

SENATE BILL NO. 89—SENATOR PAZINA

PREFILED JANUARY 13, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to firearms. (BDR 15-174)

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 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:

1 Existing law provides that if a person commits certain crimes ordinarily
2 punishable as misdemeanors because of certain characteristics of the victim
3 including race, color, religion, national origin, physical or mental disability, sexual
4 orientation or gender identity or expression, then the crime committed is punishable
5 as a gross misdemeanor. (NRS 207.185) Existing law also prohibits a person from
6 owning or having in his or her possession or under his or her custody or control any
7 firearm if that person has been convicted of certain crimes. (NRS 202.360) **Section**
8 **1** of this bill prohibits a person from purchasing, owning or having in his or her
9 possession or under his or her custody or control any firearm if the person has been
10 convicted within the immediately preceding 10 years of committing or attempting
11 to commit certain offenses that: (1) are punishable under the laws of this State as
12 gross misdemeanors because the conduct of the offender was motivated by certain
13 characteristics of the victim; or (2) under the laws of the United States or any state,
14 territory or district, require that the conduct of the offender was motivated by
15 certain characteristics of the victim or resulted in a court imposing an additional
16 penalty based on a finding that the conduct of the offender was motivated by
17 certain characteristics of the victim. **Section 1** also prohibits a person from
18 purchasing, owning or having in his or her possession or under his or her custody or
19 control any firearm if the person has been convicted of committing or attempting to
20 commit certain offenses involving violence that are motivated by certain
21 characteristics of the victim. **Section 2** of this bill makes a conforming change to
22 provide that, for purposes of prosecuting a violation of **section 1**, each firearm
23 purchased by a person constitutes a separate violation.



24 **Section 3** of this bill provides that a person who was convicted of certain
25 offenses described in **section 1** before July 1, 2025, is not prohibited from owning
26 or having in his or her possession or under his or her custody or control any firearm
27 that the person legally owned before July 1, 2025.

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

1 **Section 1.** NRS 202.360 is hereby amended to read as follows:
2 202.360 1. A person shall not *purchase*, own or have in his
3 or her possession or under his or her custody or control any firearm
4 if the person:

5 (a) Has been convicted of the crime of battery which constitutes
6 domestic violence pursuant to NRS 200.485, or a law of any other
7 jurisdiction that prohibits the same or substantially similar conduct,
8 committed against or upon:

9 (1) The spouse or former spouse of the person;

10 (2) Any other person with whom the person has had or is
11 having a dating relationship, as defined in NRS 33.018;

12 (3) Any other person with whom the person has a child in
13 common;

14 (4) The parent of the person; or

15 (5) The child of the person or a child for whom the person is
16 the legal guardian.

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

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

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

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

34 (2) An equivalent order in any other state;

35 (e) Is a fugitive from justice;

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



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

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

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

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

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

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

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

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

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

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

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

28 3. A person shall not use or carry a firearm during and in
29 relation to, or possess a firearm in furtherance of, the commission of
30 any act in violation of NRS 453.321, 453.322, 453.337, 453.3385 or
31 453.401. A person who violates the provisions of this subsection is
32 guilty of a category B felony and shall be punished by imprisonment
33 in the state prison for a minimum term of not less than 1 year and a
34 maximum term of not more than 6 years, and may be further
35 punished by a fine of not more than \$5,000.

36 4. As used in this section:

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

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

41 (c) *"Hate crime" means:*

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

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



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

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

12 (d) "Hate crime involving violence" means a hate crime
13 involving a violation of NRS 200.471, 200.481, subparagraph (1),
14 (3) or (4) of paragraph (a) of subsection 1 of NRS 200.571, NRS
15 200.575, 203.080 or 392.915 or a law of the United States or any
16 state, territory or district that prohibits the same or substantially
17 similar conduct.

18 **Sec. 2.** NRS 202.3621 is hereby amended to read as follows:

19 202.3621 1. For purposes of prosecuting a violation of NRS
20 202.360, each firearm **purchased**, owned, possessed or under the
21 custody or control of a person constitutes a separate violation.

22 2. As used in this section, "firearm" includes any firearm that
23 is loaded or unloaded and operable or inoperable.

24 **Sec. 3.** The provisions of NRS 202.360, as amended by
25 section 1 of this act, do not prohibit a person who was convicted of a
26 hate crime or a hate crime involving violence, as those terms are
27 defined by section 1 of this act, before July 1, 2025, from owning or
28 having in his or her possession or under his or her custody or control
29 any firearm that the person legally owned before July 1, 2025.

30 **Sec. 4.** This act becomes effective on July 1, 2025.

