

Amendment No. 826

Assembly Amendment to Senate Bill No. 240 First Reprint	(BDR 14-955)
Proposed by: Assemblyman Gardner	
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; providing certain exceptions to prohibitions relating to firearms for a person who holds a valid registry identification card to engage in the medical use of marijuana; 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:

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

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

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

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

Existing law prohibits a person who has been adjudicated as mentally ill, has been committed to any mental health facility or is illegally or unlawfully in the United States from possessing or having custody or control of a firearm. (NRS 202.360) **Section 15** of this bill ~~inserts~~ **(1)** prohibits a person who has entered a plea of guilty but mentally ill, has been found guilty but mentally ill or has been acquitted by reason of insanity from possessing or having custody or control of a firearm. **(2)** and **(3)** provides that a person holding a valid registry identification card to engage in the medical use of marijuana is not excluded from owning or possessing or having custody or control of a firearm.

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

Existing law requires a sheriff to deny an application or revoke a permit to carry a concealed firearm under certain circumstances, including if the sheriff determines that an applicant or permittee has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. (NRS 202.3657) Section 16.1 of this bill exempts a person who holds a valid registry identification card to engage in the medical use of marijuana from such determinations for purposes of carrying a concealed firearm.

Existing law provides that, except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer,

59 sale, purchase, possession, ownership, transportation, registration and licensing of firearms
60 and ammunition in this State, and further provides that no county, city or town may infringe
61 upon those rights and powers. (NRS 244.364, 268.418, 269.222) **Sections 16.3-16.7** of this
62 bill expand such rights and powers of the Legislature to include those necessary to: (1)
63 regulate the carrying and storage of firearms, firearm accessories and ammunition; and (2)
64 define all such terms. **Sections 16.3-16.7** provide that certain ordinances or regulations which
65 are inconsistent with these rights and powers of the Legislature are null and void and require
66 the governing bodies of certain political subdivisions of this State to repeal any such
67 ordinance or regulation. **Sections 16.3-16.7** also authorize any person who is adversely
68 affected by the enforcement of any such ordinance or regulation on or after the effective date
69 of these sections to file suit in the appropriate court for declarative and injunctive relief and
70 damages. Such a person is entitled to certain damages depending on whether and when the
71 relevant governing body of a political subdivision repeals such an ordinance or a regulation.

72 Existing law also requires certain political subdivisions of this State in a county whose
73 population is 700,000 or more (currently Clark County), which adopted ordinances or
74 regulations before June 13, 1989, that require the registration of firearms capable of being
75 concealed, to make certain amendments to such registration provisions. (NRS 244.364,
76 268.418, 269.222) **Sections 16.3-16.7** additionally delete the provisions requiring certain
77 political subdivisions of this State to make such amendments.

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

83 Existing law: (1) designates the Department of Health and Human Services as the official
84 state agency for developing and administering outpatient mental health services; and (2)
85 requires the Department to perform certain functions relating to mental health. (NRS
86 433C.130) **Section 18** of this bill requires the Department to also assist and consult with local
87 governments and all local law enforcement agencies in this State in providing community
88 mental health services.

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

99 Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for the
100 Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession,
101 ownership, transportation, registration and licensing of firearms and ammunition in this State.
102 (Chapter 308, Statutes of Nevada 1989, p. 652) However, section 5 of A.B. 147 provided that
103 the preemptive effect of the bill applied only to ordinances or regulations adopted by certain
104 political subdivisions on or after June 13, 1989. **Section 20** of this bill amends section 5 of
105 A.B. 147 to include and preempt ordinances or regulations adopted by certain political
106 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.

1 2. If a plea of guilty or guilty but mentally ill is made in a written plea
2 agreement, the agreement must be in substantially the form prescribed in NRS
3 174.063. If a plea of guilty or guilty but mentally ill is made orally, the court shall
4 not accept such a plea or a plea of nolo contendere without first addressing the
5 defendant personally and determining that the plea is made voluntarily with
6 understanding of the nature of the charge and consequences of the plea.

7 3. With the consent of the court and the district attorney, a defendant may
8 enter a conditional plea of guilty, guilty but mentally ill or nolo contendere,
9 reserving in writing the right, on appeal from the judgment, to a review of the
10 adverse determination of any specified pretrial motion. A defendant who prevails
11 on appeal must be allowed to withdraw the plea.

