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

MARCH 10, 2015

JOINT SPONSORS: ASSEMBLYMEN WHEELER,
DICKMAN AND PAUL ANDERSON

Referred to Committee on Judiciary

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

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

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

AN ACT relating to public safety; requiring a court to transmit within 5 business days certain records of adjudication concerning a person's mental health to the Central Repository for Nevada Records of Criminal History for certain purposes relating to the purchase or possession of a firearm; authorizing the inclusion, correction and removal of the information in such records in each appropriate database of the National Crime Information Center; requiring each agency of criminal justice to submit information relating to records of criminal history within 60 days after the date of the conviction; requiring the Central Repository, upon request, to conduct a background check without charge on a person who wishes to acquire a firearm; prohibiting certain persons from having possession, custody or control of a firearm; prohibiting certain persons from selling a firearm under certain circumstances; revising the functions of the Department of Health and Human Services; requiring a mental health professional to apply for the emergency admission of a patient to a mental health facility or notify certain persons when a patient makes certain explicit threats of imminent serious physical harm or death; revising the applicability of certain provisions pertaining to the regulation of firearms by local governments; providing penalties; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

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

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

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

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

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

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

52 Existing law provides that, except as otherwise provided by specific statute, the
53 Legislature reserves for itself such rights and powers as are necessary to regulate
54 the transfer, sale, purchase, possession, ownership, transportation, registration and



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55 licensing of firearms and ammunition in this State, and further provides that no
56 county, city or town may infringe upon those rights and powers. (NRS 244.364,
57 268.418, 269.222) **Sections 16.3-16.7** of this bill expand such rights and powers of
58 the Legislature to include those necessary to: (1) regulate the carrying and storage
59 of firearms, firearm accessories and ammunition; and (2) define all such terms.
60 **Sections 16.3-16.7** provide that certain ordinances or regulations which are
61 inconsistent with these rights and powers of the Legislature are null and void and
62 require the governing bodies of certain political subdivisions of this State to repeal
63 any such ordinance or regulation. **Sections 16.3-16.7** also authorize any person who
64 is adversely affected by the enforcement of any such ordinance or regulation on or
65 after the effective date of these sections to file suit in the appropriate court for
66 declarative and injunctive relief and damages. Such a person is entitled to certain
67 damages depending on whether and when the relevant governing body of a political
68 subdivision repeals such an ordinance or a regulation.

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

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

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

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

99 Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for
100 the Legislature the rights and powers necessary to regulate the transfer, sale,
101 purchase, possession, ownership, transportation, registration and licensing of
102 firearms and ammunition in this State. (Chapter 308, Statutes of Nevada 1989, p.
103 652) However, section 5 of A.B. 147 provided that the preemptive effect of the bill
104 applied only to ordinances or regulations adopted by certain political subdivisions
105 on or after June 13, 1989. **Section 20** of this bill amends section 5 of A.B. 147 to
106 include and preempt ordinances or regulations adopted by certain political
107 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
3 but mentally ill or, with the consent of the court, nolo contendere.
4 The court may refuse to accept a plea of guilty or guilty but
5 mentally ill.

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

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

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

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

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

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

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

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



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

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

7 (a) Probation is not allowed; or

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

9 ↪ unless the plea bargain is set forth in writing and signed by the
10 defendant, the defendant's attorney, if the defendant is represented
11 by counsel, and the prosecuting attorney.

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

20 9. As used in this section:

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

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

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

26 175.533 1. During a trial, upon a plea of not guilty by reason
27 of insanity, the trier of fact may find the defendant guilty but
28 mentally ill if the trier of fact finds all of the following:

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

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

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

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

41 3. If the trier of fact finds a defendant guilty but mentally ill
42 pursuant to subsection 1, the court shall cause, *within 5 business*
43 *days after the finding*, on a form prescribed by the Department of
44 Public Safety, a record of the finding to be transmitted to the Central
45 Repository for Nevada Records of Criminal History, along with a



1 statement indicating that the record is being transmitted for
2 inclusion in each appropriate database of the National Instant
3 Criminal Background Check System.

