

Amendment No. 790

Assembly Amendment to Senate Bill No. 240	(BDR 14-955)
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.



SENATE BILL NO. 240—SENATORS ROBERSON, HARDY, BROWER, LIPPARELLI, FARLEY; GUSTAVSON, HAMMOND, HARRIS, KIECKHEFER AND SETTELMAYER

MARCH 10, 2015

JOINT SPONSORS: ASSEMBLYMEN WHEELER,
DICKMAN AND PAUL ANDERSON

Referred to Committee on Judiciary

SUMMARY—Makes certain changes relating to public safety. (BDR 14-955)

FISCAL NOTE: Effect on Local Government: No.
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 public safety; requiring a court to transmit within 5 business days certain records of adjudication concerning a person’s mental health to the Central Repository for Nevada Records of Criminal History for certain purposes relating to the purchase or possession of a firearm; authorizing the inclusion, correction and removal of the information in such records in each appropriate database of the National Crime Information Center; requiring each agency of criminal justice to submit information relating to records of criminal history within 60 days after the date of the conviction; requiring the Central Repository, upon request, to conduct a background check without charge on a person who wishes to acquire a firearm; prohibiting certain persons from having possession, custody or control of a firearm; prohibiting certain persons from selling a firearm under certain circumstances; revising the functions of the Department of Health and Human Services; requiring a mental health professional to **apply for the emergency admission of a patient to a mental health facility or notify certain persons when a patient makes certain explicit threats of imminent serious physical harm or death; revising the applicability of certain provisions pertaining to the regulation of firearms by local governments;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires a court to transmit to the Central Repository for Nevada Records of
- 2 Criminal History a record of any court order, judgment, plea or verdict concerning the

3 involuntary admission of a person to a mental health facility, the appointment of a guardian
4 for a person with a mental defect, a finding that a person is incompetent to stand trial, a
5 verdict acquitting a defendant by reason of insanity or a plea or finding of guilty but mentally
6 ill, along with a statement that the record is being transmitted for inclusion in all appropriate
7 databases of the National Instant Criminal Background Check System. (NRS 159.0593,
8 174.035, 175.533, 175.539, 178.425, 433A.310) **Sections 1-4, 13 and 17** of this bill require
9 such records to be transmitted to the Central Repository within 5 business days.

10 Existing law requires the inclusion, correction and removal of information in records of
11 criminal history in each appropriate database of the National Instant Criminal Background
12 Check System. (NRS 179A.163, 179A.165, 179A.167, 433A.310) **Sections 8-10** ~~(and 17)~~ of
13 this bill also authorize or require, as appropriate, the inclusion, correction and removal of such
14 information in each appropriate database of the National Crime Information Center. **Section 5**
15 of this bill defines "National Crime Information Center" to mean the computerized
16 information system created and maintained by the Federal Bureau of Investigation pursuant to
17 28 U.S.C. § 534.

18 Existing law requires each agency of criminal justice to submit information relating to
19 records of criminal history within the period described by the Director of the Department of
20 Public Safety. (NRS 179A.075) **Section 7** of this bill requires the submission of such
21 information within 60 days after the date of the conviction.

22 Existing law authorizes a private person who wishes to transfer a firearm to another
23 person to request the Central Repository to perform a background check on the person who
24 wishes to acquire the firearm. (NRS 202.254) **Section 14** of this bill prohibits the Central
25 Repository from charging a fee to perform a background check for such a transfer. **Section 14**
26 further provides immunity from civil and criminal liability to a person who does not request a
27 background check or who requests a background check for any act or omission that was taken
28 in good faith and without malicious intent. Finally, **section 14** allows the Director of the
29 Department of Public Safety to request an allocation from the Contingency Account in the
30 State General Fund if necessary to cover the cost of providing background checks without the
31 imposition of a fee.

32 Existing law prohibits a person who has been adjudicated as mentally ill, has been
33 committed to any mental health facility or is illegally or unlawfully in the United States from
34 possessing or having custody or control of a firearm. (NRS 202.360) **Section 15** of this bill
35 also prohibits a person who has entered a plea of guilty but mentally ill, has been found guilty
36 but mentally ill or has been acquitted by reason of insanity from possessing or having custody
37 or control of a firearm.

38 Existing law prohibits a person from selling or otherwise disposing of any firearm or
39 ammunition to another person if he or she has actual knowledge that the other person: (1) is
40 under indictment for, or has been convicted of, a felony; (2) is a fugitive from justice; (3) has
41 been adjudicated as mentally ill or has been committed to a mental health facility; or (4) is
42 illegally or unlawfully in the United States. (NRS 202.362) **Section 16** of this bill prohibits a
43 person from selling, transferring or otherwise disposing of any firearm or ammunition to
44 another person or purchasing a firearm on behalf of or for another person with the intent to
45 transfer the firearm to that person if he or she has reasonable cause to believe that the other
46 person meets any of those listed conditions, if the other person is otherwise prohibited from
47 possessing a firearm or if the other person is a member of a criminal gang.

48 Existing law provides that, except as otherwise provided by specific statute, the
49 Legislature reserves for itself such rights and powers as are necessary to regulate the
50 transfer, sale, purchase, possession, ownership, transportation, registration and licensing of
51 firearms and ammunition in this State, and further provides that no county, city or
52 town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222)
53 Sections 16.3-16.7 of this bill expand such rights and powers of the Legislature to include
54 those necessary to: (1) regulate the carrying and storage of firearms, firearm accessories
55 and ammunition; and (2) define all such terms. Sections 16.3-16.7 provide that certain
56 ordinances or regulations which are inconsistent with these rights and powers of the
57 Legislature are null and void and require the governing bodies of certain political
58 subdivisions of this State to repeal any such ordinance or regulation. Sections 16.3-16.7
59 also authorize any person who is adversely affected by the enforcement of any such
60 ordinance or regulation on or after the effective date of these sections to file suit in the
61 appropriate court for declarative and injunctive relief and damages. Such a person is

62 entitled to certain damages depending on whether and when the relevant governing
63 body of a political subdivision repeals such an ordinance or a regulation.

64 Existing law also requires certain political subdivisions of this State in a county
65 whose population is 700,000 or more (currently Clark County), which adopted
66 ordinances or regulations before June 13, 1989, that require the registration of firearms
67 capable of being concealed, to make certain amendments to such registration provisions.
68 (NRS 244.364, 268.418, 269.222) Sections 16.3-16.7 additionally delete the provisions
69 requiring certain political subdivisions of this State to make such amendments.

70 Existing law provides that a patient has a privilege to refuse to disclose and to prevent
71 any other person from disclosing confidential communications between the patient and the
72 patient's psychologist or doctor. (NRS 49.209, 49.225) **Sections 11 and 12** of this bill provide
73 exceptions to the privilege for certain determinations which are now required pursuant to this
74 bill.

75 Existing law: (1) designates the Department of Health and Human Services as the official
76 state agency for developing and administering outpatient mental health services; and (2)
77 requires the Department to perform certain functions relating to mental health. (NRS
78 433C.130) **Section 18** of this bill requires the Department to also assist and consult with local
79 governments and all local law enforcement agencies in this State in providing community
80 mental health services.

81 Existing law imposes various requirements and duties on certain health care
82 professionals. (Chapter 629 of NRS) **Section 19** of this bill provides that if a patient of a
83 mental health professional makes an explicit threat of imminent serious physical harm or
84 death to a person, and the mental health professional believes the patient has the intent and
85 ability to carry out the threat, the mental health professional must : (1) apply for the
86 emergency admission of the patient to a mental health facility; or (2) notify the threatened
87 person and the appropriate law enforcement agency. A mental health professional who
88 exercises reasonable care in determining whether or not to provide notice of such a threat is
89 not subject to civil or criminal liability or disciplinary action by a professional licensing board
90 for disclosing confidential or privileged information or for any damages caused by the actions
91 of a patient.

92 Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for the
93 Legislature the rights and powers necessary to regulate the transfer, sale, purchase,
94 possession, ownership, transportation, registration and licensing of firearms and
95 ammunition in this State. (Chapter 308, Statutes of Nevada 1989, p. 652) However,
96 section 5 of A.B. 147 provided that the preemptive effect of the bill applied only to
97 ordinances or regulations adopted by certain political subdivisions on or after June 13,
98 1989. Section 20 of this bill amends section 5 of A.B. 147 to include and preempt
99 ordinances or regulations adopted by certain political subdivisions before June 13, 1989.

