manufacturer" to include a firearms dealer and sections~~
 31 ~~3-7 of this bill make conforming changes to reflect the changed definition.~~
 32 Section 4 of this bill additionally prohibits a person from selling, offering to sell or
 33 transferring an unfinished frame or receiver, ready frame or receiver or market frame
 34 or receiver unless: (1) the recipient of the unfinished frame or receiver, ready frame or
 35 receiver or market frame or receiver is a firearms dealer, importer or manufacturer; or
 36 (2) the unfinished frame or receiver, ready frame or receiver or market frame or
 37 receiver has been imprinted with a serial number issued by a firearms dealer, importer
 38 or manufacturer in accordance with federal law and any regulations adopted
 39 thereunder.
 40 Section 5 of this bill prohibits a person from possessing, purchasing, transporting or
 41 receiving an unfinished frame or receiver, a ready frame or receiver or a market frame
 42 or receiver unless: (1) the recipient of the unfinished frame or receiver, ready frame or
 43 receiver or market frame or receiver is a firearms dealer, importer or manufacturer; or
 44 (2) the unfinished frame or receiver, ready frame or receiver or market frame or
 45 receiver has been imprinted with a serial number issued by a firearms dealer, importer
 46 or manufacturer in accordance with federal law and any regulations adopted
 47 thereunder.
 48 Section 2 additionally defines the terms "market frame or receiver" and "ready
 49 frame or receiver" as used in ~~these~~ the prohibitions in ~~existing law~~ sections 4 and 5.
 50 Section 9 of this bill makes a technical correction by repealing a provision relating to
 51 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 thereto a new
 2 section to read as follows:
 3 *1. Except as otherwise provided in subsection 2, a person shall not possess*
 4 *or cause a firearm to be present in, or within 100 ~~yards~~ feet of the entrance of, a*
 5 *place the person knows or reasonably should know is an election site.*
 6 *2. The provisions of subsection 1 do not apply to:*
 7 *(a) A law enforcement officer who is employed by a federal, state or local law*
 8 *enforcement agency and carrying out official duties.*
 9 *(b) A private guard or security personnel hired or arranged for by the owner*
 10 *or manager of the facility or property in which the election site is located.*
 11 *(c) The possession of a firearm in a vehicle that is located within 100 ~~yards~~ feet*
 12 *of an entrance to an election site, so long as the person does not brandish the*
 13 *firearm or remove the firearm from the vehicle.*
 14 *(d) The otherwise lawful possession of a firearm in a residence, in a business*
 15 *or on private property that is located within 100 ~~yards~~ feet of an entrance to an*
 16 *election site.*
 17 *3. A person shall not knowingly possess a firearm or cause a firearm to be*
 18 *present at an election site with the specific intent to disrupt, interfere with or*

1 *monitor the administration of the election, the counting of votes or any person*
 2 *who is voting or attempting to vote.*

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

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

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

7 (a) *Polling place;*

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

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

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

12 202.253 As used in NRS 202.253 to 202.369, inclusive ~~§~~, *and section 1 of*
 13 *this act:*

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

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

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

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

24 5. "Firearms dealer, importer or manufacturer" means a person licensed to
 25 deal, import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

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

29 7. "Market frame or receiver" means an object that is marketed or sold to
 30 the public to become or to be used as the frame or receiver of a firearm once
 31 completed, assembled or converted.

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

33 ~~8.~~ 9. "Ready frame or receiver" means any forging, casting, printing,
 34 extrusion, machined body or similar article that has reached a stage in
 35 manufacturing where it may readily be completed, assembled or converted to be
 36 used as the frame or receiver of a functional firearm.

37 10. "Semiautomatic firearm" means any firearm that:

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

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

41 (c) Is not a machine gun.

42 ~~9.~~ 11. "Unfinished frame or receiver" means a blank, a casting or a
 43 machined body that is intended to be turned into the frame or lower receiver of a
 44 firearm with additional machining and which has been formed or machined to the
 45 point at which most of the major machining operations have been completed to turn
 46 the blank, casting or machined body into a frame or lower receiver of a firearm
 47 even if the fire-control cavity area of the blank, casting or machined body is still
 48 completely solid and unmachined. ~~market frame or receiver or ready frame or~~
 49 ~~receiver. As used in this subsection:~~

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

~~(b) "Ready frame or receiver" means a forged, cast, printed, extruded or machined body or similar article that has an identifiable fire control cavity, even if that cavity has not been indexed or machined in any way.~~

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

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

2. For purposes of this section:

(a) "Short-barreled rifle" means:

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

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

(b) "Short-barreled shotgun" means:

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

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

3. This section does not prohibit:

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

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

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

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

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

(a) The ~~person is:~~

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

~~(2) The~~ recipient of the unfinished frame or receiver, ready frame or receiver or market frame or receiver is a firearms dealer, 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 importer or manufacturer and the unfinished]~~, ready frame or receiver or market frame or receiver has been imprinted with ~~[the]~~ a serial number [] issued by a firearms dealer, importer or manufacturer in accordance with federal law and any regulations adopted thereunder.

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.

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

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

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

(b) The unfinished frame or receiver ~~[is required by federal law to be]~~, ready frame or receiver or market frame or receiver has been imprinted with a serial number issued by a firearms dealer, importer or manufacturer ~~[and the unfinished]~~

1 ~~frame or receiver has been imprinted with the serial number,]~~ in accordance with
2 federal law and any regulations adopted thereunder.

3 2. A person who violates this section:

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

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

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

8 202.3635 1. A person shall not manufacture or cause to be manufactured or
9 assemble or cause to be assembled a firearm that is not imprinted with a serial
10 number issued by a firearms dealer, importer or manufacturer in accordance with
11 federal law and any regulations adopted thereunder unless the firearm:

12 (a) Has been rendered permanently inoperable;

13 (b) Is an antique firearm; or

14 (c) Has been determined to be a collector's item pursuant to 26 U.S.C. Chapter
15 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.

16 2. A person who violates this section:

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

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

20 3. As used in this section:

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

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

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

25 202.364 1. A person shall not possess, sell, offer to sell, transfer, purchase,
26 transport or receive a firearm that is not imprinted with a serial number issued by a
27 firearms dealer, importer or manufacturer in accordance with federal law and any
28 regulations adopted thereunder unless:

29 (a) The person is:

30 (1) A law enforcement agency; or

31 (2) A firearms dealer, importer or manufacturer; or

32 (b) The firearm:

33 (1) Has been rendered permanently inoperable;

34 (2) Was manufactured before 1969;

35 (3) Is an antique firearm; or

36 (4) 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. 8. 1. The amendatory provisions of this act do not apply to a
45 person who possesses a ready frame or receiver or a market frame or receiver
46 before October 1, 2023.

47 2. As used in this section:

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

51 (b) "Ready frame or receiver" means any forging, casting, printing,
52 extrusion, machined body or similar article that has reached a stage in

1 manufacturing where it may readily be completed, assembled or converted to
2 be used as the frame or receiver of a functional firearm.
3 *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.