4 4. As used in this section:

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

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

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

10 175.539 1. Where on a trial a defense of insanity is
11 interposed by the defendant and the defendant is acquitted by reason
12 of that defense, the finding of the jury pending the judicial
13 determination pursuant to subsection 2 has the same effect as if the
14 defendant were regularly adjudged insane, and the judge must:

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

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

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

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

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

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

36 ➔ The court shall issue its finding within 90 days after the
37 defendant is acquitted.

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

41 4. If the court accepts a verdict acquitting a defendant by
42 reason of insanity pursuant to this section, the court shall cause,
43 *within 5 business days after accepting the verdict*, on a form
44 prescribed by the Department of Public Safety, a record of that
45 verdict to be transmitted to the Central Repository for Nevada



1 Records of Criminal History, along with a statement indicating that
2 the record is being transmitted for inclusion in each appropriate
3 database of the National Instant Criminal Background Check
4 System.

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

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

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

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

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

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

18 178.425 1. If the court finds the defendant incompetent, and
19 dangerous to himself or herself or to society and that commitment is
20 required for a determination of the defendant's ability to receive
21 treatment to competency and to attain competence, the judge shall
22 order the sheriff to convey the defendant forthwith, together with a
23 copy of the complaint, the commitment and the physicians'
24 certificate, if any, into the custody of the Administrator or the
25 Administrator's designee for detention and treatment at a division
26 facility that is secure. The order may include the involuntary
27 administration of medication if appropriate for treatment to
28 competency.

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

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

44 4. Except as otherwise provided in subsection 5, proceedings
45 against the defendant must be suspended until the Administrator or



1 the Administrator's designee or, if the defendant is charged with a
2 misdemeanor, the judge finds the defendant capable of standing trial
3 or opposing pronouncement of judgment as provided in
4 NRS 178.400.

5 5. Whenever the defendant has been found incompetent, with
6 no substantial probability of attaining competency in the foreseeable
7 future, and released from custody or from obligations as an
8 outpatient pursuant to paragraph (d) of subsection 4 of NRS
9 178.460, the proceedings against the defendant which were
10 suspended must be dismissed. No new charge arising out of the
11 same circumstances may be brought after a period, equal to the
12 maximum time allowed by law for commencing a criminal action
13 for the crime with which the defendant was charged, has lapsed
14 since the date of the alleged offense.

15 6. If a defendant is found incompetent pursuant to this section,
16 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 that
18 finding to be transmitted to the Central Repository for Nevada
19 Records of Criminal History, along with a statement indicating that
20 the record is being transmitted for inclusion in each appropriate
21 database of the National Instant Criminal Background Check
22 System.

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

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

28 *"National Crime Information Center" means the computerized*
29 *information system created and maintained by the Federal Bureau*
30 *of Investigation pursuant to 28 U.S.C. § 534.*

31 **Sec. 6.** NRS 179A.010 is hereby amended to read as follows:

32 179A.010 As used in this chapter, unless the context otherwise
33 requires, the words and terms defined in NRS 179A.020 to
34 179A.073, inclusive, *and section 5 of this act* have the meanings
35 ascribed to them in those sections.

36 **Sec. 7.** NRS 179A.075 is hereby amended to read as follows:

37 179A.075 1. The Central Repository for Nevada Records of
38 Criminal History is hereby created within the General Services
39 Division of the Department.

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

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

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



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

- 7 (a) Through an electronic network;
- 8 (b) On a medium of magnetic storage; or
- 9 (c) In the manner prescribed by the Director of the Department,

10 ↪ within the ~~period prescribed by the Director of the Department.~~
11 *60 days after the date of the disposition of the case.* If an agency
12 has submitted a record regarding the arrest of a person who is later
13 determined by the agency not to be the person who committed the
14 particular crime, the agency shall, immediately upon making that
15 determination, so notify the Division. The Division shall delete all
16 references in the Central Repository relating to that particular arrest.

