

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 26, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:10 a.m., Tuesday, May 26, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Melvin D. Close, Chairman
Senator Keith Ashworth, Vice Chairman
Senator Don W. Ashworth
Senator William J. Raggio
Senator Jean Ford
Senator William H. Hernstadt
Senator Sue Wagner

STAFF MEMBER PRESENT:

Shirley LaBadie, Committee Secretary

SENATE BILL NO. 703--Prohibits certain sexual contact without consent.

Ms. Florence McClure, Rape Crisis, Las Vegas, Nevada, stated she supported S. B. No. 703. She has been testifying since 1975 and hoped that the legislature could do something about the rape in the state. Victims do have it better now because they do not have to go into past sexual history. However there are still too many incidences and every law possible is needed to help a victim. On sexual contact, it will close a gap which is in the existing law with regards to the open and gross lewdness laws. Supreme court decisions have been rendered in various states and proven the law to be ineffective. She cited an incidence of a man in Las Vegas who repeatedly advertises in the paper for a girl friday, excellent salary and when a woman responds to the advertisement, he attempts to sexually assault her. When he was taken to court on this on a summons hearing, then a preliminary hearing which was never heard, that person was never prosecuted because of the looseness of the law. The charge which was made was open and gross lewdness.

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This man was in a position to hire excellent lawyers and the case was thrown out. Senator Don Ashworth asked how that could happen, it is an assault. Ms. McClure stated yes, but the charge was open and gross lewdness, they have been trying to get him on the roles as a sex offender and that was the charge put on him by the police department and the district attorney allowed it to stay. The theory was that because he closed the door so the employees could not observe, then the gross lewdness they did not go with either. She said Chuck Payne handled the case in justice court and did not have the points and authority the justice of the peace had asked for. Chairman Close stated this charge should have applied in this situation. Ms. McClure stated since the door was closed, the charge was not proper.

Ms. McClure stated Judge Howard McKibbin has reinstated the case again. She advised the committee this particular man spends a great deal of time at the law library reading the law books so he can handle his own cases. She said she has had many inquiries about what can be done about the man. She said she was going to spend a great deal of time following up on the cases.

She stated she was pleased that so many people were taken off of the exemption list for jury duty. It is possible that will be of a help to have a broader spectrum of persons on the juries. She stated there was an overhaul of the definitions done in 1977 on the crimes. She said she had been advised that the definition on gross lewdness would be sufficient, however that is no longer true. In speaking with the head of the sexual assault unit in Metro and he advised her that they definitely needed the sexual contact law proposed in S. B. No. 703.

Senator Wagner stated she felt the language was rather broad in Section 5, subsection 3 which defines "sexual contact". She asked if any other states had this legislation. Ms. McClure stated that touching may not be of great bodily harm to a woman but some of the acts committed against her could be. She stated she first heard of the law from the Nebraska people. She said Nebraska had indicated there had not been any problems with this legislation. Women have not been filing unnecessary charges under the sexual contact law in Nebraska.

Ms. McClure stated in 1955, under S. B. No. 52, there was a form of sexual contact included in that bill. Some of the legislators were concerned that charges would be filed without good reason. She stated if that occurred under the proposed legislation of S. B. No. 703, she would be the first one to come forward and asked that it be changed. She stated this law was patterned after the Nebraska law.

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Senator Raggio stated it had been his understanding that the touching of this kind had always been considered open and gross lewdness. Ms. McClure explained again the incidence which Senator Raggio had missed in the previous testimony. Senator Raggio stated he also felt there could be great potential for misuse if the bill was passed.

Ms. McClure stated the victims are not being helped and cases are being lost in court which should not be lost. Much of this is due to the attitudes of people regarding rape. Senator Raggio stated if the case she cited was ruled on in this way, he would challenge the judges if they ruled in this way.

Ms. McClure stated Massachusetts has also watered down the bill on open and gross lewdness. She said the states will follow suit to have an inbetween crime, one which is not as severe as sexual assault but in this category. She advised the committee the legislation would help the police department and the district attorney's office on marginal cases. Ms. McClure stated sexual assault went up 60% last year.

SENATE BILL NO. 684--Allows corporation listed on foreign securities exchange to register with gaming commission as publicly traded corporation under certain circumstances.

