

ASSEMBLY BILL NO. 167—ASSEMBLYMEN FIORE, SHELTON, SEAMAN, ELLISON, HANSEN; ARMSTRONG, DICKMAN, DOOLING, GARDNER, HAMBRICK, JONES, KIRNER, MOORE, O’NEILL, OSCARSON, SILBERKRAUS, STEWART, TITUS, TROWBRIDGE, WHEELER AND WOODBURY

FEBRUARY 17, 2015

JOINT SPONSORS: SENATORS GUSTAVSON, ATKINSON; AND GOICOECHEA

Referred to Committee on Judiciary

SUMMARY—Authorizes the storage and carrying of firearms and ammunition on the premises of a family foster home or by certain persons who reside in a family foster home under certain circumstances. (BDR 38-234)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 foster care; authorizing the storage of a firearm and ammunition on the premises of a family foster home in certain circumstances; authorizing certain persons to carry a firearm on their person while in the presence of a foster child in certain circumstances; providing that an agency which provides child welfare services is immune from liability for any injury caused by a firearm on the premises of a family foster home; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires the Division of Child and Family Services of the
- 2 Department of Health and Human Services to adopt regulations to establish
- 3 requirements for the licensure of family foster homes, specialized foster homes,
- 4 independent living foster homes and group foster homes. (NRS 424.020) Existing
- 5 regulations require all weapons on the premises of a foster home to be unstrung and
- 6 unloaded at all times when children are in the home and stored in locked containers
- 7 or rooms out of the reach of children or made inoperable. Ammunition is required



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8 to be kept in a separate locked container and weapons may not be transported in a
9 vehicle in which children are riding unless the weapons are made inoperable and
10 inaccessible. (NAC 424.600) This bill authorizes a person lawfully in possession of
11 a firearm or ammunition to possess the firearm or ammunition on the premises of a
12 family foster home if it is stored in a locked secure storage container except when
13 used for certain lawful purposes or to clean or service the firearm. This bill requires
14 any key, combination or access code to the locked storage container to be kept in
15 the reasonably secure possession of an adult or in a locked combination or
16 biometric safe. This bill also authorizes a provider of family foster care or other
17 person who resides in a family foster home to carry a firearm on his or her person
18 while in the presence of a foster child if: (1) the firearm is kept in a holster; (2) the
19 firearm is carried in a manner which ensures that the firearm is inaccessible to the
20 foster child and is in the possession or control of the provider or other person; and
21 (3) the provider or other person is a law enforcement officer or has a permit to carry
22 a concealed firearm. Finally, this bill provides that an agency which provides child
23 welfare services is immune from liability for any injury caused by a firearm that is
24 stored on the premises of a family foster home or carried by a provider of family
25 foster care or any other person who resides in a family foster home.

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

1 **Section 1.** Chapter 424 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in subsection 3, a person who*
4 *is lawfully in possession of a firearm or ammunition may possess*
5 *the firearm, whether loaded or unloaded, or ammunition while on*
6 *the premises of a family foster home but must store the firearm in*
7 *a locked secure storage container except when used for a lawful*
8 *purpose which may include, without limitation, for an educational*
9 *or recreational purpose, for hunting, for the defense of a person*
10 *or property, or to clean or service the firearm.*

11 *2. A person who stores a firearm or ammunition on the*
12 *premises of a family foster home in a locked secure storage*
13 *container as required pursuant to subsection 1 shall ensure that*
14 *any key, combination or access code to the locked secure storage*
15 *container is kept in the reasonably secure possession of an adult*
16 *or a locked combination or biometric safe.*

17 *3. A provider of family foster care or any other person who*
18 *resides in a family foster home may carry a firearm on his or her*
19 *person, including, without limitation, in a purse, bag, briefcase or*
20 *other similar means, while in the presence of a foster child,*
21 *including, without limitation, while operating or riding in a motor*
22 *vehicle, if:*

23 *(a) The firearm is kept in a holster;*

24 *(b) The provider or other person carries the firearm in a*
25 *manner which ensures that the firearm is inaccessible to any*



1 *foster child and is in the possession and control of the provider or*
2 *other person; and*

3 *(c) The provider or other person is a person who:*

4 *(1) Is listed in paragraph (a) of subsection 4 of NRS*
5 *202.350; or*

6 *(2) Has been issued a permit to carry a concealed firearm*
7 *pursuant to NRS 202.3653 to 202.369, inclusive.*

8 *4. An agency which provides child welfare services is immune*
9 *from civil and criminal liability for any injury resulting from the*
10 *use of a firearm or ammunition that is stored on the premises of a*
11 *family foster home or is carried by a provider of family foster care*
12 *or any other person who resides in a family foster home.*

13 *5. As used in this section:*

14 *(a) "Firearm" has the meaning ascribed to it in NRS 202.253.*

15 *(b) "Secure storage container" means any device, including,*
16 *without limitation, a safe, gun safe, secure gun case or lock box,*
17 *that is marketed commercially for storing a firearm or*
18 *ammunition and is designed to be unlocked only by means of a*
19 *key, a combination, a biometric lock or other similar means.*

20 **Sec. 2.** NRS 424.090 is hereby amended to read as follows:

21 424.090 The provisions of NRS 424.020 to 424.090, inclusive,
22 *and section 1 of this act* do not apply to homes in which:

23 1. Care is provided only for a neighbor's or friend's child on an
24 irregular or occasional basis for a brief period, not to exceed 90
25 days.

26 2. Care is provided by the legal guardian.

27 3. Care is provided for an exchange student.

28 4. Care is provided to enable a child to take advantage of
29 educational facilities that are not available in his or her home
30 community.

31 5. Any child or children are received, cared for and maintained
32 pending completion of proceedings for adoption of such child or
33 children, except as otherwise provided in regulations adopted by the
34 Division.

35 6. Except as otherwise provided in regulations adopted by the
36 Division, care is voluntarily provided to a minor child who is related
37 to the caregiver by blood, adoption or marriage.

38 7. Care is provided to a minor child who is in the custody of an
39 agency which provides child welfare services pursuant to chapter
40 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

41 (a) The caregiver is related to the child within the fifth degree of
42 consanguinity; and

43 (b) The caregiver is not licensed pursuant to the provisions of
44 NRS 424.020 to 424.090, inclusive **H**, *and section 1 of this act.*



- 1 **Sec. 3.** Any regulations adopted pursuant to NRS 424.020 that
- 2 conflict with section 1 of this act are void.
- 3 **Sec. 4.** This act becomes effective upon passage and approval.

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