

Senate Bill No. 171—Senators D. Harris, Spearman,
Donate; Flores, Ohrenschall and Scheible

CHAPTER.....

AN ACT relating to crimes; prohibiting the purchase, possession or ownership of a firearm by a person who has been convicted of committing or attempting to commit a crime motivated by certain characteristics of the victim; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that if a person commits certain crimes ordinarily punishable as misdemeanors because of certain characteristics of the victim including race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, then the crime committed is punishable as a gross misdemeanor. (NRS 207.185) Existing law also prohibits a person from owning or having in his or her possession or under his or her custody or control any firearm if that person has been convicted of certain crimes. (NRS 202.360)

Section 1 of this bill prohibits a person from purchasing, owning or having in his or her possession or under his or her custody or control any firearm if the person has been convicted within the immediately preceding 10 years of committing or attempting to commit certain offenses that: (1) are punishable under the laws of this State as gross misdemeanors because the conduct of the offender was motivated by certain characteristics of the victim; or (2) under the laws of the United States or any state, territory or district require that the conduct of the offender was motivated by certain characteristics of the victim or resulted in a court imposing an additional penalty based on a finding that the conduct of the offender was motivated by certain characteristics of the victim. **Section 1** also prohibits a person from purchasing, owning or having in his or her possession or under his or her custody or control any firearm if the person has been convicted of committing or attempting to commit certain offenses involving violence that are motivated by certain characteristics of the victim.

Section 2 of this bill provides that a person who was convicted of certain offenses described in **section 1** before July 1, 2023, is not prohibited from owning or having in his or her possession or under his or her custody or control any firearm that the person legally owned before July 1, 2023.

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

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

Section 1. NRS 202.360 is hereby amended to read as follows:
202.360 1. A person shall not *purchase*, own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of the crime of battery which constitutes domestic violence pursuant to NRS 200.485, or a law of any other



jurisdiction that prohibits the same or substantially similar conduct, committed against or upon:

- (1) The spouse or former spouse of the person;
- (2) Any other person with whom the person has had or is having a dating relationship, as defined in NRS 33.018;
- (3) Any other person with whom the person has a child in common;
- (4) The parent of the person; or
- (5) The child of the person or a child for whom the person is the legal guardian.

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

(c) Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct and the court entered a finding in the judgment of conviction or admonishment of rights pursuant to subsection 7 of NRS 200.575;

(d) Except as otherwise provided in NRS 33.031, is currently subject to:

(1) An extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm while the order is in effect; or

(2) An equivalent order in any other state;

(e) Is a fugitive from justice;

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

(g) *Has been convicted of committing or attempting to commit a hate crime involving violence; or*

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

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

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



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

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

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

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

(e) Is illegally or unlawfully in the United States ~~or~~; or

(f) Has been convicted within the immediately preceding 10 years of committing or attempting to commit a hate crime.

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

3. As used in this section:

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

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

(c) "*Hate crime*" means:

(1) An offense which is punishable as a gross misdemeanor pursuant to NRS 207.185; or

(2) An offense under the laws of the United States or any state, territory or district:

(I) An element of which is that the conduct of the offender was motivated by the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons; or

(II) For which a court of competent jurisdiction imposed an additional penalty pursuant to a finding that the conduct of the offender was motivated by the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons.

(d) "Hate crime involving violence" means a hate crime involving a violation of NRS 200.471, 200.481, subparagraph (1), (3) or (4) of paragraph (a) of subsection 1 of NRS 200.571, NRS 200.575, 203.080 or 392.915 or a law of the United States or any state, territory or district that prohibits the same or substantially similar conduct.



Sec. 2. The provisions of NRS 202.360, as amended by section 1 of this act, do not prohibit a person who was convicted of a hate crime or a hate crime involving violence, as those terms are defined by section 1 of this act, before July 1, 2023, from owning or having in his or her possession or under his or her custody or control any firearm that the person legally owned before July 1, 2023.

Sec. 3. This act becomes effective on July 1, 2023.