Ms. Patty Becker, Deputy Attorney General, Gaming Control Board and Commission, advised the committee she had talked to her clients and they agreed to study the concept of foreign securities exchanges or corporations acquiring gaming licensees over the next years and report back to the legislature in 1983. She said in speaking to Mr. Harvey Whittemore, he advised her that his clients have agreed to pay for any expenses involved in this study. Mr. Whittemore stated he would like to have the bill withdrawn, then he would sit down with the board and commission and work out a procedure to set up a schedule to determine what will take place. He said it was his understanding the study will be limited initially to Canada and England and they would determine what steps should be taken in respect to this particular issue.

Mr. Whittemore stated he had been advised that Mr. Stratton and Mr. Dodge had been contacted and agreed to this.

Chairman Close stated he wanted to make his position clear in this regard. He did not feel this is a priority issue which should be considered by the board or the commission. There are many more significant and important things to be reviewed. He did not want them to feel compelled to make any deal on this bill for his interest. And he did not want them to feel that because they have made this agreement with the clients of Mr.

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Whittemore that he had any position on the bill whatsoever in compelling them in making a study. Mr. Whittemore stated he understood the position of the chairman from his discussion with him.

Senator Raggio stated he had the same feelings. They should not be committed to make this study because it is time-consuming and there is a backlog of things pending which should be done first. He did not want them to think they had to appease the committee. Chairman Close stated he did not like the pressures put on them to come in and make a statement before the committee. It is not appropriate and he did not want them on the record as being committed to do anything because of this bill one way or the other. He felt too much pressure was put on the gaming people. The bill can go or not and the board can do what they want but he did not like the pressures placed on them.

Mr. Whittemore stated he did not initiate them at all. Ms. Becker stated that Mr. Bunker and Mr. Dodge had been contacted and they felt the concept was good.

Senator Hernstadt asked if an outside consulting firm could be used so that the existing staff would not be used. Mr. Whittemore stated he only wanted to open up some areas of communication basically involving the concept, he did not initiate this. It was their idea that a study should be conducted.

Senator Keith Ashworth stated his concern with the original bill is the same as what was being discussed. He had been involved with the New Jersey investigation and that was a tremendous task which took additional people and the investigations of the gaming control board was delayed. The gaming control personnel have sufficient work to do on monitoring and controlling gaming in the state of Nevada without investigating how people are behaving in other countries. The positions they have requested have been cut back and he felt his responsibility as a legislator is to control the gaming at home first.

Mr. Whittemore stated he had one point to make. The bill was not introduced without the board's knowledge and there had been prior discussions. What had occurred was that they had attempted to reach a consensus about the concept and wanted to indicate to the committee they are still trying to reach some kind of agreement. There has been discussion of this over a long period of time. Chairman Close stated he did not want any commitment from the board or the commission on this bill to the committee. He asked that Ms. Becker advise Mr. Bunker and Mr. Dodge to this effect. Mr. Whittemore stated he felt as a matter of courtesy that he tell the committee what had happened.

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SENATE BILL NO. 684

Senator Hernstadt moved to indefinitely postpone
S. B. No. 684.

Senator Raggio seconded the motion.

The motion carried. (Senator Wagner was absent for the vote.)

SENATE BILL NO. 358--Prohibits murderer from succeeding to community property.

Chairman Close advised the committee that the Assembly committee had amended S. B. No. 358 to provide that no person convicted of the murder of a decedent is entitled to any part of the decedent's share of a joint tenancy. Senator Raggio stated the committee needed to be advised by Mr. Daykin, Legislative Counsel whether or not this can be done on a joint tenancy.

Chairman Close asked Mr. Daykin what would happen if there were three joint tenants. How would the bill apply to this situation. Mr. Daykin stated if there was another independent joint tenant, he would be the sole owner of the property. Chairman Close asked then if the property would go to to the third party if there was a husband or wife or heirs. Mr. Daykin stated yes, and whenever a joint tenancy is established in that way without there being any reference to murder, if both the husband or wife had predeceased the joint tenant.

Senator Raggio asked if the bill as amended carry forth the contents of the original bill. Mr. Daykin replied yes and enlarges upon it.