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

1 **Section 1.** NRS 174.035 is hereby amended to read as follows:

2 174.035 1. A defendant may plead not guilty, guilty, guilty but mentally ill
3 or, with the consent of the court, nolo contendere. The court may refuse to accept a
4 plea of guilty or guilty but mentally ill.

5 2. If a plea of guilty or guilty but mentally ill is made in a written plea
6 agreement, the agreement must be in substantially the form prescribed in NRS
7 174.063. If a plea of guilty or guilty but mentally ill is made orally, the court shall
8 not accept such a plea or a plea of nolo contendere without first addressing the
9 defendant personally and determining that the plea is made voluntarily with
10 understanding of the nature of the charge and consequences of the plea.

11 3. With the consent of the court and the district attorney, a defendant may
12 enter a conditional plea of guilty, guilty but mentally ill or nolo contendere,
13 reserving in writing the right, on appeal from the judgment, to a review of the

1 adverse determination of any specified pretrial motion. A defendant who prevails
2 on appeal must be allowed to withdraw the plea.

3 4. A plea of guilty but mentally ill must be entered not less than 21 days
4 before the date set for trial. A defendant who has entered a plea of guilty but
5 mentally ill has the burden of establishing the defendant's mental illness by a
6 preponderance of the evidence. Except as otherwise provided by specific statute, a
7 defendant who enters such a plea is subject to the same criminal, civil and
8 administrative penalties and procedures as a defendant who pleads guilty.

9 5. The defendant may, in the alternative or in addition to any one of the pleas
10 permitted by subsection 1, plead not guilty by reason of insanity. A plea of not
11 guilty by reason of insanity must be entered not less than 21 days before the date set
12 for trial. A defendant who has not so pleaded may offer the defense of insanity
13 during trial upon good cause shown. Under such a plea or defense, the burden of
14 proof is upon the defendant to establish by a preponderance of the evidence that:

15 (a) Due to a disease or defect of the mind, the defendant was in a delusional
16 state at the time of the alleged offense; and

17 (b) Due to the delusional state, the defendant either did not:

18 (1) Know or understand the nature and capacity of his or her act; or

19 (2) Appreciate that his or her conduct was wrong, meaning not authorized
20 by law.

21 6. If a defendant refuses to plead or if the court refuses to accept a plea of
22 guilty or guilty but mentally ill or if a defendant corporation fails to appear, the
23 court shall enter a plea of not guilty.

24 7. A defendant may not enter a plea of guilty or guilty but mentally ill
25 pursuant to a plea bargain for an offense punishable as a felony for which:

26 (a) Probation is not allowed; or

27 (b) The maximum prison sentence is more than 10 years,

28 ↪ unless the plea bargain is set forth in writing and signed by the defendant, the
29 defendant's attorney, if the defendant is represented by counsel, and the prosecuting
30 attorney.

31 8. If the court accepts a plea of guilty but mentally ill pursuant to this section,
32 the court shall cause, *within 5 business days after acceptance of the plea*, on a
33 form prescribed by the Department of Public Safety, a record of that plea to be
34 transmitted to the Central Repository for Nevada Records of Criminal History
35 along with a statement indicating that the record is being transmitted for inclusion
36 in each appropriate database of the National Instant Criminal Background Check
37 System.

38 9. As used in this section:

39 (a) "Disease or defect of the mind" does not include a disease or defect which
40 is caused solely by voluntary intoxication.

41 (b) "National Instant Criminal Background Check System" has the meaning
42 ascribed to it in NRS 179A.062.

43 **Sec. 2.** NRS 175.533 is hereby amended to read as follows:

44 175.533 1. During a trial, upon a plea of not guilty by reason of insanity, the
45 trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all
46 of the following:

47 (a) The defendant is guilty beyond a reasonable doubt of an offense;

48 (b) The defendant has established by a preponderance of the evidence that due
49 to a disease or defect of the mind, the defendant was mentally ill at the time of the
50 commission of the offense; and

51 (c) The defendant has not established by a preponderance of the evidence that
52 the defendant is not guilty by reason of insanity pursuant to subsection 5 of NRS
53 174.035.

1 2. Except as otherwise provided by specific statute, a defendant who is found
2 guilty but mentally ill is subject to the same criminal, civil and administrative
3 penalties and procedures as a defendant who is found guilty.

4 3. If the trier of fact finds a defendant guilty but mentally ill pursuant to
5 subsection 1, the court shall cause, *within 5 business days after the finding*, on a
6 form prescribed by the Department of Public Safety, a record of the finding to be
7 transmitted to the Central Repository for Nevada Records of Criminal History,
8 along with a statement indicating that the record is being transmitted for inclusion
9 in each appropriate database of the National Instant Criminal Background Check
10 System.

11 4. As used in this section:

12 (a) "Disease or defect of the mind" does not include a disease or defect which
13 is caused solely by voluntary intoxication.

14 (b) "National Instant Criminal Background Check System" has the meaning
15 ascribed to it in NRS 179A.062.

16 **Sec. 3.** NRS 175.539 is hereby amended to read as follows:

17 175.539 1. Where on a trial a defense of insanity is interposed by the
18 defendant and the defendant is acquitted by reason of that defense, the finding of
19 the jury pending the judicial determination pursuant to subsection 2 has the same
20 effect as if the defendant were regularly adjudged insane, and the judge must:

21 (a) Order a peace officer to take the person into protective custody and
22 transport the person to a forensic facility for detention pending a hearing to
23 determine the person's mental health;

24 (b) Order the examination of the person by two psychiatrists, two
25 psychologists, or one psychiatrist and one psychologist who are employed by a
26 division facility; and

27 (c) At a hearing in open court, receive the report of the examining advisers and
28 allow counsel for the State and for the person to examine the advisers, introduce
29 other evidence and cross-examine witnesses.

30 2. If the court finds, after the hearing:

31 (a) That there is not clear and convincing evidence that the person is a person
32 with mental illness, the court must order the person's discharge; or

33 (b) That there is clear and convincing evidence that the person is a person with
34 mental illness, the court must order that the person be committed to the custody of
35 the Administrator of the Division of Public and Behavioral Health of the
36 Department of Health and Human Services until the person is discharged or
37 conditionally released therefrom in accordance with NRS 178.467 to 178.471,
38 inclusive.

39 ↪ The court shall issue its finding within 90 days after the defendant is acquitted.

40 3. The Administrator shall make the reports and the court shall proceed in the
41 manner provided in NRS 178.467 to 178.471, inclusive.

42 4. If the court accepts a verdict acquitting a defendant by reason of insanity
43 pursuant to this section, the court shall cause, *within 5 business days after*
44 *accepting the verdict*, on a form prescribed by the Department of Public Safety, a
45 record of that verdict to be transmitted to the Central Repository for Nevada
46 Records of Criminal History, along with a statement indicating that the record is
47 being transmitted for inclusion in each appropriate database of the National Instant
48 Criminal Background Check System.

49 5. As used in this section, unless the context otherwise requires:

50 (a) "Division facility" has the meaning ascribed to it in NRS 433.094.

51 (b) "Forensic facility" means a secure facility of the Division of Public and
52 Behavioral Health of the Department of Health and Human Services for offenders

1 and defendants with mental disorders. The term includes, without limitation, Lakes
2 Crossing Center.

3 (c) “National Instant Criminal Background Check System” has the meaning
4 ascribed to it in NRS 179A.062.

5 (d) “Person with mental illness” has the meaning ascribed to it in NRS
6 178.3986.

7 **Sec. 4.** NRS 178.425 is hereby amended to read as follows:

8 178.425 1. If the court finds the defendant incompetent, and dangerous to
9 himself or herself or to society and that commitment is required for a determination
10 of the defendant’s ability to receive treatment to competency and to attain
11 competence, the judge shall order the sheriff to convey the defendant forthwith,
12 together with a copy of the complaint, the commitment and the physicians’
13 certificate, if any, into the custody of the Administrator or the Administrator’s
14 designee for detention and treatment at a division facility that is secure. The order
15 may include the involuntary administration of medication if appropriate for
16 treatment to competency.

17 2. The defendant must be held in such custody until a court orders the
18 defendant’s release or until the defendant is returned for trial or judgment as
19 provided in NRS 178.450, 178.455 and 178.460.

20 3. If the court finds the defendant incompetent but not dangerous to himself or
21 herself or to society, and finds that commitment is not required for a determination
22 of the defendant’s ability to receive treatment to competency and to attain
23 competence, the judge shall order the defendant to report to the Administrator or
24 the Administrator’s designee as an outpatient for treatment, if it might be beneficial,
25 and for a determination of the defendant’s ability to receive treatment to
26 competency and to attain competence. The court may require the defendant to give
27 bail for any periodic appearances before the Administrator or the Administrator’s
28 designee.