17 4. The Division shall, in the manner prescribed by the Director
18 of the Department:

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

21 (1) Records of criminal history; and

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

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

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

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

35 5. The Division may:

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

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

41 (c) Request of and receive from the Federal Bureau of
42 Investigation information on the background and personal history of
43 any person whose record of fingerprints the Central Repository
44 submits to the Federal Bureau of Investigation and:



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

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

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

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

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

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

23 6. The Central Repository shall:

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

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

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

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

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

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

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

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



1 (e) Upon discovery, notify the superintendent of each county
2 school district, the governing body of each charter school or the
3 administrator of each private school, as appropriate, by providing
4 the superintendent, governing body or administrator with a list of all
5 persons:

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

7 (2) Employed by a county school district, charter school or
8 private school whose fingerprints were sent previously to the
9 Central Repository for investigation,

10 ➤ who the Central Repository's records indicate have been
11 convicted of a violation of NRS 200.508, 201.230, 453.3385,
12 453.339 or 453.3395, or convicted of a felony or any offense
13 involving moral turpitude since the Central Repository's initial
14 investigation. The superintendent of each county school district, the
15 governing body of a charter school or the administrator of each
16 private school, as applicable, shall determine whether further
17 investigation or action by the district, charter school or private
18 school, as applicable, is appropriate.

19 (f) Investigate the criminal history of each person who submits
20 fingerprints or has fingerprints submitted pursuant to NRS 62B.270,
21 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183,
22 449.122, 449.123 or 449.4329.

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

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

34 (i) Identify and review the collection and processing of
35 statistical data relating to criminal justice and the delinquency of
36 children by any agency identified in subsection 2 and make
37 recommendations for any necessary changes in the manner of
38 collecting and processing statistical data by any such agency.

39 7. The Central Repository may:

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

43 (b) Charge a reasonable fee for any publication or special report
44 it distributes relating to data collected pursuant to this section. The
45 Central Repository may not collect such a fee from an agency of



1 criminal justice, any other agency dealing with crime or the
2 delinquency of children which is required to submit information
3 pursuant to subsection 2 or the State Disaster Identification Team of
4 the Division of Emergency Management of the Department. All
5 money collected pursuant to this paragraph must be used to pay for
6 the cost of operating the Central Repository.

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

11 8. As used in this section:

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

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

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

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

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

24 179A.163 1. Upon receiving a record transmitted pursuant to
25 NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310,
26 the Central Repository ~~shall~~ :

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

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

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

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

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

42 (c) The information reported in the record must be removed
43 from the National Instant Criminal Background Check System ~~+~~
44 *and the National Crime Information Center.*



1 3. To the extent authorized by federal law, if the record
2 concerning the petitioner was transmitted to the Central Repository
3 pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or
4 433A.310, the petitioner may not file a petition pursuant to
5 subsection 2 until 3 years after the date of the order transmitting the
6 record to the Central Repository.

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

8 (a) Filed in the court which made the adjudication or finding
9 pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or
10 433A.310; and

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

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

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

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

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

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

26 7. Except as otherwise provided in this subsection, the
27 petitioner must establish the provisions of subsection 6 by a
28 preponderance of the evidence. If the adjudication or finding
29 concerning the petitioner was made pursuant to NRS 159.0593 or
30 433A.310, the petitioner must establish the provisions of subsection
31 6 by clear and convincing evidence.

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

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

43 10. If the Central Repository fails to remove a record as
44 provided in subsection 9, the petitioner may bring an action to
45 compel the removal of the record. If the petitioner prevails in the



1 action, the court may award the petitioner reasonable attorney's fees
2 and costs incurred in bringing the action.

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

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

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

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

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

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

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

28 (d) Transmitting or reporting an inaccurate or incomplete
29 version of the record or taking any other required action concerning
30 an inaccurate or incomplete version 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
33 who is or believes he or she may be the subject of information
34 relating to records of mental health held by the Central Repository
35 to inspect and correct any information contained in such records.

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

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

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



* S B 2 4 0 R 1 *

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

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

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

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

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

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

17 (a) Transmitted to the Central Repository pursuant to NRS
18 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; or

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

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

23 49.213 There is no privilege pursuant to NRS 49.209
24 or 49.211:

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

29 2. For communications relevant to *any determination made*
30 *pursuant to NRS 202.360.*

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

34 ~~3.~~ 4. If disclosure is otherwise required by state or federal
35 law.

36 ~~4.~~ 5. For communications relevant to an issue in a
37 proceeding to determine the validity of a will of the patient.

38 ~~5.~~ 6. If there is an immediate threat that the patient will harm
39 himself or herself or other persons.

40 ~~6.~~ 7. For communications made in the course of a court-
41 ordered examination of the condition of a patient with respect to the
42 specific purpose of the examination unless the court orders
43 otherwise.