Senator Don Ashworth asked if the bill passes which creates the right of survivorship in community property, would that be taken care of by this amendment. Mr. Daykin replied yes, because there is joint tenancy, then specifically with regard to community property, no person convicted is entitled to succeed to any portion of the decedents estate. Between one and four you would cover the right of survivorship in community property.

SENATE BILL NO. 358

Senator Keith Ashworth moved to concur with Assembly Amendment No. 1027.

Senator Raggio seconded the motion.

The motion carried (Senator Ford was absent for the vote.)

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ASSEMBLY BILL NO. 467--Increases penalty for first degree arson involving certain structures.

Chairman Close advised the committee he had received an amendment to A. B. No. 467 from the bill drafters. However the bill had been referred to Commerce and Labor. Senator Raggio stated there is a similar bill, S. B. No. 542 which has the same provisions as in sections 4 through 8. It is a bill designed to cover insurance fraud and arson which generally has all of these provisions. He had been advised there was a conflict between the two bills. Senator Raggio stated he would take care of the amendment and take care of it in the Commerce and Labor Committee.

ASSEMBLY BILL NO. 343--Reduces days of horse racing required at greyhound track. (Exhibit C)

Chairman Close advised the committee the Assembly Judiciary Committee had killed S. B. No. 67. The committee decided to review A. B. No. 343 and make amendments which would be acceptable to them. Senator Raggio stated he would not participate because of a conflict of interest, he represents the horse racing people in Clark County. However, he stated there is a problem because both bills contain the provision to remove the Sunset on the Racing Commission so something should be passed.

The committee reviewed the bill with the help of Mr. Frank Daykin. Chairman Close asked if the .05% figure of pari-mutuel money is dog handle, horse handle or both. Mr. Daykin replied both. Mr. Daykin in reviewing the language of the bill replied that he was wrong in his statement.

Chairman Close asked Mr. Daykin to explain what the word further meant on line 36. Mr. Daykin replied by starting back on line 28, first unless there are 40 or more days of horse racing conducted in the vicinity, this dog track has to make payments. His minimum payment is \$200,000 per year, then if half of one percent of all his pari-mutuel money amounts to more than \$200,000, he pays the half of one percent. Consequently the further down here, he pays the half of one percent as it comes in, such as daily. Then after his season is concluded at the end of the year, if that is not added up to the \$200,000, he has to pay the difference at that time because that is when it is ascertained and the minimum is reduced proportionately if there are some days of horse racing but fewer than 40.

Senator Wagner questioned if this was clear as drafted. Mr. Daykin stated he could rework it but you have to work backwards. Chairman Close stated he would let Mr. Daykin draft it as to how the committee felt was necessary.

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Mr. Daykin advised the committee that horse racing is approved a year at a time by the commission.

Chairman Close asked that line 35 be explained. Mr. Daykin said that is the one half of one percent and must be paid daily and any further amount at the close of dog racing for the calendar year.

It was suggested that charriot races be included on line 35. On line 41, the amount would be made from \$25 up to \$200. Chairman Close stated on page 2, line 19, delete the sentence starting on that line through 24. On line 36, \$2,500 comes out and it goes to \$1,000 per day for racing authorized by the racing commission. On Line 27 insert approved by the racing commission if needed. Chairman Close asked that the motion to pass the bill out of committee also include the concepts of S. B. No. 67. Senator Keith Ashworth stated he would not vote for that.

ASSEMBLY BILL NO. 343

Senator Hernstadt moved to amend and Do Pass A. B. No. 343 and include the provisions of S. B. No. 67.

Senator Ford seconded the motion.

The motion carried. (Senator Keith Ashworth voted against the motion. Senator Raggio was absent for the vote.)

ASSEMBLY BILL NO. 157--Requires report of abuse and neglect of older person and provides penalty therefor. (Exhibit D)

The committee reviewed A. B. No. 157 and the following motion was made.

Senator Ford moved to amend and Do Pass A. B. No. 157 and refer to Finance.

Senator Wagner seconded the motion.

The motion carried. (Senators Raggio, Don Ashworth and Hernstadt were absent for the vote.)

The meeting recessed at 11:00 a.m for the session on the floor, to be reconvened upon adjournment.