29 4. Except as otherwise provided in subsection 5, proceedings against the
30 defendant must be suspended until the Administrator or the Administrator’s
31 designee or, if the defendant is charged with a misdemeanor, the judge finds the
32 defendant capable of standing trial or opposing pronouncement of judgment as
33 provided in NRS 178.400.

34 5. Whenever the defendant has been found incompetent, with no substantial
35 probability of attaining competency in the foreseeable future, and released from
36 custody or from obligations as an outpatient pursuant to paragraph (d) of subsection
37 4 of NRS 178.460, the proceedings against the defendant which were suspended
38 must be dismissed. No new charge arising out of the same circumstances may be
39 brought after a period, equal to the maximum time allowed by law for commencing
40 a criminal action for the crime with which the defendant was charged, has lapsed
41 since the date of the alleged offense.

42 6. If a defendant is found incompetent pursuant to this section, the court shall
43 cause, *within 5 business days after the finding*, on a form prescribed by the
44 Department of Public Safety, a record of that finding to be transmitted to the
45 Central Repository for Nevada Records of Criminal History, along with a statement
46 indicating that the record is being transmitted for inclusion in each appropriate
47 database of the National Instant Criminal Background Check System.

48 7. As used in this section, “National Instant Criminal Background Check
49 System” has the meaning ascribed to it in NRS 179A.062.

1 **Sec. 5.** Chapter 179A of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 *“National Crime Information Center” means the computerized information*
4 *system created and maintained by the Federal Bureau of Investigation pursuant*
5 *to 28 U.S.C. § 534.*

6 **Sec. 6.** NRS 179A.010 is hereby amended to read as follows:
7 179A.010 As used in this chapter, unless the context otherwise requires, the
8 words and terms defined in NRS 179A.020 to 179A.073, inclusive, *and section 5*
9 *of this act* have the meanings ascribed to them in those sections.

10 **Sec. 7.** NRS 179A.075 is hereby amended to read as follows:
11 179A.075 1. The Central Repository for Nevada Records of Criminal
12 History is hereby created within the General Services Division of the Department.

13 2. Each agency of criminal justice and any other agency dealing with crime or
14 delinquency of children shall:

15 (a) Collect and maintain records, reports and compilations of statistical data
16 required by the Department; and

17 (b) Submit the information collected to the Central Repository in the manner
18 approved by the Director of the Department.

19 3. Each agency of criminal justice shall submit the information relating to
20 records of criminal history that it creates , ~~to~~ issues ~~to~~ *or collects*, and any
21 information in its possession relating to the DNA profile of a person from whom a
22 biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the
23 Division. The information must be submitted to the Division:

24 (a) Through an electronic network;

25 (b) On a medium of magnetic storage; or

26 (c) In the manner prescribed by the Director of the Department,

27 ↪ within the ~~period prescribed by the Director of the Department.~~ *60 days after*
28 *the date of the disposition of the case.* If an agency has submitted a record
29 regarding the arrest of a person who is later determined by the agency not to be the
30 person who committed the particular crime, the agency shall, immediately upon
31 making that determination, so notify the Division. The Division shall delete all
32 references in the Central Repository relating to that particular arrest.

33 4. The Division shall, in the manner prescribed by the Director of the
34 Department:

35 (a) Collect, maintain and arrange all information submitted to it relating to:

36 (1) Records of criminal history; and

37 (2) The DNA profile of a person from whom a biological specimen is
38 obtained pursuant to NRS 176.09123 or 176.0913.

39 (b) When practicable, use a record of the personal identifying information of a
40 subject as the basis for any records maintained regarding him or her.

41 (c) Upon request, provide the information that is contained in the Central
42 Repository to the State Disaster Identification Team of the Division of Emergency
43 Management of the Department.

44 (d) Upon request, provide, in paper or electronic form, the information that is
45 contained in the Central Repository to a multidisciplinary team to review the death
46 of the victim of a crime that constitutes domestic violence organized or sponsored
47 by the Attorney General pursuant to NRS 228.495.

48 5. The Division may:

49 (a) Disseminate any information which is contained in the Central Repository
50 to any other agency of criminal justice;

51 (b) Enter into cooperative agreements with repositories of the United States
52 and other states to facilitate exchanges of information that may be disseminated
53 pursuant to paragraph (a); and

1 (c) Request of and receive from the Federal Bureau of Investigation
2 information on the background and personal history of any person whose record of
3 fingerprints the Central Repository submits to the Federal Bureau of Investigation
4 and:

5 (1) Who has applied to any agency of the State of Nevada or any political
6 subdivision thereof for a license which it has the power to grant or deny;

7 (2) With whom any agency of the State of Nevada or any political
8 subdivision thereof intends to enter into a relationship of employment or a contract
9 for personal services;

10 (3) Who has applied to any agency of the State of Nevada or any political
11 subdivision thereof to attend an academy for training peace officers approved by
12 the Peace Officers' Standards and Training Commission;

13 (4) For whom such information is required to be obtained pursuant to NRS
14 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123
15 and 449.4329; or

16 (5) About whom any agency of the State of Nevada or any political
17 subdivision thereof is authorized by law to have accurate personal information for
18 the protection of the agency or the persons within its jurisdiction.

19 ➤ To request and receive information from the Federal Bureau of Investigation
20 concerning a person pursuant to this subsection, the Central Repository must
21 receive the person's complete set of fingerprints from the agency or political
22 subdivision and submit the fingerprints to the Federal Bureau of Investigation for
23 its report.

24 6. The Central Repository shall:

25 (a) Collect and maintain records, reports and compilations of statistical data
26 submitted by any agency pursuant to subsection 2.

27 (b) Tabulate and analyze all records, reports and compilations of statistical data
28 received pursuant to this section.

29 (c) Disseminate to federal agencies engaged in the collection of statistical data
30 relating to crime information which is contained in the Central Repository.

31 (d) Investigate the criminal history of any person who:

32 (1) Has applied to the Superintendent of Public Instruction for the issuance
33 or renewal of a license;

34 (2) Has applied to a county school district, charter school or private school
35 for employment; or

36 (3) Is employed by a county school district, charter school or private
37 school,

38 ➤ and notify the superintendent of each county school district, the governing body
39 of each charter school and the Superintendent of Public Instruction, or the
40 administrator of each private school, as appropriate, if the investigation of the
41 Central Repository indicates that the person has been convicted of a violation of
42 NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
43 any offense involving moral turpitude.

44 (e) Upon discovery, notify the superintendent of each county school district,
45 the governing body of each charter school or the administrator of each private
46 school, as appropriate, by providing the superintendent, governing body or
47 administrator with a list of all persons:

48 (1) Investigated pursuant to paragraph (d); or

49 (2) Employed by a county school district, charter school or private school
50 whose fingerprints were sent previously to the Central Repository for investigation,
51 ➤ who the Central Repository's records indicate have been convicted of a violation
52 of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony
53 or any offense involving moral turpitude since the Central Repository's initial

1 investigation. The superintendent of each county school district, the governing body
2 of a charter school or the administrator of each private school, as applicable, shall
3 determine whether further investigation or action by the district, charter school or
4 private school, as applicable, is appropriate.

5 (f) Investigate the criminal history of each person who submits fingerprints or
6 has fingerprints submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,
7 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

8 (g) On or before July 1 of each year, prepare and present to the Governor a
9 printed annual report containing the statistical data relating to crime received during
10 the preceding calendar year. Additional reports may be presented to the Governor
11 throughout the year regarding specific areas of crime if they are approved by the
12 Director of the Department.

13 (h) On or before July 1 of each year, prepare and submit to the Director of the
14 Legislative Counsel Bureau for submission to the Legislature, or to the Legislative
15 Commission when the Legislature is not in regular session, a report containing
16 statistical data about domestic violence in this State.

17 (i) Identify and review the collection and processing of statistical data relating
18 to criminal justice and the delinquency of children by any agency identified in
19 subsection 2 and make recommendations for any necessary changes in the manner
20 of collecting and processing statistical data by any such agency.

21 7. The Central Repository may:

22 (a) In the manner prescribed by the Director of the Department, disseminate
23 compilations of statistical data and publish statistical reports relating to crime or the
24 delinquency of children.