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

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

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

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

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

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

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

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

35 (a) Probation is not allowed; or

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

37 unless the plea bargain is set forth in writing and signed by the defendant, the
38 defendant's attorney, if the defendant is represented by counsel, and the prosecuting
39 attorney.

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

47 9. As used in this section:

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

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

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

2 175.533 1. During a trial, upon a plea of not guilty by reason of insanity, the
3 trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all
4 of the following:

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

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

9 (c) The defendant has not established by a preponderance of the evidence that
10 the defendant is not guilty by reason of insanity pursuant to subsection 5 of NRS
11 174.035.

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

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

22 4. As used in this section:

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

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

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

28 175.539 1. Where on a trial a defense of insanity is interposed by the
29 defendant and the defendant is acquitted by reason of that defense, the finding of
30 the jury pending the judicial determination pursuant to subsection 2 has the same
31 effect as if the defendant were regularly adjudged insane, and the judge must:

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

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

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

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

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

44 (b) That there is clear and convincing evidence that the person is a person with
45 mental illness, the court must order that the person be committed to the custody of
46 the Administrator of the Division of Public and Behavioral Health of the
47 Department of Health and Human Services until the person is discharged or
48 conditionally released therefrom in accordance with NRS 178.467 to 178.471,
49 inclusive.

50 ➤ The court shall issue its finding within 90 days after the defendant is acquitted.

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

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

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

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

10 (b) "Forensic facility" means a secure facility of the Division of Public and
11 Behavioral Health of the Department of Health and Human Services for offenders
12 and defendants with mental disorders. The term includes, without limitation, Lakes
13 Crossing Center.

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

16 (d) "Person with mental illness" has the meaning ascribed to it in NRS
17 178.3986.

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

19 178.425 1. If the court finds the defendant incompetent, and dangerous to
20 himself or herself or to society and that commitment is required for a determination
21 of the defendant's ability to receive treatment to competency and to attain
22 competence, the judge shall order the sheriff to convey the defendant forthwith,
23 together with a copy of the complaint, the commitment and the physicians'
24 certificate, if any, into the custody of the Administrator or the Administrator's
25 designee for detention and treatment at a division facility that is secure. The order
26 may include the involuntary administration of medication if appropriate for
27 treatment to competency.

28 2. The defendant must be held in such custody until a court orders the
29 defendant's release or until the defendant is returned for trial or judgment as
30 provided in NRS 178.450, 178.455 and 178.460.

31 3. If the court finds the defendant incompetent but not dangerous to himself or
32 herself or to society, and finds that commitment is not required for a determination
33 of the defendant's ability to receive treatment to competency and to attain
34 competence, the judge shall order the defendant to report to the Administrator or
35 the Administrator's designee as an outpatient for treatment, if it might be beneficial,
36 and for a determination of the defendant's ability to receive treatment to
37 competency and to attain competence. The court may require the defendant to give
38 bail for any periodic appearances before the Administrator or the Administrator's
39 designee.

40 4. Except as otherwise provided in subsection 5, proceedings against the
41 defendant must be suspended until the Administrator or the Administrator's
42 designee or, if the defendant is charged with a misdemeanor, the judge finds the
43 defendant capable of standing trial or opposing pronouncement of judgment as
44 provided in NRS 178.400.

45 5. Whenever the defendant has been found incompetent, with no substantial
46 probability of attaining competency in the foreseeable future, and released from
47 custody or from obligations as an outpatient pursuant to paragraph (d) of subsection
48 4 of NRS 178.460, the proceedings against the defendant which were suspended
49 must be dismissed. No new charge arising out of the same circumstances may be
50 brought after a period, equal to the maximum time allowed by law for commencing
51 a criminal action for the crime with which the defendant was charged, has lapsed
52 since the date of the alleged offense.

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

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

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

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

14 **Sec. 6.** NRS 179A.010 is hereby amended to read as follows:
15 179A.010 As used in this chapter, unless the context otherwise requires, the
16 words and terms defined in NRS 179A.020 to 179A.073, inclusive, *and section 5*
17 *of this act* have the meanings ascribed to them in those sections.