The meeting was called to order at 12:15 p.m.

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SENATE BILL NO. 429--Regulates sale of time-share estates and time-share licenses.

Chairman Close advised the committee the amendments to the bill had been returned and that Senate Finance had approved the bill. Senator Raggio stated there was a problem with the grandfather clause. It grandfathers all time shares sold to purchasers before July 1, 1981 and they are exempt from the provisions of this act. The developer of any project for a time share property for which time share parcels are not completely sold before July 1, 1981 shall submit to the division the application required by this act no later than September 1, 1981. That does not grandfather in those projects that are now selling right to use concepts. The committee decided to have this changed by amendment.

SENATE BILL NO. 703--Prohibits certain sexual contact without consent.

Senator Keith Ashworth moved to indefinitely postpone S. B. No. 703.

Senator Raggio seconded the motion.

The motion failed. (Senator Keith Ashworth, Raggio and Hernstadt voted for the motion. Senator Close voted against the motion. Senator Wagner and Ford were absent for the vote.)

ASSEMBLY BILL NO. 447--Revises procedures for providing compensation to certain victims of crimes. (Exhibit E)

The committee reviewed A. B. No. 447 and suggested some possible ways of funding. The committee decided to limit the award to \$5,000 and use the bailbond funds. Claims would be taken in the order received.

Senator Wagner moved to amend and do Pass A. B. No. 447.

Senator Keith Ashworth seconded the motion.

The motion carried. (Senator Hernstadt was absent for the vote.)

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ASSEMBLY BILL NO. 533--Clarifies circumstances under which bail may be denied on charge of first degree murder. (Exhibit F)

Senator Keith Ashworth moved to amend and do Pass A. B. No. 533.

Senator Raggio seconded the motion.

The motion carried (Senator Hernstadt was absent for the vote.)

ASSEMBLY BILL NO. 534--Revises procedure for certain injunctions and repeals certain sections or crimes relating to exhibition and sale of obscene materials to minors. (Exhibit G)

Senator Ford moved to do Pass A. B. No. 534.

Senator Don Ashworth seconded the motion.

The motion carried. (Senator Hernstadt and Keith Ashworth were absent for the vote.)

There being no further business, the meeting adjourned at 4:50 p.m.

Respectfully submitted:



Shirley LaBadie, Secretary

APPROVED BY:



Senator Melvin D. Close, Chairman

DATE: May 30, 1981

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213

Day Tuesday, Date May 26, Time 8:00 a.m.

S. B. No. 703--Prohibits certain sexual contact without consent.

SENATE COMMITTEE ON JUDICIARY

EXHIBIT B

DATE: May 24, 1981

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME

ORGANIZATION & ADDRESS

TELEPHONE

Therese McClure *Hope Crisis* *Las Vegas, Nev*

(REPRINTED WITH ADOPTED AMENDMENTS)

FOURTH REPRINT

A. B. 343

ASSEMBLY BILL NO. 343—ASSEMBLYMEN
JEFFREY AND THOMPSON

MARCH 13, 1981

Referred to Committee on Commerce

SUMMARY—Reduces days of horse racing required at greyhound track.
(BDR 41-887)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to racing; reducing the number of days of horse racing required at a greyhound track; reducing the tax paid to the state on pari-mutuel wagering on horse races and establishing a minimum to be distributed as purses for horse races; vesting the entire control of licensing for the conduct of racing and of pari-mutuel wagering at racetracks in the Nevada gaming commission and state gaming control board; limiting the conduct of pari-mutuel wagering to the enclosure wherein the race is conducted; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 466.020 is hereby amended to read as follows:
2 466.020 As used in this chapter, *unless the context otherwise*
3 *requires*, "commission" means the Nevada racing commission.
- 4 SEC. 2. NRS 466.030 is hereby amended to read as follows:
5 466.030 1. The Nevada racing commission, consisting of five mem-
6 bers appointed by the governor, is hereby created.
- 7 2. **[The]** *Except as otherwise provided in this chapter for licenses to*
8 *conduct racing and pari-mutuel wagering, the jurisdiction, supervision,*
9 *powers and duties of the commission extend to all persons, associations*
10 *or corporations which hold or conduct any meeting within the State of*
11 *Nevada where any racing is permitted for any stake, purse or reward.*
- 12 3. The commission may adopt regulations **[for the conduct of horse**
13 **and greyhound racing.]** *to carry out its powers and duties under this*
14 *chapter.*
- 15 SEC. 3. NRS 466.090 is hereby amended to read as follows:
16 466.090 1. No person or persons, association or corporation, except
17 state fair associations, agricultural societies, county fair and recreation
18 boards, and other associations to which state or county aid is given,
19 **[shall]** *may hold or conduct any meeting within the State of Nevada*