25 (b) Charge a reasonable fee for any publication or special report it distributes
26 relating to data collected pursuant to this section. The Central Repository may not
27 collect such a fee from an agency of criminal justice, any other agency dealing with
28 crime or the delinquency of children which is required to submit information
29 pursuant to subsection 2 or the State Disaster Identification Team of the Division of
30 Emergency Management of the Department. All money collected pursuant to this
31 paragraph must be used to pay for the cost of operating the Central Repository.

32 (c) In the manner prescribed by the Director of the Department, use electronic
33 means to receive and disseminate information contained in the Central Repository
34 that it is authorized to disseminate pursuant to the provisions of this chapter.

35 8. As used in this section:

36 (a) "Personal identifying information" means any information designed,
37 commonly used or capable of being used, alone or in conjunction with any other
38 information, to identify a person, including, without limitation:

39 (1) The name, driver's license number, social security number, date of
40 birth and photograph or computer-generated image of a person; and

41 (2) The fingerprints, voiceprint, retina image and iris image of a person.

42 (b) "Private school" has the meaning ascribed to it in NRS 394.103.

43 **Sec. 8.** NRS 179A.163 is hereby amended to read as follows:

44 179A.163 1. Upon receiving a record transmitted pursuant to NRS
45 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the Central Repository
46 ~~shall~~:

47 (a) *Shall* take reasonable steps to ensure that the information reported in the
48 record is included in each appropriate database of the National Instant Criminal
49 Background Check System ~~and~~; and

50 (b) *May take reasonable steps to ensure that the information reported in the*
51 *record is included in each appropriate database of the National Crime*
52 *Information Center.*

1 2. Except as otherwise provided in subsection 3, if the Central Repository
2 receives a record described in subsection 1, the person who is the subject of the
3 record may petition the court for an order declaring that:

4 (a) The basis for the adjudication reported in the record no longer exists;

5 (b) The adjudication reported in the record is deemed not to have occurred for
6 purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and

7 (c) The information reported in the record must be removed from the National
8 Instant Criminal Background Check System **†** *and the National Crime*
9 *Information Center.*

10 3. To the extent authorized by federal law, if the record concerning the
11 petitioner was transmitted to the Central Repository pursuant to NRS 159.0593,
12 174.035, 175.533, 175.539, 178.425 or 433A.310, the petitioner may not file a
13 petition pursuant to subsection 2 until 3 years after the date of the order transmitting
14 the record to the Central Repository.

15 4. A petition filed pursuant to subsection 2 must be:

16 (a) Filed in the court which made the adjudication or finding pursuant to NRS
17 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; and

18 (b) Served upon the district attorney for the county in which the court
19 described in paragraph (a) is located.

20 5. The Nevada Rules of Civil Procedure govern all proceedings concerning a
21 petition filed pursuant to subsection 2.

22 6. The court shall grant the petition and issue the order described in
23 subsection 2 if the court finds that the petitioner has established that:

24 (a) The basis for the adjudication or finding made pursuant to NRS 159.0593,
25 174.035, 175.533, 175.539, 178.425 or 433A.310 concerning the petitioner no
26 longer exists;

27 (b) The petitioner's record and reputation indicate that the petitioner is not
28 likely to act in a manner dangerous to public safety; and

29 (c) Granting the relief requested by the petitioner pursuant to subsection 2 is
30 not contrary to the public interest.

31 7. Except as otherwise provided in this subsection, the petitioner must
32 establish the provisions of subsection 6 by a preponderance of the evidence. If the
33 adjudication or finding concerning the petitioner was made pursuant to NRS
34 159.0593 or 433A.310, the petitioner must establish the provisions of subsection 6
35 by clear and convincing evidence.

36 8. The court, upon entering an order pursuant to this section, shall cause, on a
37 form prescribed by the Department of Public Safety, a record of the order to be
38 transmitted to the Central Repository.

39 9. Within 5 business days after receiving a record of an order transmitted
40 pursuant to subsection 8, the Central Repository shall take reasonable steps to
41 ensure that information concerning the adjudication or finding made pursuant to
42 NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 is removed from
43 the National Instant Criminal Background Check System **†** *and the National*
44 *Crime Information Center, if applicable.*

45 10. If the Central Repository fails to remove a record as provided in
46 subsection 9, the petitioner may bring an action to compel the removal of the
47 record. If the petitioner prevails in the action, the court may award the petitioner
48 reasonable attorney's fees and costs incurred in bringing the action.

49 11. If a petition brought pursuant to subsection 2 is denied, the person who is
50 the subject of the record may petition for a rehearing not sooner than 2 years after
51 the date of the denial of the petition.

1 **Sec. 9.** NRS 179A.165 is hereby amended to read as follows:

2 179A.165 1. Any record described in NRS 179A.163 is confidential and is
3 not a public book or record within the meaning of NRS 239.010. A person may not
4 use the record for any purpose other than for *a purpose related to criminal justice,*
5 *including, without limitation,* inclusion in the appropriate database of the National
6 Instant Criminal Background Check System **H** *and the National Crime*
7 *Information Center, if applicable. The Central Repository may disclose the record*
8 *to any agency of criminal justice.*

9 2. If a person or governmental entity is required to transmit, report or take any
10 other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533,
11 175.539, 178.425, 179A.163 or 433A.310, no action for damages may be brought
12 against the person or governmental entity for:

13 (a) Transmitting or reporting the record or taking any other required action
14 concerning the record;

15 (b) Failing to transmit or report the record or failing to take any other required
16 action concerning the record;

17 (c) Delaying the transmission or reporting of the record or delaying in taking
18 any other required action concerning the record; or

19 (d) Transmitting or reporting an inaccurate or incomplete version of the record
20 or taking any other required action concerning an inaccurate or incomplete version
21 of the record.

22 **Sec. 10.** NRS 179A.167 is hereby amended to read as follows:

23 179A.167 1. The Central Repository shall permit a person who is or
24 believes he or she may be the subject of information relating to records of mental
25 health held by the Central Repository to inspect and correct any information
26 contained in such records.

27 2. The Central Repository shall adopt regulations and make available
28 necessary forms to permit inspection, review and correction of information relating
29 to records of mental health by those persons who are the subjects thereof. The
30 regulations must specify:

31 (a) The requirements for proper identification of the persons seeking access to
32 the records; and

33 (b) The reasonable charges or fees, if any, for inspecting records.

34 3. The Director of the Department shall adopt regulations governing:

35 (a) All challenges to the accuracy or sufficiency of information or records of
36 mental health by the person who is the subject of the allegedly inaccurate or
37 insufficient record;

38 (b) The correction of any information relating to records of mental health
39 found by the Director to be inaccurate, insufficient or incomplete in any material
40 respect;

41 (c) The dissemination of corrected information to those persons or agencies
42 which have previously received inaccurate or incomplete information; and

43 (d) A reasonable time limit within which inaccurate or insufficient information
44 relating to records of mental health must be corrected and the corrected information
45 disseminated.

46 4. As used in this section, "information relating to records of mental health"
47 means information contained in a record:

48 (a) Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035,
49 175.533, 175.539, 178.425 or 433A.310; or

50 (b) Transmitted to the National Instant Criminal Background Check System *or*
51 *the National Crime Information Center* pursuant to NRS 179A.163.

52 **Sec. 11.** NRS 49.213 is hereby amended to read as follows:

53 49.213 There is no privilege pursuant to NRS 49.209 or 49.211:

1 1. For communications relevant to an issue in a proceeding to hospitalize the
2 patient for mental illness, if the psychologist in the course of diagnosis or treatment
3 has determined that the patient requires hospitalization.

4 2. For communications relevant to *any determination made pursuant to NRS*
5 *202.360.*

6 3. *For communications relevant to* an issue of the treatment of the patient in
7 any proceeding in which the treatment is an element of a claim or defense.

8 ~~3+~~ 4. If disclosure is otherwise required by state or federal law.

9 ~~4+~~ 5. For communications relevant to an issue in a proceeding to determine
10 the validity of a will of the patient.

11 ~~5+~~ 6. If there is an immediate threat that the patient will harm himself or
12 herself or other persons.

13 ~~6+~~ 7. For communications made in the course of a court-ordered
14 examination of the condition of a patient with respect to the specific purpose of the
15 examination unless the court orders otherwise.

16 ~~7+~~ 8. For communications relevant to an issue in an investigation or hearing
17 conducted by the Board of Psychological Examiners if the treatment of the patient
18 is an element of that investigation or hearing.

