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Criminal Procedure; regulation of firearms and ammunition

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Criminal Procedure; regulation of firearms and ammunition

NEV. REV. STAT. §§ 244.____, 268.____, 269.____ (new).

AB 147 (Thompson); 1989 STAT. Ch. 308

(Effective June 13, 1989)

Chapter 308 reserves to the legislature the power to regulate firearms¹ and ammunition.² This power includes the regulation of ownership, possession, sale, purchase, transfer, registration, transportation, and licensing of firearms and ammunition.³ Pursuant to Chapter 308, a local governing body⁴ may regulate the unsafe discharge of firearms.⁵

DA

1. See 1989 Nev. Stat. Ch. 308, sec. 1, at 652 (definition of firearm).

2. *Id.* The power of the state to regulate will not be imposed where an existing statute is already in effect. *Id.* See *Harris v. State*, 83 Nev. 404, 407, 432 P.2d 929, 930 (1967) (right to prohibit possession of tear gas pen upheld as a proper exercise of state police power, and attack on statute as infringement on constitutional right to bear arms rejected). State laws providing for the regulation of possession or acquisition of firearms have generally been upheld as a reasonable exercise of police power. *Id.* at 930. See generally *Galvan v. Superior Court of San Francisco*, 70 Cal. 2d 851, 855, 452 P.2d 930, 933, 76 Cal. Rptr. 642, 645 (1969) (gun registration ordinance was not a violation of constitutional rights); *State v. Robinson* (Del.) 251 A.2d 552, 555 (1969) (statute prohibiting possession of firearms by a convicted felon upheld as a legitimate exercise of police power); *People v. Brown*, 253 Mich. 537, 542-43, 235 N.W. 245, 247 (1931) (statute concerning possession and sale of certain weapons was a reasonable exercise of police power).

3. 1989 Nev. Stat. Ch. 308, sec. 1-3, at 652 (enacting NEV. REV. STAT. §§ 244.____, 268.____, 269.____). The right of regulation may not be infringed upon by any county, city, or town. *Id.* The state's right to regulate firearms only applies to ordinances that become effective on or after the effective date of Chapter 308. *Id.* sec. 5 at 653.

4. Chapter 308 applies to counties, cities, and towns. *Id.* sec. 1-3.

5. *Id.* (a board of county commissioners may proscribe the unsafe discharge of firearms by ordinance or regulation), secs. 1, at 652 (enacting NEV. REV. STAT. § 244.____) (the governing body of a city may proscribe unsafe discharge); 2 (enacting § 268.____); (a town board may proscribe unsafe discharge); 3 (enacting § 269.____) (definition of board).