18 **Sec. 7.** NRS 179A.075 is hereby amended to read as follows:
19 179A.075 1. The Central Repository for Nevada Records of Criminal
20 History is hereby created within the General Services Division of the Department.

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

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

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

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

32 (a) Through an electronic network;

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

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

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

41 4. The Division shall, in the manner prescribed by the Director of the
42 Department:

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

44 (1) Records of criminal history; and

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

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

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

52 (d) Upon request, provide, in paper or electronic form, the information that is
53 contained in the Central Repository to a multidisciplinary team to review the death

1 of the victim of a crime that constitutes domestic violence organized or sponsored
2 by the Attorney General pursuant to NRS 228.495.

3 5. The Division may:

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

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

9 (c) Request of and receive from the Federal Bureau of Investigation
10 information on the background and personal history of any person whose record of
11 fingerprints the Central Repository submits to the Federal Bureau of Investigation
12 and:

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

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

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

21 (4) For whom such information is required to be obtained pursuant to NRS
22 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123
23 and 449.4329; or

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

27 ➤ To request and receive information from the Federal Bureau of Investigation
28 concerning a person pursuant to this subsection, the Central Repository must
29 receive the person's complete set of fingerprints from the agency or political
30 subdivision and submit the fingerprints to the Federal Bureau of Investigation for
31 its report.

32 6. The Central Repository shall:

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

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

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

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

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

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

44 (3) Is employed by a county school district, charter school or private
45 school,

46 ➤ and notify the superintendent of each county school district, the governing body
47 of each charter school and the Superintendent of Public Instruction, or the
48 administrator of each private school, as appropriate, if the investigation of the
49 Central Repository indicates that the person has been convicted of a violation of
50 NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
51 any offense involving moral turpitude.

52 (e) Upon discovery, notify the superintendent of each county school district,
53 the governing body of each charter school or the administrator of each private

1 school, as appropriate, by providing the superintendent, governing body or
2 administrator with a list of all persons:

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

4 (2) Employed by a county school district, charter school or private school
5 whose fingerprints were sent previously to the Central Repository for investigation,
6 who the Central Repository's records indicate have been convicted of a violation
7 of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony
8 or any offense involving moral turpitude since the Central Repository's initial
9 investigation. The superintendent of each county school district, the governing body
10 of a charter school or the administrator of each private school, as applicable, shall
11 determine whether further investigation or action by the district, charter school or
12 private school, as applicable, is appropriate.

13 (f) Investigate the criminal history of each person who submits fingerprints or
14 has fingerprints submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,
15 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

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

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

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

29 7. The Central Repository may:

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

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

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

43 8. As used in this section:

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

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

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

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

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

2 179A.163 1. Upon receiving a record transmitted pursuant to NRS
3 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the Central Repository
4 ~~shall~~ :

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

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

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

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

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

17 (c) The information reported in the record must be removed from the National
18 Instant Criminal Background Check System ~~H~~ and the *National Crime*
19 *Information Center.*

20 3. To the extent authorized by federal law, if the record concerning the
21 petitioner was transmitted to the Central Repository pursuant to NRS 159.0593,
22 174.035, 175.533, 175.539, 178.425 or 433A.310, the petitioner may not file a
23 petition pursuant to subsection 2 until 3 years after the date of the order transmitting
24 the record to the Central Repository.

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

26 (a) Filed in the court which made the adjudication or finding pursuant to NRS
27 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; and

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

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

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

34 (a) The basis for the adjudication or finding made pursuant to NRS 159.0593,
35 174.035, 175.533, 175.539, 178.425 or 433A.310 concerning the petitioner no
36 longer exists;

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

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

41 7. Except as otherwise provided in this subsection, the petitioner must
42 establish the provisions of subsection 6 by a preponderance of the evidence. If the
43 adjudication or finding concerning the petitioner was made pursuant to NRS
44 159.0593 or 433A.310, the petitioner must establish the provisions of subsection 6
45 by clear and convincing evidence.

