

SENATE BILL NO. 302—SENATOR HARDY

MARCH 21, 2011

Referred to Committee on Transportation

SUMMARY—Prohibits the sale of black powder and smokeless gunpowder to certain persons. (BDR 42-981)

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

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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 sale of black powder and smokeless gunpowder to certain persons; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under federal law, it is a crime for licensed importers, manufacturers, dealers
2 or collectors of firearms or ammunition to sell or deliver any firearm or
3 ammunition: (1) to a person who the licensee knows or reasonably believes is under
4 18 years of age; or (2) if the firearm is not a shotgun or rifle or the ammunition is
5 not for use in a shotgun or rifle, to a person who the licensee knows or reasonably
6 believes is under 21 years of age. (18 U.S.C. § 922(b)(1)) This bill similarly makes
7 it unlawful for a person to distribute: (1) black powder to a person who is under 18
8 years of age; or (2) smokeless gunpowder to a person who is under 18 years of age
9 or, if such smokeless gunpowder is not intended for use in a rifle or shotgun, to a
10 person who is under 21 years of age. A person who violates any such provision is
11 guilty of a misdemeanor, punishable by a fine of up to \$500.

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

1 **Section 1.** Chapter 476 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. Except as otherwise provided in subsection 2, any person***
4 ***who distributes:***

5 ***(a) Black powder to a person under the age of 18 years; or***

6 ***(b) Smokeless gunpowder to a person:***

7 ***(1) Under the age of 18 years; or***



* S B 3 0 2 R 1 *

1 (2) *Under the age of 21 years, if the smokeless gunpowder*
2 *is intended for use other than in a rifle or shotgun,*
3 *↪ is guilty of a misdemeanor and shall be punished by a fine of*
4 *not more than \$500.*

5 2. *A person shall be deemed to be in compliance with the*
6 *provisions of subsection 1 if, before the person distributes black*
7 *powder or smokeless gunpowder to another person, the person:*

8 (a) *Asks the other person to declare the intended use for the*
9 *black powder or smokeless gunpowder;*

10 (b) *Demands that the other person present a valid driver's*
11 *license or other written or documentary evidence which shows that*
12 *the other person meets the appropriate age requirement set forth*
13 *in subsection 1;*

14 (c) *Is presented a valid driver's license or other written or*
15 *documentary evidence which shows that the other person meets*
16 *the appropriate age requirement set forth in subsection 1; and*

17 (d) *Reasonably relies upon the declaration of intended use by*
18 *the other person and the driver's license or other written or*
19 *documentary evidence presented by the other person.*

20 3. *As used in this section, "distribute" has the meaning*
21 *ascribed to it in NRS 476.010.*

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