1 where racing is permitted for any stake, purse or reward, except when
2 **[such]** the person, association or corporation is licensed by the Nevada
3 gaming commission as provided in this chapter.

4 2. It is unlawful for any person, firm, association or corporation,
5 either as owner, lessee or employee, whether for hire or not, to oper-
6 ate, carry on, conduct or maintain in the State of Nevada any form of
7 wagering under the system known as the pari-mutuel method of wager-
8 ing on any racing event, without having first procured a license for the
9 same as provided in this chapter.

10 3. No alien or any person except a citizen of the United States
11 **[shall]** may be issued a pari-mutuel wagering license, or shall directly or
12 indirectly own, operate or control any game or device so licensed.

13 SEC. 4. NRS 466.095 is hereby amended to read as follows:
14 466.095 The Nevada gaming commission shall not issue any license
15 to conduct pari-mutuel wagering in connection with any greyhound race
16 unless:

17 1. Greyhound racing is permitted by a special charter of a city to
18 be conducted in that city and a license to conduct the race has been
19 issued by the city council or other governing body of such city; or

20 2. The county license board of a county having a population of less
21 than 100,000 has issued a license to conduct the race in the county
22 outside of an incorporated city or incorporated town.

23 SEC. 5. NRS 466.100 is hereby amended to read as follows:

24 466.100 1. Any natural person, **[or persons,]** association or cor-
25 poration desiring to conduct racing within the State of Nevada during any
26 calendar year **[shall apply to the commission]** must apply to the state
27 gaming control board for a license so to do.

28 **[2. An application shall be filed with the secretary of the com-**
29 **mission on or before a date to be fixed by the commission.]** The appli-
30 cation **[shall:]** must:

31 (a) Specify the days on which such race meeting is desired to be
32 conducted or held.

33 (b) Be in such form and supply such data and information as the
34 **[commission shall prescribe.]** board prescribes.

35 2. The board shall investigate the applicant, and any other person
36 whom it believes necessary to determine the applicant's suitability to
37 receive a license to conduct racing. The cost of the investigation must
38 be paid by the applicant. The board shall recommend in writing to the
39 Nevada gaming commission either approval or denial of the license. If
40 denial is recommended, the board shall prepare and file with the com-
41 mission its written reasons for that recommendation. If the board recom-
42 mends denial, the Nevada gaming commission may grant the license only
43 by unanimous vote of the members present.

44 3. The decision of the Nevada racing commission on the award of all
45 dates **[shall be]** is final, but the commission shall, in awarding dates,
46 give preference to agricultural associations for the dates on which each
47 has conducted racing in previous years.

48 4. The Nevada gaming commission **[shall have the power to]** may
49 revoke, modify or suspend a license or **[to]** refuse to issue **[the same]**
50 a license if it has reasonable cause to believe that the public interest can

1 best be served [.] by such an action. No license may be revoked or sus-
2 pended until after a hearing held by [the] that commission after notice
3 in writing to the licensee or his agent or employee in charge of the
4 licensed premises. The reasons for such [action shall] an action must be
5 written in full in the records of [the] that commission. The action of
6 [the] that commission in revoking, modifying, suspending or refusing to
7 issue a license as requested by an applicant is subject to review by the
8 courts of this state.

9 5. [The commission shall not grant a license to conduct pari-mutuel
10 wagering in connection with any racing event unless and until the appli-
11 cant has been investigated as provided in NRS 466.105.