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

49 9. Within 5 business days after receiving a record of an order transmitted
50 pursuant to subsection 8, the Central Repository shall take reasonable steps to
51 ensure that information concerning the adjudication or finding made pursuant to
52 NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 is removed from

1 the National Instant Criminal Background Check System **+** *and the National*
2 *Crime Information Center, if applicable.*

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

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

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

11 179A.165 1. Any record described in NRS 179A.163 is confidential and is
12 not a public book or record within the meaning of NRS 239.010. A person may not
13 use the record for any purpose other than for *a purpose related to criminal justice,*
14 *including, without limitation,* inclusion in the appropriate database of the National
15 Instant Criminal Background Check System **+** *and the National Crime*
16 *Information Center, if applicable. The Central Repository may disclose the record*
17 *to any agency of criminal justice.*

18 2. If a person or governmental entity is required to transmit, report or take any
19 other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533,
20 175.539, 178.425, 179A.163 or 433A.310, no action for damages may be brought
21 against the person or governmental entity for:

22 (a) Transmitting or reporting the record or taking any other required action
23 concerning the record;

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

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

28 (d) Transmitting or reporting an inaccurate or incomplete version of the record
29 or taking any other required action concerning an inaccurate or incomplete version
30 of the record.

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

32 179A.167 1. The Central Repository shall permit a person who is or
33 believes he or she may be the subject of information relating to records of mental
34 health held by the Central Repository to inspect and correct any information
35 contained in such records.

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

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

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

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

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

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

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

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

4 4. As used in this section, “information relating to records of mental health”
5 means information contained in a record:

6 (a) Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035,
7 175.533, 175.539, 178.425 or 433A.310; or

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

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

11 49.213 There is no privilege pursuant to NRS 49.209 or 49.211:

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

15 2. For communications relevant to *any determination made pursuant to NRS*
16 *202.360.*

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

19 ~~3+~~ 4. If disclosure is otherwise required by state or federal law.

20 ~~4+~~ 5. For communications relevant to an issue in a proceeding to determine
21 the validity of a will of the patient.

22 ~~5+~~ 6. If there is an immediate threat that the patient will harm himself or
23 himself or other persons.

24 ~~6+~~ 7. For communications made in the course of a court-ordered
25 examination of the condition of a patient with respect to the specific purpose of the
26 examination unless the court orders otherwise.

27 ~~7+~~ 8. For communications relevant to an issue in an investigation or hearing
28 conducted by the Board of Psychological Examiners if the treatment of the patient
29 is an element of that investigation or hearing.

30 ~~8+~~ 9. For communications relevant to an issue in a proceeding relating to the
31 abuse or neglect of a person with a disability or a person who is legally
32 incompetent.

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

34 49.245 There is no privilege under NRS 49.225 or 49.235:

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

38 2. *For communications relevant to any determination made pursuant to*
39 *NRS 202.360.*

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

43 ~~3+~~ 4. As to written medical or hospital records relevant to an issue of the
44 condition of the patient in any proceeding in which the condition is an element of a
45 claim or defense.

46 ~~4+~~ 5. In a prosecution or mandamus proceeding under chapter 441A of
47 NRS.

48 ~~5+~~ 6. As to any information communicated to a physician in an effort
49 unlawfully to procure a dangerous drug or controlled substance, or unlawfully to
50 procure the administration of any such drug or substance.

51 ~~6+~~ 7. As to any written medical or hospital records which are furnished in
52 accordance with the provisions of NRS 629.061.

1 ~~7~~ 8. As to records that are required by chapter 453 of NRS to be
2 maintained.

3 ~~8~~ 9. If the services of the physician are sought or obtained to enable or aid
4 a person to commit or plan to commit fraud or any other unlawful act in violation of
5 any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person
6 knows or reasonably should know is fraudulent or otherwise unlawful.

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

8 159.0593 1. If the court orders a general guardian appointed for a proposed
9 ward, the court shall determine, by clear and convincing evidence, whether the
10 proposed ward is a person with a mental defect who is prohibited from possessing a
11 firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding
12 pursuant to this section that the proposed ward is a person with a mental defect, the
13 court shall include the finding in the order appointing the guardian and cause ,
14 *within 5 business days after issuing the order*, a record of the order to be
15 transmitted to the Central Repository for Nevada Records of Criminal History,
16 along with a statement indicating that the record is being transmitted for inclusion
17 in each appropriate database of the National Instant Criminal Background Check
18 System.

19 2. As used in this section:

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

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

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

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

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

27 202.254 1. A private person who wishes to transfer a firearm to another
28 person may, before transferring the firearm, request that the Central Repository for
29 Nevada Records of Criminal History perform a background check on the person
30 who wishes to acquire the firearm.