19 ~~8+~~ 9. For communications relevant to an issue in a proceeding relating to the
20 abuse or neglect of a person with a disability or a person who is legally
21 incompetent.

22 **Sec. 12.** NRS 49.245 is hereby amended to read as follows:

23 49.245 There is no privilege under NRS 49.225 or 49.235:

24 1. For communications relevant to an issue in proceedings to hospitalize the
25 patient for mental illness, if the doctor in the course of diagnosis or treatment has
26 determined that the patient is in need of hospitalization.

27 2. *For communications relevant to any determination made pursuant to*
28 *NRS 202.360.*

29 3. As to communications made in the course of a court-ordered examination
30 of the condition of a patient with respect to the particular purpose of the
31 examination unless the court orders otherwise.

32 ~~3+~~ 4. As to written medical or hospital records relevant to an issue of the
33 condition of the patient in any proceeding in which the condition is an element of a
34 claim or defense.

35 ~~4+~~ 5. In a prosecution or mandamus proceeding under chapter 441A of
36 NRS.

37 ~~5+~~ 6. As to any information communicated to a physician in an effort
38 unlawfully to procure a dangerous drug or controlled substance, or unlawfully to
39 procure the administration of any such drug or substance.

40 ~~6+~~ 7. As to any written medical or hospital records which are furnished in
41 accordance with the provisions of NRS 629.061.

42 ~~7+~~ 8. As to records that are required by chapter 453 of NRS to be
43 maintained.

44 ~~8+~~ 9. If the services of the physician are sought or obtained to enable or aid
45 a person to commit or plan to commit fraud or any other unlawful act in violation of
46 any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person
47 knows or reasonably should know is fraudulent or otherwise unlawful.

48 **Sec. 13.** NRS 159.0593 is hereby amended to read as follows:

49 159.0593 1. If the court orders a general guardian appointed for a proposed
50 ward, the court shall determine, by clear and convincing evidence, whether the
51 proposed ward is a person with a mental defect who is prohibited from possessing a
52 firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding
53 pursuant to this section that the proposed ward is a person with a mental defect, the

1 court shall include the finding in the order appointing the guardian and cause ,
2 *within 5 business days after issuing the order*, a record of the order to be
3 transmitted to the Central Repository for Nevada Records of Criminal History,
4 along with a statement indicating that the record is being transmitted for inclusion
5 in each appropriate database of the National Instant Criminal Background Check
6 System.

7 2. As used in this section:

8 (a) “National Instant Criminal Background Check System” has the meaning
9 ascribed to it in NRS 179A.062.

10 (b) “Person with a mental defect” means a person who, as a result of marked
11 subnormal intelligence, mental illness, incompetence, condition or disease, is:

12 (1) A danger to himself or herself or others; or

13 (2) Lacks the capacity to contract or manage his or her own affairs.

14 **Sec. 14.** NRS 202.254 is hereby amended to read as follows:

15 202.254 1. A private person who wishes to transfer a firearm to another
16 person may, before transferring the firearm, request that the Central Repository for
17 Nevada Records of Criminal History perform a background check on the person
18 who wishes to acquire the firearm.

19 2. The person who requests the information pursuant to subsection 1 shall
20 provide the Central Repository with identifying information about the person who
21 wishes to acquire the firearm.

22 3. Upon receiving a request from a private person pursuant to subsection 1
23 and the identifying information required pursuant to subsection 2, the Central
24 Repository shall within 5 business days after receiving the request:

25 (a) Perform a background check on the person who wishes to acquire the
26 firearm; and

27 (b) Notify the person who requests the information whether the information
28 available to the Central Repository indicates that the receipt of a firearm by the
29 person who wishes to acquire the firearm would violate a state or federal law.

30 4. If the person who requests the information does not receive notification
31 from the Central Repository regarding the request within 5 business days after
32 making the request, the person may presume that the receipt of a firearm by the
33 person who wishes to acquire the firearm would not violate a state or federal law.

34 5. The Central Repository may *not* charge a ~~reasonable~~ fee for performing a
35 background check and notifying a person of the results of the background check
36 pursuant to this section.

37 6. ~~¶The failure of a person to request the Central Repository to perform a~~
38 ~~background check pursuant to this section before transferring a firearm to another~~
39 ~~person does not give rise to any civil cause of action.¶~~ *A private person who*
40 *transfers a firearm to another person is immune from civil liability for failing to*
41 *request a background check pursuant to this section or for any act or omission*
42 *relating to a background check requested pursuant to this section if the act or*
43 *omission was taken in good faith and without malicious intent.*

44 7. *The Director of the Department of Public Safety may request an*
45 *allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and*
46 *353.269 to cover the costs incurred by the Department to carry out the provisions*
47 *of subsection 5 of this section.*

48 **Sec. 15.** NRS 202.360 is hereby amended to read as follows:

49 202.360 1. A person shall not own or have in his or her possession or under
50 his or her custody or control any firearm if the person:

51 (a) Has been convicted of a felony in this or any other state, or in any political
52 subdivision thereof, or of a felony in violation of the laws of the United States of

1 America, unless the person has received a pardon and the pardon does not restrict
2 his or her right to bear arms;

3 (b) Is a fugitive from justice; ~~or~~

4 (c) Is an unlawful user of, or addicted to, any controlled substance ~~H~~; *or*

5 *(d) Is otherwise prohibited by federal law from having a firearm in his or her*
6 *possession or under his or her custody or control.*

7 *↪* A person who violates the provisions of this subsection is guilty of a category B
8 felony and shall be punished by imprisonment in the state prison for a minimum
9 term of not less than 1 year and a maximum term of not more than 6 years, and may
10 be further punished by a fine of not more than \$5,000.

11 2. A person shall not own or have in his or her possession or under his or her
12 custody or control any firearm if the person:

13 (a) Has been adjudicated as mentally ill or has been committed to any mental
14 health facility ~~or~~ *by a court of this State, any other state or the United States;*

15 (b) *Has entered a plea of guilty but mentally ill in a court of this State, any*
16 *other state or the United States;*

17 (c) *Has been found guilty but mentally ill in a court of this State, any other*
18 *state or the United States;*

19 (d) *Has been acquitted by reason of insanity in a court of this State, any*
20 *other state or the United States; or*

21 (e) Is illegally or unlawfully in the United States.

22 *↪* A person who violates the provisions of this subsection is guilty of a category D
23 felony and shall be punished as provided in NRS 193.130.

24 3. As used in this section:

25 (a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. §
26 802(6).

27 (b) "Firearm" includes any firearm that is loaded or unloaded and operable or
28 inoperable.

29 **Sec. 16.** NRS 202.362 is hereby amended to read as follows:

30 202.362 1. Except as otherwise provided in subsection 3, a person within
31 this State shall not sell, *transfer* or otherwise dispose of any firearm or ammunition
32 to another person *or purchase a firearm on behalf of or for another person with*
33 *the intent to transfer the firearm to that person* if he or she has ~~actual knowledge~~
34 *reasonable cause to believe* that the other person:

35 (a) Is under indictment for, or has been convicted of, a felony in this or any
36 other state, or in any political subdivision thereof, or of a felony in violation of the
37 laws of the United States of America, unless the other person has received a pardon
38 and the pardon does not restrict his or her right to bear arms;

39 (b) Is ~~a fugitive from justice;~~

40 ~~—(c) Has been adjudicated as mentally ill or has been committed to any mental~~
41 ~~health facility; or~~

42 ~~—(d) Is illegally or unlawfully in the United States.]~~ *prohibited from possessing*
43 *a firearm pursuant to NRS 202.360; or*

44 (c) *Is a known member of a criminal gang as defined in NRS 193.168.*

45 2. A person who violates the provisions of subsection 1 is guilty of a category
46 B felony and shall be punished by imprisonment in the state prison for a minimum
47 term of not less than 1 year and a maximum term of not more than 10 years, and
48 may be further punished by a fine of not more than \$10,000.

49 3. This section does not apply to a person who sells or disposes of any firearm
50 or ammunition to:

51 (a) A licensed importer, licensed manufacturer, licensed dealer or licensed
52 collector who, pursuant to 18 U.S.C. § 925(b), is not precluded from dealing in
53 firearms or ammunition; or

1 (b) A person who has been granted relief from the disabilities imposed by
2 federal laws pursuant to 18 U.S.C. § 925(c) or NRS 179A.163.