44 ~~7.~~ 8. For communications relevant to an issue in an
45 investigation or hearing conducted by the Board of Psychological



1 Examiners if the treatment of the patient is an element of that
2 investigation or hearing.

3 ~~18-1~~ 9. For communications relevant to an issue in a
4 proceeding relating to the abuse or neglect of a person with a
5 disability or a person who is legally incompetent.

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

7 49.245 There is no privilege under NRS 49.225 or 49.235:

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

12 2. *For communications relevant to any determination made*
13 *pursuant to NRS 202.360.*

14 3. As to communications made in the course of a court-ordered
15 examination of the condition of a patient with respect to the
16 particular purpose of the examination unless the court orders
17 otherwise.

18 ~~13-1~~ 4. As to written medical or hospital records relevant to an
19 issue of the condition of the patient in any proceeding in which the
20 condition is an element of a claim or defense.

21 ~~14-1~~ 5. In a prosecution or mandamus proceeding under chapter
22 441A of NRS.

23 ~~15-1~~ 6. As to any information communicated to a physician in
24 an effort unlawfully to procure a dangerous drug or controlled
25 substance, or unlawfully to procure the administration of any such
26 drug or substance.

27 ~~16-1~~ 7. As to any written medical or hospital records which are
28 furnished in accordance with the provisions of NRS 629.061.

29 ~~17-1~~ 8. As to records that are required by chapter 453 of NRS
30 to be maintained.

31 ~~18-1~~ 9. If the services of the physician are sought or obtained to
32 enable or aid a person to commit or plan to commit fraud or any
33 other unlawful act in violation of any provision of chapter 616A,
34 616B, 616C, 616D or 617 of NRS which the person knows or
35 reasonably should know is fraudulent or otherwise unlawful.

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

37 159.0593 1. If the court orders a general guardian appointed
38 for a proposed ward, the court shall determine, by clear and
39 convincing evidence, whether the proposed ward is a person with a
40 mental defect who is prohibited from possessing a firearm pursuant
41 to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding
42 pursuant to this section that the proposed ward is a person with a
43 mental defect, the court shall include the finding in the order
44 appointing the guardian and cause , *within 5 business days after*
45 *issuing the order*, a record of the order to be transmitted to the



1 Central Repository for Nevada Records of Criminal History, along
2 with a statement indicating that the record is being transmitted for
3 inclusion in each appropriate database of the National Instant
4 Criminal Background Check System.

5 2. As used in this section:

6 (a) "National Instant Criminal Background Check System" has
7 the meaning ascribed to it in NRS 179A.062.

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

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

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

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

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

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

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

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

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

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

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

41 6. ~~The failure of a person to request the Central Repository to~~
42 ~~perform a background check pursuant to this section before~~
43 ~~transferring a firearm to another person does not give rise to any~~
44 ~~civil cause of action.~~ *A private person who transfers a firearm to*
45 *another person is immune from civil liability for failing to request*



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

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

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

11 202.360 1. A person shall not own or have in his or her
12 possession or under his or her custody or control any firearm if the
13 person:

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

19 (b) Is a fugitive from justice; ~~to~~

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

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

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

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

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

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

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

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

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

42 ➔ A person who violates the provisions of this subsection is guilty
43 of a category D felony and shall be punished as provided in
44 NRS 193.130.

45 3. As used in this section:



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

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

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

6 202.362 1. Except as otherwise provided in subsection 3, a
7 person within this State shall not sell, *transfer* or otherwise dispose
8 of any firearm or ammunition to another person *or purchase a*
9 *firearm on behalf of or for another person with the intent to*
10 *transfer the firearm to that person* if he or she has ~~actual~~
11 ~~knowledge~~ *reasonable cause to believe* that the other person:

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

17 (b) Is ~~fa fugitive from justice;~~

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

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

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

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

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

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

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

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



1 **Sec. 16.3.** NRS 244.364 is hereby amended to read as follows:
2 244.364 1. *The Legislature hereby declares that:*

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

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

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

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

26 ~~—2.~~ 3. A board of county commissioners may proscribe by
27 ordinance or regulation the unsafe discharge of firearms.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

44 (c) *A public employer from regulating or prohibiting the*
45 *carrying or possession of firearms, firearm accessories or*



1 ammunition during or in the course of an employee's official
2 duties.