31 2. The person who requests the information pursuant to subsection 1 shall
32 provide the Central Repository with identifying information about the person who
33 wishes to acquire the firearm.

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

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

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

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

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

49 6. ~~¶The failure of a person to request the Central Repository to perform a~~
50 ~~background check pursuant to this section before transferring a firearm to another~~
51 ~~person does not give rise to any civil cause of action.~~ *A private person who*
52 *transfers a firearm to another person is immune from civil liability for failing to*
53 *request a background check pursuant to this section or for any act or omission*

1 *relating to a background check requested pursuant to this section if the act or*
 2 *omission was taken in good faith and without malicious intent.*

3 *7. The Director of the Department of Public Safety may request an*
 4 *allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and*
 5 *353.269 to cover the costs incurred by the Department to carry out the provisions*
 6 *of subsection 5.*

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

8 202.360 1. A person shall not own or have in his or her possession or under
 9 his or her custody or control any firearm if the person:

10 (a) Has been convicted of a felony in this or any other state, or in any political
 11 subdivision thereof, or of a felony in violation of the laws of the United States of
 12 America, unless the person has received a pardon and the pardon does not restrict
 13 his or her right to bear arms;

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

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

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

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

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

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

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

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

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

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

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

35 3. As used in this section:

36 (a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. §
 37 802(6). *The term does not include marijuana if used by the holder of a valid*
 38 *registry identification card issued pursuant to chapter 453A of NRS.*

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

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

42 202.362 1. Except as otherwise provided in subsection 3, a person within
 43 this State shall not sell, *transfer* or otherwise dispose of any firearm or ammunition
 44 to another person *or purchase a firearm on behalf of or for another person with*
 45 *the intent to transfer the firearm to that person* if he or she has ~~actual knowledge~~
 46 *reasonable cause to believe* that the other person:

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

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

52 ~~(c) Has been adjudicated as mentally ill or has been committed to any mental~~
 53 ~~health facility; or~~

1 ~~(d) Is illegally or unlawfully in the United States,} prohibited from possessing~~
2 ~~a firearm pursuant to NRS 202.360; or~~

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

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

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

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

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

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

20 **Sec. 16.1. NRS 202.3657 is hereby amended to read as follows:**

21 202.3657 1. Any person who is a resident of this State may apply to the
22 sheriff of the county in which he or she resides for a permit on a form prescribed by
23 regulation of the Department. Any person who is not a resident of this State may
24 apply to the sheriff of any county in this State for a permit on a form prescribed by
25 regulation of the Department. Application forms for permits must be furnished by
26 the sheriff of each county upon request.

27 2. A person applying for a permit may submit one application and obtain one
28 permit to carry all handguns owned by the person. The person must not be required
29 to list and identify on the application each handgun owned by the person. A permit
30 is valid for any handgun which is owned or thereafter obtained by the person to
31 whom the permit is issued.

32 3. Except as otherwise provided in this section, the sheriff shall issue a permit
33 to any person who is qualified to possess a handgun under state and federal law,
34 who submits an application in accordance with the provisions of this section and
35 who:

36 (a) Is 21 years of age or older;

37 (b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

38 (c) Demonstrates competence with handguns by presenting a certificate or
39 other documentation to the sheriff which shows that the applicant:

40 (1) Successfully completed a course in firearm safety approved by a sheriff
41 in this State; or

42 (2) Successfully completed a course in firearm safety offered by a federal,
43 state or local law enforcement agency, community college, university or national
44 organization that certifies instructors in firearm safety.

45 ↪ Such a course must include instruction in the use of handguns and in the laws of
46 this State relating to the use of a firearm. A sheriff may not approve a course in
47 firearm safety pursuant to subparagraph (1) unless the sheriff determines that the
48 course meets any standards that are established by the Nevada Sheriffs' and Chiefs'
49 Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its
50 legal successor.

51 4. The sheriff shall deny an application or revoke a permit if the sheriff
52 determines that the applicant or permittee:

53 (a) Has an outstanding warrant for his or her arrest.

1 (b) Has been judicially declared incompetent or insane.

2 (c) Has been voluntarily or involuntarily admitted to a mental health facility
3 during the immediately preceding 5 years.

