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<u>Nevada AB 340</u>	<u>ALEC Consistency in Firearms Regulation Act</u>
<p>(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the Constitution of the United States and the Constitution of the State of Nevada.</p>	<p>The purpose of this section is to establish complete state control over regulation and policy pertaining to firearms, firearm accessories, and ammunition in order to ensure that such regulation and policy is applied uniformly throughout this state to each person subject to the state's jurisdiction and to ensure protection of the right to keep and bear arms recognized by the Constitution of the United States [and of this State, if applicable].</p>
<p>(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.</p>	<p>(A) Except as otherwise provided in this section or as expressly authorized by a statute of this state, the regulation of all of the following is hereby declared to be the exclusive domain of the state:</p> <ol style="list-style-type: none"> (1) Firearms, firearm accessories, and ammunition. (2) The ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, firearm accessories, and ammunition. (3) Commerce in and taxation of firearms, firearm accessories, and ammunition. (4) Any other matter pertaining to firearms, firearm accessories, and ammunition.

<p>(c) This section shall be liberally construed to effectuate its purpose.</p>	<p>This section is to be liberally construed to effectuate its purpose.</p>
<p>4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.</p>	<p>(B) An ordinance, rule, resolution, or policy adopted by a political subdivision of this state, or an official action -- including in any legislative, police power, or proprietary capacity -- taken by an employee or agent of such political subdivision in violation of this section is void.</p>
<p>7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2013, may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation.</p>	<p>(D) A person adversely affected by any ordinance, resolution, rule, or practice promulgated or enforced in violation of Subsection (B) of this Section may file suit in an appropriate court for declarative and injunctive relief and for all actual and consequential damages attributable to the violation.</p>
<p>Notwithstanding any other provision of law, such a person is entitled to:</p>	<p>(E) Notwithstanding any other provision of law, a party who brings or maintains an action at law or in equity against a political subdivision that has regulated the ownership, possession, storage, carrying, transfer or transportation of firearms, firearm accessories, ammunition or ammunition components in violation of Subsection (B) of this Section shall be entitled to:</p>
<p>(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.</p>	<p>(1) Reimbursement of actual damages and reasonable attorney's fees and costs incurred if, within 30 days of commencement of the action but prior to a final determination by a court in favor of either party, the political subdivision rescinds or repeals the ordinance, resolution, rule or practice at issue in the action.</p>
<p>(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than</p>	<p>(2) Prejudgment liquidated damages if, after the expiration of the 30-day period in subparagraph (1) but prior to a final determination by a court in</p>

<p>30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.</p>	<p>favor of either party, the political subdivision rescinds or repeals the ordinance, resolution, rule or practice at issue in the action.</p>
<p>(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.</p>	<p>(3) Post-judgment liquidated damages upon a final determination by a court in favor of the party who brings or maintains the action.</p>
<p>8. This section must not be construed to prevent:</p> <p>(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.</p> <p>(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.</p> <p>(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.</p> <p>(d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.</p>	<p>(C) This section shall not be construed to prevent any of the following:</p> <p>(1) A duly organized law enforcement agency of a political subdivision from promulgating and enforcing rules pertaining to firearms, firearm accessories, or ammunition issued to or used by peace officers in the course of their official duties.</p> <p>(3) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.</p> <p>(2) An employer from regulating or prohibiting an employee's carrying or possession of firearms, firearm accessories, or ammunition during and in the course of the employee's official duties [except as provided in the jurisdiction's worker protection/parking lot law, if any].</p> <p>(4) The enactment or enforcement of a generally applicable zoning or business ordinance that includes firearms businesses along with other businesses, provided that an ordinance designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, or</p>

<p>(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.</p> <p>(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.</p> <p>(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.</p>	<p>display of firearms, firearm accessories, or ammunition that is otherwise lawful under the laws of this state is in conflict with this section and is void.</p> <p>(5) A political subdivision from enacting or enforcing rules of operation and use for any firearm range owned and operated by the political subdivision.</p> <p>(7) A political subdivision from sponsoring or conducting any firearm-related competition or educational or cultural program and from enacting and enforcing rules for participation in or attendance at such program.</p>
<p>As used in this section:</p> <p>(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.</p> <p>(b) "Firearm" {means} includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to {be used as a weapon from which}, able to or able to be readily converted to expel a projectile {may be expelled} through the barrel by the {force} action of {any explosion or} an explosive, other form of combustion</p>	<p>(1) "Ammunition" means fixed cartridge ammunition, shotgun shells, the individual components of fixed cartridge ammunition and shotgun shells, projectiles for muzzleloading firearms, and any propellant used in firearms or ammunition.</p> <p>(3) "Firearm" means a pistol, revolver, rifle, shotgun, machine gun, submachine gun, or black powder weapon which is designed to, capable of, or may be readily converted to expel a projectile by the action of an explosive.</p>

<p>(c) "Firearm accessories" means:</p> <p>(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or</p> <p>(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.</p>	<p>(2) "Firearm accessory" means a device specifically adapted to enable the wearing or carrying about one's person, or the storage or mounting in or on a conveyance, of a firearm, or an attachment or device specifically adapted to be inserted into or affixed onto a firearm to enable, alter, or improve the functioning or capabilities of the firearm.</p>
<p>(d) "Person" includes, without limitation:</p> <p>(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.</p> <p>(2) Any person who:</p> <p>(I) Can legally possess a firearm under state and federal law;</p> <p>(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and</p> <p>(III) Is subject to the county ordinance or regulation at issue.</p> <p>(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.</p>	<p>(4) "Person adversely affected" means, in addition to any person who otherwise has standing pursuant to the laws of the State to bring an action under this section,</p> <p>any person who:</p> <p>(a) Can legally possess a firearm under the laws of the State and the United States;</p> <p>(b) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within the political subdivision in question or would do so but for the ordinance, resolution, rule or practice at issue; and</p> <p>(c) Is, or if present in the political subdivision in question would be, subject to the ordinance, resolution, rule or practice at issue, whether or not specific enforcement action has been initiated or threatened against such person; or</p> <p>(d) A membership organization the members of which include a person described in subparagraphs (a) through (c) of this Section and that is dedicated in whole or in part to protecting the legal, civil or constitution rights of its membership.</p>

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

(5) "Political subdivision" means a county, city, township, school district, or any other subunit of this state.

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