3 *4. For purposes of this section, a person has "reasonable cause to believe"*
4 *if, in light of all the surrounding facts and circumstances which are known or*
5 *which reasonably should be known to the person at the time, a reasonable person*
6 *would believe, under those facts and circumstances, that an act, transaction,*
7 *event, situation or condition exists, is occurring or has occurred.*

8 **Sec. 16.3. NRS 244.364 is hereby amended to read as follows:**

9 244.364 1. The Legislature hereby declares that:

10 (a) The purpose of this section is to establish state control over the regulation
11 of and policies concerning firearms, firearm accessories and ammunition to
12 ensure that such regulation and policies are uniform throughout this State and to
13 ensure the protection of the right to keep and bear arms, which is recognized by
14 the United States Constitution and the Nevada Constitution.

15 (b) The regulation of the transfer, sale, purchase, possession, carrying,
16 ownership, transportation, storage, registration and licensing of firearms, firearm
17 accessories and ammunition in this State and the ability to define such terms is
18 within the exclusive domain of the Legislature, and any other law, regulation,
19 rule or ordinance to the contrary is null and void.

20 (c) This section must be liberally construed to effectuate its purpose.

21 2. Except as otherwise provided by specific statute, the Legislature reserves
22 for itself such rights and powers as are necessary to regulate the transfer, sale,
23 purchase, possession, *carrying*, ownership, transportation, *storage*, registration and
24 licensing of firearms, *firearm accessories* and ammunition in Nevada. ~~It~~ and ~~not~~
25 to define such terms. No county may infringe upon those rights and powers. ~~As~~
26 used in this subsection, "firearm" means any weapon from which a projectile is
27 discharged by means of an explosive, spring, gas, air or other force.

28 ~~2.1~~ 3. A board of county commissioners may proscribe by ordinance or
29 regulation the unsafe discharge of firearms.

30 ~~3. If a board of county commissioners in a county whose population is~~
31 ~~700,000 or more has required by ordinance or regulation adopted before June 13,~~
32 ~~1989, the registration of a firearm capable of being concealed, the board of county~~
33 ~~commissioners shall amend such an ordinance or regulation to require:~~

34 ~~(a) A period of at least 60 days of residency in the county before registration of~~
35 ~~such a firearm is required.~~

36 ~~(b) A period of at least 72 hours for the registration of a pistol by a resident of~~
37 ~~the county upon transfer of title to the pistol to the resident by purchase, gift or any~~
38 ~~other transfer.~~

39 ~~4. Except as otherwise provided in subsection 1, as~~

40 4. Any ordinance or regulation which is inconsistent with this section or
41 which is designed to restrict or prohibit the sale, purchase, transfer, manufacture
42 or display of firearms, firearm accessories or ammunition that is otherwise lawful
43 under the laws of this State is null and void, and any official action taken by an
44 employee or agent of a county in violation of this section is void.

45 5. A board of county commissioners shall repeal any ordinance or
46 regulation described in subsection 4, and any such ordinance or regulation that
47 is posted within the county must be removed.

48 6. A board of county commissioners shall cause to be destroyed any
49 ownership records of firearms owned by private persons which are kept or
50 maintained by the county or any county agency, board or commission, including,
51 without limitation, any law enforcement agency, for the purposes of compliance
52 with any ordinance or regulation that is inconsistent with this section. The

1 provisions of this subsection do not apply to the ownership records of firearms
2 purchased and owned by any political subdivision of this State.

3 7. Any person who is adversely affected by the enforcement of an ordinance
4 or regulation that violates this section on or after the effective date of this section
5 may file suit in the appropriate court for declarative and injunctive relief and
6 damages attributable to the violation. Notwithstanding any other provision of law,
7 such a person is entitled to:

8 (a) Reimbursement of actual damages, reasonable attorney's fees and costs
9 which the person has incurred if, within 30 days after the person commenced the
10 action but before a final determination has been issued by the court, the board of
11 county commissioners repeals the ordinance or regulation that violates this
12 section.

13 (b) Liquidated damages in an amount equal to two times the actual damages,
14 reasonable attorney's fees and costs incurred by the person if, more than 30 days
15 after the person commenced the action but before a final determination has been
16 issued by the court, the board of county commissioners repeals the ordinance or
17 regulation that violates this section.

18 (c) Liquidated damages in an amount equal to three times the actual
19 damages, reasonable attorney's fees and costs incurred by the person if the court
20 makes a final determination in favor of the person.

21 8. This section must not be construed to prevent:

22 (a) A law enforcement agency or correctional institution from promulgating
23 and enforcing its own rules pertaining to firearms, firearm accessories or
24 ammunition that are issued to or used by peace officers in the course of their
25 official duties.

26 (b) A court or administrative law judge from hearing and resolving a case or
27 controversy or issuing an opinion or order on a matter within its jurisdiction.

28 (c) A public employer from regulating or prohibiting the carrying or
29 possession of firearms, firearm accessories or ammunition during or in the
30 course of an employee's official duties.

31 (d) The enactment or enforcement of a county zoning or business ordinance
32 which is generally applicable to businesses within the county and thereby affects
33 a firearms business within the county, including, without limitation, an indoor or
34 outdoor shooting range.

35 (e) A county from enacting and enforcing rules for the operation and use of
36 any firearm range owned and operated by the county.

37 (f) A political subdivision from sponsoring or conducting a firearm-related
38 competition or educational or cultural program and enacting and enforcing rules
39 for participation in or attendance at any such competition or program.

40 (g) A political subdivision or any official thereof with appropriate authority
41 from enforcing any statute of this State.

42 9. As used in this section:

43 (a) "Ammunition" includes, without limitation, fixed cartridge ammunition
44 and the individual components thereof, shotgun shells and the individual
45 components thereof, projectiles for muzzle-loading firearms and any propellant
46 used in firearms or ammunition.

47 (b) "Firearm" ~~means~~ includes, without limitation, a pistol, revolver, rifle,
48 shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading
49 firearm or any device which is designed to ~~be used as a weapon from which~~ ,
50 able to or able to be readily converted to expel a projectile ~~may be expelled~~
51 through the barrel with the ~~force~~ action of ~~any explosion or~~ an explosive, other
52 form of combustion.

1 ~~— (b) “Firearm capable of being concealed” includes all firearms having a barrel~~
2 ~~less than 12 inches in length.~~

3 ~~— (c) “Pistol” means a firearm capable of being concealed that is intended to be~~
4 ~~aimed and fired with one hand, or expanding gases.~~

5 (c) “Firearm accessories” means:

6 (1) Devices specifically designed or adapted to enable the wearing or
7 carrying of a firearm or the storing in or mounting on a conveyance of a firearm;
8 or

9 (2) Attachments or devices specifically designed or adapted to be inserted
10 into or affixed on a firearm to enable, alter or improve the functioning or
11 capability of the firearm.

12 (d) “Person” includes, without limitation:

13 (1) Any person who has standing to bring or maintain an action
14 concerning this section pursuant to the laws of this State.

15 (2) Any person who:

16 (I) Can legally possess a firearm under state and federal law;

17 (II) Owns, possesses, stores, transports, carries or transfers firearms,
18 ammunition or ammunition components within a county; and

19 (III) Is subject to the county ordinance or regulation at issue.

20 (3) A membership organization whose members include a person
21 described in subparagraphs (1) and (2) and which is dedicated in whole or in part
22 to protecting the legal, civil or constitutional rights of its members.

23 (e) “Political subdivision” includes, without limitation, a state agency,
24 county, city, town or school district.

25 (f) “Public employer” has the meaning ascribed to it in NRS 286.070.

26 Sec. 16.5. NRS 268.418 is hereby amended to read as follows:

27 268.418 1. The Legislature hereby declares that:

28 (a) The purpose of this section is to establish state control over the regulation
29 of and policies concerning firearms, firearm accessories and ammunition to
30 ensure that such regulation and policies are uniform throughout this State and to
31 ensure the protection of the right to bear arms, which is recognized by the United
32 States Constitution and the Nevada Constitution.

33 (b) The regulation of the transfer, sale, purchase, possession, carrying,
34 ownership, transportation, storage, registration and licensing of firearms, firearm
35 accessories and ammunition in this State and the ability to define such terms is
36 within the exclusive domain of the Legislature, and any other law, regulation,
37 rule or ordinance to the contrary is null and void.

38 (c) This section must be liberally construed to effectuate its purpose.