4 (d) Has habitually used intoxicating liquor or a controlled substance to the
5 extent that his or her normal faculties are impaired. For the purposes of this
6 paragraph, it is presumed that a person has so used intoxicating liquor or a
7 controlled substance if, during the immediately preceding 5 years, the person has
8 been:

9 (1) Convicted of violating the provisions of NRS 484C.110; or

10 (2) Committed for treatment pursuant to NRS 458.290 to 458.350,
11 inclusive.

12 (e) Has been convicted of a crime involving the use or threatened use of force
13 or violence punishable as a misdemeanor under the laws of this or any other state,
14 or a territory or possession of the United States at any time during the immediately
15 preceding 3 years.

16 (f) Has been convicted of a felony in this State or under the laws of any state,
17 territory or possession of the United States.

18 (g) Has been convicted of a crime involving domestic violence or stalking, or
19 is currently subject to a restraining order, injunction or other order for protection
20 against domestic violence.

21 (h) Is currently on parole or probation from a conviction obtained in this State
22 or in any other state or territory or possession of the United States.

23 (i) Has, within the immediately preceding 5 years, been subject to any
24 requirements imposed by a court of this State or of any other state or territory or
25 possession of the United States, as a condition to the court's:

26 (1) Withholding of the entry of judgment for a conviction of a felony; or

27 (2) Suspension of sentence for the conviction of a felony.

28 (j) Has made a false statement on any application for a permit or for the
29 renewal of a permit.

30 5. The sheriff may deny an application or revoke a permit if the sheriff
31 receives a sworn affidavit stating articulable facts based upon personal knowledge
32 from any natural person who is 18 years of age or older that the applicant or
33 permittee has or may have committed an offense or engaged in any other activity
34 specified in subsection 4 which would preclude the issuance of a permit to the
35 applicant or require the revocation of a permit pursuant to this section.

36 6. If the sheriff receives notification submitted by a court or law enforcement
37 agency of this or any other state, the United States or a territory or possession of the
38 United States that a permittee or an applicant for a permit has been charged with a
39 crime involving the use or threatened use of force or violence, the conviction for
40 which would require the revocation of a permit or preclude the issuance of a permit
41 to the applicant pursuant to this section, the sheriff shall suspend the person's
42 permit or the processing of the person's application until the final disposition of the
43 charges against the person. If a permittee is acquitted of the charges, or if the
44 charges are dropped, the sheriff shall restore his or her permit without imposing a
45 fee.

46 7. An application submitted pursuant to this section must be completed and
47 signed under oath by the applicant. The applicant's signature must be witnessed by
48 an employee of the sheriff or notarized by a notary public. The application must
49 include:

50 (a) The name, address, place and date of birth, social security number,
51 occupation and employer of the applicant and any other names used by the
52 applicant;

1 (b) A complete set of the applicant's fingerprints taken by the sheriff or his or
2 her agent;

3 (c) A front-view colored photograph of the applicant taken by the sheriff or his
4 or her agent;

5 (d) If the applicant is a resident of this State, the driver's license number or
6 identification card number of the applicant issued by the Department of Motor
7 Vehicles;

8 (e) If the applicant is not a resident of this State, the driver's license number or
9 identification card number of the applicant issued by another state or jurisdiction;

10 (f) A nonrefundable fee equal to the nonvolunteer rate charged by the Central
11 Repository for Nevada Records of Criminal History and the Federal Bureau of
12 Investigation to obtain the reports required pursuant to subsection 1 of NRS
13 202.366; and

14 (g) A nonrefundable fee set by the sheriff not to exceed \$60.

15 8. As used in this section, "controlled substance" has the meaning ascribed
16 to it in 21 U.S.C. § 802(6). The term does not include marijuana if used by the
17 holder of a valid registry identification card issued pursuant to chapter 453A of
18 NRS.

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

20 244.364 1. *The Legislature hereby declares that:*

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

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

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

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

39 ~~— 2.†~~ 3. A board of county commissioners may proscribe by ordinance or
40 regulation the unsafe discharge of firearms.