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

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

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

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

17 9. As used in this section:

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

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

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

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

34 (c) "Firearm accessories" means:

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

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

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

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

44 (2) Any person who:



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

3 (II) Owns, possesses, stores, transports, carries or
4 transfers firearms, ammunition or ammunition components within
5 a county; and

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

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

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

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

16 **Sec. 16.5.** NRS 268.418 is hereby amended to read as follows:
17 268.418 1. *The Legislature hereby declares that:*

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

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

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

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

41 ~~2.~~ 3. The governing body of a city may proscribe by
42 ordinance or regulation the unsafe discharge of firearms.

43 ~~3. If the governing body of a city in a county whose~~
44 ~~population is 700,000 or more has required by ordinance or~~
45 ~~regulation adopted before June 13, 1989, the registration of a~~



~~1 firearm capable of being concealed, the governing body shall amend
2 such an ordinance or regulation to require:~~

~~3 —(a) A period of at least 60 days of residency in the city before
4 registration of such a firearm is required.~~

~~5 —(b) A period of at least 72 hours for the registration of a pistol
6 by a resident of the city upon transfer of title to the pistol to the
7 resident by purchase, gift or any other transfer.~~

~~8 —4. Except as otherwise provided in subsection 1, as}~~

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

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

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

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

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

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

*44 (c) Liquidated damages in an amount equal to three times the
45 actual damages, reasonable attorney's fees and costs incurred by*



1 *the person if the court makes a final determination in favor of the*
2 *person.*

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

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

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

11 (c) *A public employer from regulating or prohibiting the*
12 *carrying or possession of firearms, firearm accessories or*
13 *ammunition during or in the course of an employee’s official*
14 *duties.*

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

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

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

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

28 **9. As used in this section:**

29 (a) *“Ammunition” includes, without limitation, fixed cartridge*
30 *ammunition and the individual components thereof, shotgun*
31 *shells and the individual components thereof, projectiles for*
32 *muzzle-loading firearms and any propellant used in firearms or*
33 *ammunition.*

34 (b) *“Firearm” ~~means~~ includes, without limitation, a pistol,*
35 *revolver, rifle, shotgun, machine gun, submachine gun, black*
36 *powder weapon, muzzle-loading firearm or any device which is*
37 *designed to ~~be used as a weapon from which~~, able to or able to be*
38 *readily converted to expel a projectile ~~may be expelled~~ through*
39 *the barrel by the ~~force~~ action of ~~any explosion or~~ an explosive,*
40 *other form of combustion ~~†~~*

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

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

45 (c) **“Firearm accessories” means:**



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

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

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

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

10 (2) *Any person who:*

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

13 (II) *Owens, possesses, stores, transports, carries or*
14 *transfers firearms, ammunition or ammunition components within*
15 *a city; and*

16 (III) *Is subject to the city ordinance or regulation at*
17 *issue.*

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

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

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

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

27 269.222 1. *The Legislature hereby declares that:*

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

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

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

42 2. Except as otherwise provided by specific statute, the
43 Legislature reserves for itself such rights and powers as are
44 necessary to regulate the transfer, sale, purchase, possession,
45 *carrying*, ownership, transportation, *storage*, registration and



1 licensing of firearms , *firearm accessories* and ammunition in
2 Nevada ~~{}~~ and ~~{no}~~ *to define such terms. No* town may infringe
3 upon those rights and powers. ~~{As used in this subsection, "firearm"~~
4 ~~means any weapon from which a projectile is discharged by means~~
5 ~~of an explosive, spring, gas, air or other force.~~

6 ~~—2.} 3.~~ A town board may proscribe by ordinance or regulation
7 the unsafe discharge of firearms.