39 2. Except as otherwise provided by specific statute, the Legislature reserves
40 for itself such rights and powers as are necessary to regulate the transfer, sale,
41 purchase, possession, carrying, ownership, transportation, storage, registration and
42 licensing of firearms, firearm accessories and ammunition in Nevada. and ~~and~~
43 to define such terms. No city may infringe upon those rights and powers. ~~As used~~
44 ~~in this subsection, “firearm” means any weapon from which a projectile is~~
45 ~~discharged by means of an explosive, spring, gas, air or other force.~~

46 ~~2-1~~ 3. The governing body of a city may proscribe by ordinance or regulation
47 the unsafe discharge of firearms.

48 ~~1-3.~~ 1-3. If the governing body of a city in a county whose population is 700,000 or
49 more has required by ordinance or regulation adopted before June 13, 1989, the
50 registration of a firearm capable of being concealed, the governing body shall
51 amend such an ordinance or regulation to require:

52 ~~— (a) A period of at least 60 days of residency in the city before registration of~~
53 ~~such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as:~~

~~4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a city in violation of this section is void.~~

~~5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.~~

~~6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.~~

~~7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:~~

~~(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.~~

~~(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.~~

~~(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.~~

~~8. This section must not be construed to prevent:~~

~~(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.~~

~~(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.~~

~~(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.~~

~~(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.~~

~~(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.~~

1 (f) A political subdivision from sponsoring or conducting a firearm-related
2 competition or educational or cultural program and enacting and enforcing rules
3 for participation in or attendance at any such competition or program.

4 (g) A political subdivision or any official thereof with appropriate authority
5 from enforcing any statute of this State.

6 9. As used in this section:

7 (a) "Ammunition" includes, without limitation, fixed cartridge ammunition
8 and the individual components thereof, shotgun shells and the individual
9 components thereof, projectiles for muzzle-loading firearms and any propellant
10 used in firearms or ammunition.

11 (b) "Firearm" ~~means~~ includes, without limitation, a pistol, revolver, rifle,
12 shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading
13 firearm or any device which is designed to ~~be used as a weapon from which~~ ,
14 able to or able to be readily converted to expel a projectile ~~may be expelled~~
15 through the barrel by the ~~force~~ action of ~~any explosion or~~ an explosive, other
16 form of combustion ~~.~~

17 ~~(b) "Firearm capable of being concealed" includes all firearms having a barrel~~
18 ~~less than 12 inches in length.~~

19 ~~(c) "Pistol" means a firearm capable of being concealed that is intended to be~~
20 ~~aimed and fired with one hand.] or expanding gases.~~

21 (c) "Firearm accessories" means:

22 (1) Devices specifically designed or adapted to enable the wearing or
23 carrying of a firearm or the storing in or mounting on a conveyance of a firearm;
24 or

25 (2) Attachments or devices specifically designed or adapted to be inserted
26 into or affixed on a firearm to enable, alter or improve the functioning or
27 capability of the firearm.

28 (d) "Person" includes, without limitation:

29 (1) Any person who has standing to bring or maintain an action
30 concerning this section pursuant to the laws of this State.

31 (2) Any person who:

32 (I) Can legally possess a firearm under state and federal law;

33 (II) Owens, possesses, stores, transports, carries or transfers firearms,
34 ammunition or ammunition components within a city; and

35 (III) Is subject to the city ordinance or regulation at issue.

36 (3) A membership organization whose members include a person
37 described in subparagraphs (1) and (2) and which is dedicated in whole or in part
38 to protecting the legal, civil or constitutional rights of its members.

39 (e) "Political subdivision" includes, without limitation, a state agency,
40 county, city, town or school district.

41 (f) "Public employer" has the meaning ascribed to it in NRS 286.070.

42 Sec. 16.7. NRS 269.222 is hereby amended to read as follows:

43 269.222 1. The Legislature hereby declares that:

44 (a) The purpose of this section is to establish state control over the regulation
45 of and policies concerning firearms, firearm accessories and ammunition to
46 ensure that such regulation and policies are uniform throughout this State and to
47 ensure the protection of the right to keep and bear arms, which is recognized by
48 the United States Constitution and the Nevada Constitution.

49 (b) The regulation of the transfer, sale, purchase, possession, carrying,
50 ownership, transportation, storage, registration and licensing of firearms, firearm
51 accessories and ammunition in this State and the ability to define such terms is
52 within the exclusive domain of the Legislature, and any other law, regulation,
53 rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, *carrying*, ownership, transportation, *storage*, registration and licensing of firearms, *firearm accessories* and ammunition in Nevada. ~~††~~ and ~~†††~~ *to define such terms. No* town may infringe upon those rights and powers. ~~†As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.†~~ 3. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~†3. If a town board in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the town board shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the town before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as†~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a town in violation of this section is void.

5. A town board shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the town must be removed.

6. A town board shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the town or any town agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

1 (a) A law enforcement agency or correctional institution from promulgating
 2 and enforcing its own rules pertaining to firearms, firearm accessories or
 3 ammunition that are issued to or used by peace officers in the course of their
 4 official duties.

5 (b) A court or administrative law judge from hearing and resolving a case or
 6 controversy or issuing an opinion or order on a matter within its jurisdiction.

7 (c) A public employer from regulating or prohibiting the carrying or
 8 possession of firearms, firearm accessories or ammunition during or in the
 9 course of an employee's official duties.

10 (d) The enactment of enforcement of a town zoning or business ordinance
 11 which is generally applicable to businesses within the town and thereby affects a
 12 firearms business within the town, including, without limitation, an indoor or
 13 outdoor shooting range.

14 (e) A town from enacting and enforcing rules for the operation and use of
 15 any firearm range owned and operated by the town.

16 (f) A political subdivision from sponsoring or conducting a firearm-related
 17 competition or educational or cultural program and enacting and enforcing rules
 18 for participation in or attendance at any such competition or program.

19 (g) A political subdivision or any official thereof with appropriate authority
 20 from enforcing any statute of this State.

21 9. As used in this section:

22 (a) "Ammunition" includes, without limitation, fixed cartridge ammunition
 23 and the individual components thereof, shotgun shells and the individual
 24 components thereof, projectiles for muzzle-loading firearms and any propellant
 25 used in firearms or ammunition.

26 (b) "Firearm" ~~means~~ includes, without limitation, a pistol, revolver, rifle,
 27 shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading
 28 firearm or any device which is designed to ~~be used as a weapon from which~~
 29 ~~able to or able to be readily converted to expel~~ a projectile ~~may be expelled~~
 30 through the barrel by the ~~force~~ action of ~~any explosion or~~ an explosive, other
 31 form of combustion ~~;~~

32 ~~(b) "Firearm capable of being concealed" includes all firearms having a barrel~~
 33 ~~less than 12 inches in length.~~

34 ~~(c) "Pistol" means a firearm capable of being concealed that is intended to be~~
 35 ~~aimed and fired with one hand ~~;~~ or expanding gases.~~

36 (c) "Firearm accessories" means:

37 (1) Devices specifically designed or adapted to enable the wearing or
 38 carrying of a firearm or the storing in or mounting on a conveyance of a firearm;
 39 or

40 (2) Attachments or devices specifically designed or adapted to be inserted
 41 into or affixed on a firearm to enable, alter or improve the functioning or
 42 capability of the firearm.

43 (d) "Person" includes, without limitation:

44 (1) Any person who has standing to bring or maintain an action
 45 concerning this section pursuant to the laws of this State.

46 (2) Any person who:

47 (I) Can legally possess a firearm under state and federal law;

48 (II) Owns, possesses, stores, transports, carries or transfers firearms,
 49 ammunition or ammunition components within a town; and

50 (III) Is subject to the town ordinance or regulation at issue.

51 (3) A membership organization whose members include a person
 52 described in subparagraphs (1) and (2) and which is dedicated in whole or in part
 53 to protecting the legal, civil or constitutional rights of its members.

1 (e) "Political subdivision" includes, without limitation, a state agency,
2 county, city, town or school district.

3 (f) "Public employer" has the meaning ascribed to it in NRS 286.070.

4 **Sec. 17.** NRS 433A.310 is hereby amended to read as follows:

5 433A.310 1. Except as otherwise provided in NRS 432B.6076 and
6 432B.6077, if the district court finds, after proceedings for the involuntary court-
7 ordered admission of a person:

8 (a) That there is not clear and convincing evidence that the person with respect
9 to whom the hearing was held has a mental illness or exhibits observable behavior
10 such that the person is likely to harm himself or herself or others if allowed his or
11 her liberty or if not required to participate in a program of community-based or
12 outpatient services, the court shall enter its finding to that effect and the person
13 must not be involuntarily admitted to a public or private mental health facility or to
14 a program of community-based or outpatient services.