41 ~~†3. If a board of county commissioners in a county whose population is~~
42 ~~700,000 or more has required by ordinance or regulation adopted before June 13,~~
43 ~~1989, the registration of a firearm capable of being concealed, the board of county~~
44 ~~commissioners shall amend such an ordinance or regulation to require:~~

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

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

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

51 4. *Any ordinance or regulation which is inconsistent with this section or*
52 *which is designed to restrict or prohibit the sale, purchase, transfer, manufacture*
53 *or display of firearms, firearm accessories or ammunition that is otherwise lawful*

1 *under the laws of this State is null and void, and any official action taken by an*
2 *employee or agent of a county in violation of this section is void.*

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

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

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

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

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

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

31 *8. This section must not be construed to prevent:*

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

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

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

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

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

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

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

52 *9. As used in this section:*

1 (a) *“Ammunition” includes, without limitation, fixed cartridge ammunition*
2 *and the individual components thereof, shotgun shells and the individual*
3 *components thereof, projectiles for muzzle-loading firearms and any propellant*
4 *used in firearms or ammunition.*

5 (b) *“Firearm” ~~means~~ includes, without limitation, a pistol, revolver, rifle,*
6 *shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading*
7 *firearm or any device which is designed to ~~be used as a weapon from which~~,*
8 *able to or able to be readily converted to expel a projectile ~~that may be expelled~~*
9 *through the barrel by the ~~force~~ action of ~~any explosion or~~ an explosive, other*
10 *form of combustion ~~+~~*

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

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

15 (c) *“Firearm accessories” means:*

16 (1) *Devices specifically designed or adapted to enable the wearing or*
17 *carrying of a firearm or the storing in or mounting on a conveyance of a firearm;*
18 *or*

19 (2) *Attachments or devices specifically designed or adapted to be inserted*
20 *into or affixed on a firearm to enable, alter or improve the functioning or*
21 *capability of the firearm.*

22 (d) *“Person” includes, without limitation:*

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

25 (2) *Any person who:*

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

27 (II) *Owens, possesses, stores, transports, carries or transfers firearms,*
28 *ammunition or ammunition components within a county; and*

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

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

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

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

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

37 268.418 1. *The Legislature hereby declares that:*

38 (a) *The purpose of this section is to establish state control over the regulation*
39 *of and policies concerning firearms, firearm accessories and ammunition to*
40 *ensure that such regulation and policies are uniform throughout this State and to*
41 *ensure the protection of the right to bear arms, which is recognized by the United*
42 *States Constitution and the Nevada Constitution.*

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

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

49 2. Except as otherwise provided by specific statute, the Legislature reserves
50 for itself such rights and powers as are necessary to regulate the transfer, sale,
51 purchase, possession, *carrying*, ownership, transportation, *storage*, registration and
52 licensing of firearms, *firearm accessories* and ammunition in Nevada ~~+~~ and ~~not~~
53 *to define such terms. No* city may infringe upon those rights and powers. ~~As used~~

1 ~~in this subsection, "firearm" means any weapon from which a projectile is~~
2 ~~discharged by means of an explosive, spring, gas, air or other force.~~

3 ~~— 2—~~ 3. The governing body of a city may proscribe by ordinance or regulation
4 the unsafe discharge of firearms.

5 ~~3— If the governing body of a city in a county whose population is 700,000 or~~
6 ~~more has required by ordinance or regulation adopted before June 13, 1989, the~~
7 ~~registration of a firearm capable of being concealed, the governing body shall~~
8 ~~amend such an ordinance or regulation to require:~~

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

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

14 ~~— 4— Except as otherwise provided in subsection 1, as}~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 9. As used in this section:

18 (a) "Ammunition" includes, without limitation, fixed cartridge ammunition
19 and the individual components thereof, shotgun shells and the individual
20 components thereof, projectiles for muzzle-loading firearms and any propellant
21 used in firearms or ammunition.

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

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

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

32 (c) "Firearm accessories" means:

33 (1) Devices specifically designed or adapted to enable the wearing or
34 carrying of a firearm or the storing in or mounting on a conveyance of a firearm;
35 or

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

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

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

42 (2) Any person who:

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

44 (II) Owns, possesses, stores, transports, carries or transfers firearms,
45 ammunition or ammunition components within a city; and

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

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

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

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

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

2 269.222 1. *The Legislature hereby declares that:*

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

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

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

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

21 ~~—2.†~~ 3. A town board may proscribe by ordinance or regulation the unsafe
22 discharge of firearms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (g) A political subdivision or any official thereof with appropriate authority
33 for enforcing any statute of this State.