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

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

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

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

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

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

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

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

42 *(a) Reimbursement of actual damages, reasonable attorney's*
43 *fees and costs which the person has incurred if, within 30 days*
44 *after the person commenced the action but before a final*



1 *determination has been issued by the court, the town board repeals*
2 *the ordinance or regulation that violates this section.*

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

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

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

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

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

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

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

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

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

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

38 **9. As used in this section:**

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

44 *(b) "Firearm" ~~means~~ includes, without limitation, a pistol,*
45 *revolver, rifle, shotgun, machine gun, submachine gun, black*



1 *powder weapon, muzzle-loading firearm or any device which is*
2 *designed to ~~[be used as a weapon from which]~~, able to or able to be*
3 *readily converted to expel a projectile ~~[may be expelled]~~ through*
4 *the barrel by the ~~[force]~~ action of ~~[any explosion or]~~ an explosive,*
5 *other form of combustion ~~†~~.*

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

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

10 (c) *“Firearm accessories” means:*

11 (1) *Devices specifically designed or adapted to enable the*
12 *wearing or carrying of a firearm or the storing in or mounting on*
13 *a conveyance of a firearm; or*

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

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

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

20 (2) *Any person who:*

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

23 (II) *Owms, possesses, stores, transports, carries or*
24 *transfers firearms, ammunition or ammunition components within*
25 *a town; and*

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

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

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

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

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

37 433A.310 1. Except as otherwise provided in NRS
38 432B.6076 and 432B.6077, if the district court finds, after
39 proceedings for the involuntary court-ordered admission of a
40 person:

41 (a) That there is not clear and convincing evidence that the
42 person with respect to whom the hearing was held has a mental
43 illness or exhibits observable behavior such that the person is likely
44 to harm himself or herself or others if allowed his or her liberty or if
45 not required to participate in a program of community-based or



1 outpatient services, the court shall enter its finding to that effect and
2 the person must not be involuntarily admitted to a public or private
3 mental health facility or to a program of community-based or
4 outpatient services.

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

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

19 (a) A program of community-based or outpatient services is
20 available in the community in which the person resides or is
21 otherwise made available to the person;

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

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

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

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

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

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

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

41 3. Except as otherwise provided in NRS 432B.608, an
42 involuntary admission pursuant to paragraph (b) of subsection 1
43 automatically expires at the end of 6 months if not terminated
44 previously by the medical director of the public or private mental
45 health facility as provided for in subsection 2 of NRS 433A.390 or



1 by the professional responsible for providing or coordinating the
2 program of community-based or outpatient services as provided for
3 in subsection 3 of NRS 433A.390. Except as otherwise provided in
4 NRS 432B.608, at the end of the court-ordered period of treatment,
5 the Division, any mental health facility that is not operated by the
6 Division or a program of community-based or outpatient services
7 may petition to renew the involuntary admission of the person for
8 additional periods not to exceed 6 months each. For each renewal,
9 the petition must include evidence which meets the same standard
10 set forth in subsection 1 that was required for the initial period of
11 admission of the person to a public or private mental health facility
12 or to a program of community-based or outpatient services.

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

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

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

35 **Sec. 18.** NRS 433C.130 is hereby amended to read as follows:
36 433C.130 The Department is designated as the official state
37 agency responsible for developing and administering preventive and
38 outpatient mental health services. The Department shall function in
39 the following areas:

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



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

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

5 4. Collecting and disseminating information pertaining to
6 mental health.

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

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

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

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

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

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

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

26 (a) *Has a duty to communicate a threat pursuant to subsection*
27 *1 is not subject to civil or criminal liability or disciplinary action*
28 *by a professional licensing board for disclosing confidential or*
29 *privileged information.*

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

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

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

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

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

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

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



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

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

5 (c) A social worker who:

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

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

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

11 (d) A registered nurse who:

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

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

16 (e) A marriage and family therapist licensed pursuant to
17 chapter 641A of NRS;

18 (f) A clinical professional counselor licensed pursuant to
19 chapter 641A of NRS; and

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

22 (1) Licensed or certified as a physician, psychologist,
23 marriage and family therapist, clinical professional counselor,
24 alcohol and drug abuse counselor or clinical alcohol and drug
25 abuse counselor in another state;

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

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

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

34 Sec. 5. ~~1. Except as otherwise provided in subsection~~
35 ~~2, the provisions of this act apply to ordinances or regulations~~
36 ~~adopted on or after June 13, 1989.~~

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

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



- 1 **Sec. 22.** 1. This section and sections 16.3, 16.5, 16.7, 20 and
2 21 of this act become effective upon passage and approval.
3 2. Sections 1 to 16, inclusive, 17, 18 and 19, of this act become
4 effective on October 1, 2015.

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