15 (b) That there is clear and convincing evidence that the person with respect to
16 whom the hearing was held has a mental illness and, because of that illness, is
17 likely to harm himself or herself or others if allowed his or her liberty or if not
18 required to participate in a program of community-based or outpatient services, the
19 court may order the involuntary admission of the person for the most appropriate
20 course of treatment, including, without limitation, admission to a public or private
21 mental health facility or participation in a program of community-based or
22 outpatient services. The order of the court must be interlocutory and must not
23 become final if, within 30 days after the involuntary admission, the person is
24 unconditionally released pursuant to NRS 433A.390.

25 2. A court shall not admit a person to a program of community-based or
26 outpatient services unless:

27 (a) A program of community-based or outpatient services is available in the
28 community in which the person resides or is otherwise made available to the
29 person;

30 (b) The person is 18 years of age or older;

31 (c) The person has a history of noncompliance with treatment for mental
32 illness;

33 (d) The person is capable of surviving safely in the community in which he or
34 she resides with available supervision;

35 (e) The court determines that, based on the person's history of treatment for
36 mental illness, the person needs to be admitted to a program of community-based or
37 outpatient services to prevent further disability or deterioration of the person which
38 is likely to result in harm to himself or herself or others;

39 (f) The current mental status of the person or the nature of the person's illness
40 limits or negates his or her ability to make an informed decision to seek treatment
41 for mental illness voluntarily or to comply with recommended treatment for mental
42 illness;

43 (g) The program of community-based or outpatient services is the least
44 restrictive treatment which is in the best interest of the person; and

45 (h) The court has approved a plan of treatment developed for the person
46 pursuant to NRS 433A.315.

47 3. Except as otherwise provided in NRS 432B.608, an involuntary admission
48 pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6
49 months if not terminated previously by the medical director of the public or private
50 mental health facility as provided for in subsection 2 of NRS 433A.390 or by the
51 professional responsible for providing or coordinating the program of community-
52 based or outpatient services as provided for in subsection 3 of NRS 433A.390.
53 Except as otherwise provided in NRS 432B.608, at the end of the court-ordered

1 period of treatment, the Division, any mental health facility that is not operated by
2 the Division or a program of community-based or outpatient services may petition
3 to renew the involuntary admission of the person for additional periods not to
4 exceed 6 months each. For each renewal, the petition must include evidence which
5 meets the same standard set forth in subsection 1 that was required for the initial
6 period of admission of the person to a public or private mental health facility or to a
7 program of community-based or outpatient services.

8 4. Before issuing an order for involuntary admission or a renewal thereof, the
9 court shall explore other alternative courses of treatment within the least restrictive
10 appropriate environment, including involuntary admission to a program of
11 community-based or outpatient services, as suggested by the evaluation team who
12 evaluated the person, or other persons professionally qualified in the field of
13 psychiatric mental health, which the court believes may be in the best interests of
14 the person.

15 5. If the court issues an order involuntarily admitting a person to a public or
16 private mental health facility or to a program of community-based or outpatient
17 services pursuant to this section, the court shall, notwithstanding the provisions of
18 NRS 433A.715, cause, *within 5 business days after ~~issuing~~ the order ~~it~~ becomes*
19 *final pursuant to this section,* on a form prescribed by the Department of Public
20 Safety, a record of ~~such~~ the order to be transmitted to the Central Repository for
21 Nevada Records of Criminal History, along with a statement indicating that the
22 record is being transmitted for inclusion in each appropriate database of the
23 National Instant Criminal Background Check System.

24 6. As used in this section, “National Instant Criminal Background Check
25 System” has the meaning ascribed to it in NRS 179A.062.

26 **Sec. 18.** NRS 433C.130 is hereby amended to read as follows:

27 433C.130 The Department is designated as the official state agency
28 responsible for developing and administering preventive and outpatient mental
29 health services. The Department shall function in the following areas:

30 1. Assisting and consulting with local health authorities, *local governments*
31 *and all law enforcement agencies in this State* in providing community mental
32 health services, which services may include prevention, rehabilitation, case finding,
33 diagnosis and treatment of persons with mental illness, and consultation and
34 education for groups and individuals regarding mental health.

35 2. Coordinating mental health functions with other state agencies.

36 3. Participating in and promoting the development of facilities for training
37 personnel necessary for implementing such services.

38 4. Collecting and disseminating information pertaining to mental health.

39 5. Performing such other acts as are necessary to promote mental health in the
40 State.

41 **Sec. 19.** Chapter 629 of NRS is hereby amended by adding thereto a new
42 section to read as follows:

43 1. *If a patient communicates to a mental health professional an explicit*
44 *threat of imminent serious physical harm or death to a clearly identified or*
45 *identifiable person and, in the judgment of the mental health professional, the*
46 *patient has the intent and ability to carry out the threat, the mental health*
47 *professional shall apply for the emergency admission of the patient to a mental*
48 *health facility pursuant to NRS 433A.160 or make a reasonable effort to*
49 *communicate the threat in a timely manner to:*

50 (a) *The person who is the subject of the threat;*

51 (b) *The law enforcement agency with the closest physical location to the*
52 *residence of the person; and*

53 (c) *If the person is a minor, the parent or guardian of the person.*

1 2. A mental health professional who exercises reasonable care in
2 determining that he or she:

3 (a) Has a duty to communicate a threat pursuant to subsection 1 is not
4 subject to civil or criminal liability or disciplinary action by a professional
5 licensing board for disclosing confidential or privileged information.

6 (b) Does not have a duty to communicate a threat pursuant to subsection 1 is
7 not subject to civil or criminal liability or disciplinary action by a professional
8 licensing board for any damages caused by the actions of a patient.

9 3. The provisions of this section do not:

10 (a) Limit or affect the duty of the mental health professional to report child
11 abuse or neglect pursuant to NRS 432B.220; or

12 (b) Modify any duty of a mental health professional to take precautions to
13 prevent harm by a patient:

14 (1) In the custody of a hospital or other facility where the mental health
15 professional is employed; or

16 (2) Who is being discharged from such a facility.

17 4. As used in this section, "mental health professional" includes:

18 (a) A psychiatrist licensed to practice medicine in this State pursuant to
19 chapter 630 or 633 of NRS;

20 (b) A psychologist who is licensed to practice psychology in this State
21 pursuant to chapter 641 of NRS;

22 (c) A social worker who:

23 (1) Holds a master's degree in social work; ~~for a related field;~~

24 (2) Is licensed as a clinical social worker pursuant to chapter 641B of
25 NRS; and

26 (3) Is employed by the Division of Public and Behavioral Health of the
27 Department of Health and Human Services;

28 (d) A registered nurse who:

29 (1) Is licensed to practice professional nursing in this State; and

30 (2) Holds a master's degree in psychiatric nursing or a related field;

31 (e) A marriage and family therapist licensed pursuant to chapter 641A of
32 NRS; ~~and~~

33 (f) A clinical professional counselor licensed pursuant to chapter 641A of
34 NRS; ~~and~~; and

35 (g) A person who is working in this State within the scope of his or her
36 employment by the Federal Government and is:

37 (1) Licensed or certified as a physician, psychologist, marriage and
38 family therapist, clinical professional counselor, alcohol and drug abuse
39 counselor or clinical alcohol and drug abuse counselor in another state;

40 (2) Licensed as a social worker in another state and holds a master's
41 degree in social work; or

42 (3) Licensed to practice professional nursing in another state and holds a
43 master's degree in psychiatric nursing or a related field.

44 Sec. 20. Section 5 of chapter 308, Statutes of Nevada 1989, as amended
45 by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to
46 read as follows:

47 ~~Sec. 5. 1. Except as otherwise provided in subsection 2, the~~
48 ~~provisions of this act apply to ordinances or regulations adopted on or after~~
49 ~~June 13, 1989.~~

50 ~~2. The provisions of this act, as amended on October 1, 2007,~~
51 ~~apply to ordinances or regulations adopted before, on or after June 13,~~
52 ~~1989.~~

1 Sec. 21. Records relating to the registration of any firearm capable of
2 being concealed pursuant to any ordinance or regulation adopted by a political
3 subdivision must be destroyed within 1 year after the effective date of this
4 section.

5 Sec. 22. 1. This section and sections 16.3, 16.5, 16.7, 20 and 21 of this
6 act become effective upon passage and approval.

7 2. Sections 1 to 16, inclusive, 17, 18 and 19, of this act become effective on
8 October 1, 2015.