34 9. As used in this section:

35 (a) "Ammunition" includes, without limitation, fixed cartridge ammunition
36 and the individual components thereof, shotgun shells and the individual
37 components thereof, projectiles for muzzle-loading firearms and any propellant
38 used in firearms or ammunition.

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

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

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

49 (c) "Firearm accessories" means:

50 (1) Devices specifically designed or adapted to enable the wearing or
51 carrying of a firearm or the storing in or mounting on a conveyance of a firearm;
52 or

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

4 (d) *“Person” includes, without limitation:*

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

7 (2) *Any person who:*

8 (1) *Can legally possess a firearm under state and federal law;*

9 (II) *Owens, possesses, stores, transports, carries or transfers firearms,*
10 *ammunition or ammunition components within a town; and*

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

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

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

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

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

19 433A.310 1. Except as otherwise provided in NRS 432B.6076 and
20 432B.6077, if the district court finds, after proceedings for the involuntary court-
21 ordered admission of a person:

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

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

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

41 (a) A program of community-based or outpatient services is available in the
42 community in which the person resides or is otherwise made available to the
43 person;

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

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

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

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

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

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

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

9 3. Except as otherwise provided in NRS 432B.608, an involuntary admission
10 pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6
11 months if not terminated previously by the medical director of the public or private
12 mental health facility as provided for in subsection 2 of NRS 433A.390 or by the
13 professional responsible for providing or coordinating the program of community-
14 based or outpatient services as provided for in subsection 3 of NRS 433A.390.
15 Except as otherwise provided in NRS 432B.608, at the end of the court-ordered
16 period of treatment, the Division, any mental health facility that is not operated by
17 the Division or a program of community-based or outpatient services may petition
18 to renew the involuntary admission of the person for additional periods not to
19 exceed 6 months each. For each renewal, the petition must include evidence which
20 meets the same standard set forth in subsection 1 that was required for the initial
21 period of admission of the person to a public or private mental health facility or to a
22 program of community-based or outpatient services.

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

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

39 6. As used in this section, "National Instant Criminal Background Check
40 System" has the meaning ascribed to it in NRS 179A.062.

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

42 433C.130 The Department is designated as the official state agency
43 responsible for developing and administering preventive and outpatient mental
44 health services. The Department shall function in the following areas:

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

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

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

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

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

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

5 1. *If a patient communicates to a mental health professional an explicit*
6 *threat of imminent serious physical harm or death to a clearly identified or*
7 *identifiable person and, in the judgment of the mental health professional, the*
8 *patient has the intent and ability to carry out the threat, the mental health*
9 *professional shall apply for the emergency admission of the patient to a mental*
10 *health facility pursuant to NRS 433A.160 or make a reasonable effort to*
11 *communicate the threat in a timely manner to:*

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

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

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

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

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

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

24 3. *The provisions of this section do not:*

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

27 (b) *Modify any duty of a mental health professional to take precautions to*
28 *prevent harm by a patient:*

29 (1) *In the custody of a hospital or other facility where the mental health*
30 *professional is employed; or*

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

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

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

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

37 (c) *A social worker who:*

38 (1) *Holds a master's degree in social work;*

39 (2) *Is licensed as a clinical social worker pursuant to chapter 641B of*
40 *NRS; and*

41 (3) *Is employed by the Division of Public and Behavioral Health of the*
42 *Department of Health and Human Services;*

43 (d) *A registered nurse who:*

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

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

46 (e) *A marriage and family therapist licensed pursuant to chapter 641A of*
47 *NRS;*

48 (f) *A clinical professional counselor licensed pursuant to chapter 641A of*
49 *NRS; and*

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

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

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

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

8 **Sec. 20.** Section 5 of chapter 308, Statutes of Nevada 1989, as amended by
9 chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as
10 follows:

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

14 ~~2.~~ The provisions of this act ~~as amended on October 1, 2007,~~
15 apply to ordinances or regulations adopted before, on or after June 13,
16 1989.

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

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

22 2. Sections 1 to ~~16,~~ 16.1, inclusive, 17, 18 and 19, of this act become
23 effective on October 1, 2015.