

Assembly Bill No. 451–Assemblymembers
Jauregui and O’Neill

CHAPTER.....

AN ACT relating to civil immunity; providing immunity from civil liability to licensed firearm dealers and local law enforcement agencies under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides immunity from civil liability to certain persons for acts or omissions under certain circumstances. (Chapter 41 of NRS) This bill extends immunity from civil liability under certain circumstances to a licensed firearm dealer or local law enforcement agency who returns a firearm to the owner of the firearm pursuant to a firearm hold agreement, wherein the licensed firearm dealer or local law enforcement agency: (1) takes possession of the owner’s firearm at the request of the owner; and (2) returns the firearm to the owner according to the terms of the agreement.

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

WHEREAS, Suicide is a public health crisis affecting countless Nevada families and communities daily; and

WHEREAS, According to the Office of Suicide Prevention of the Division of Public and Behavioral Health of the Department of Health and Human Services, this State had the highest state rate of suicide from 1999-2015 for people 65 years of age or older; and

WHEREAS, Suicide prevention for seniors, veterans, military members, their families and all Nevada residents requires expanded secure, out-of-home storage of firearms to reduce access to lethal means; and

WHEREAS, Encouraging temporary and voluntary out-of-home storage of firearms is a critical step in reducing suicide risk and saving lives as has been demonstrated by similar acts and programs in other states; and

WHEREAS, It is the intent of this act and the Legislature to facilitate efforts to reduce the risk of suicide by establishing limited civil liability protections for licensed firearm dealers and local law enforcement agencies who enter into agreements with owners of firearms who are voluntarily seeking to securely store their firearms; now, therefore,



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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a licensed firearm dealer or local law enforcement agency is immune from civil liability for any act or omission arising from a firearm hold agreement, including, without limitation, any personal injury or death which results after the return of any firearm to the owner of the firearm at the termination of a firearm hold agreement.

2. A licensed firearm dealer or local law enforcement agency is not immune from civil liability pursuant to subsection 1 if:

(a) An action arising from a firearm hold agreement was the result of gross negligence or reckless or unlawful conduct on the part of the licensed firearm dealer or local law enforcement agency; or

(b) The licensed firearm dealer or local law enforcement agency knew at the time the person sought to retrieve a firearm pursuant to a firearm hold agreement that the person was:

(1) Demonstrating behavior that the person would engage in the unlawful use of the firearm;

(2) Demonstrating behavior that the person would cause harm to himself or herself or another person; or

(3) Prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360.

3. As used in this section:

(a) "Firearm hold agreement" means a written or oral agreement between an owner of a firearm and a licensed firearm dealer or local law enforcement agency in which a licensed firearm dealer or local law enforcement agency:

(1) Takes possession of the owner's firearm at the request of the owner; and

(2) Returns the firearm to the owner according to the terms of the agreement.

(b) "Licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Secs. 2-17. (Deleted by amendment.)