12 6. A.] The Nevada gaming commission may issue a license to con-
13 duct greyhound racing:

14 (a) [May be issued only] In a county whose population is 250,000
15 or more:

16 (1) Only if the license is issued in conjunction with a license to con-
17 duct horse racing and for a track on which horse racing is actually con-
18 ducted, unless the Nevada gaming commission, for good cause, modifies
19 or waives [such] those requirements for a period not exceeding 1 year
20 [from] after the date of opening; and

21 [(b) Shall provide that the days of greyhound racing shall not exceed
22 3 days to 1 day of horse racing in any 1 year.

23 7. Prior to] (2) Only on a condition that the licensee provide for
24 horse racing at least 40 days in each year.

25 (b) In any other county, only if the licensee:

26 (1) Provides for horse racing as required under paragraph (a); or

27 (2) Unless there are 40 or more days of horse racing, approved by
28 the Nevada racing commission, conducted within 100 miles of his track,
29 pays to the commission \$200,000 for each year or an amount equal to
30 0.5 percent of all pari-mutuel money handled, whichever is greater, to be
31 distributed by that commission as additional purses for horses racing in
32 this state. If fewer than 40 days of horse racing are so conducted, the
33 amount required by the preceding sentence is reduced by a proportion
34 equal to the ratio of days of horse racing actually conducted to days of
35 greyhound racing actually conducted. The percentage required by this
36 subparagraph must be paid daily, and any further amount required must
37 be paid at the close of dog racing for the calendar year. The Nevada
38 racing commission shall apportion \$1,000 to be distributed at each track
39 where horse racing is conducted on each day of racing authorized by
40 that commission, and the remainder of the money among those tracks in
41 proportion to the pari-mutuel money handled by each.

42 6. Before the running of any race meet licensed by the Nevada rac-
43 ing commission, the licensee shall post with [the] that commission cash
44 not to exceed [[\$50,000]] \$100,000, or a bond payable to the State of
45 Nevada in such amount, not to exceed \$50,000, as [the] that commis-
46 sion deems necessary, issued by a corporate surety authorized to do
47 business in this state, conditioned for the payment of all [moneys]
48 money due to the state, the payment of purses to the participants, and
49 the employees of the licensee. After the race meet the [same shall]
50 posted cash or bond must be returned or exonerated as the case may be,

1 upon full performance by the licensee. Agricultural associations conduct-
2 ing race meets are exempt from this subsection.

3 [8.] 7. A licensee holding a license to conduct greyhound racing
4 shall not sell any stock in [such] the enterprise to the public.

5 SEC. 6. NRS 466.105 is hereby amended to read as follows:

6 466.105 1. Every application for a license to conduct pari-mutuel
7 wagering under this chapter [shall] must be made upon forms prescribed
8 and furnished by the [racing commission].

9 2. The Nevada racing commission shall refer such applications to
10 the Nevada gaming commission for investigation, by the] state gaming
11 control board. [, of] *The board shall investigate* the applicant, includ-
12 ing its officers and directors, if any, [thereof. Such investigations shall
13 be conducted] in the same manner as [those for gaming license] appli-
14 cants [but subject to the rules and regulations of the racing commission.

15 3.] *for gaming licenses.*

16 2. The cost of each investigation made pursuant to this section
17 [shall] must be paid by the applicant. Investigation costs [shall] must
18 be charged on the same basis as those for gaming license investigations.

19 [4. The Nevada gaming commission, through the] 3. *The state*
20 gaming control board [, shall investigate such persons and applicants
21 as are referred by the racing commission and shall make a full and
22 complete report thereof to the racing commission.] *shall make its*
23 *recommendations to the Nevada gaming commission, and that com-*
24 *mission shall grant or deny licenses, in the same manner as prescribed*
25 *in chapter 463 of NRS for a state gaming license.*

26 SEC. 7. NRS 466.110 is hereby amended to read as follows:

27 466.110 1. A person, corporation or association shall not be given
28 a license to conduct more than 300 days each of horse and greyhound
29 racing, separately or simultaneously in any 1 year on any one track
30 within the State of Nevada.

31 2. The Nevada racing commission may, at any time or times, in its
32 discretion, authorize any person, corporation or association to transfer
33 its racing meet or meetings from its own track or place for holding races
34 to the track or place for holding races of any other person, corporation
35 or association. No such authority to transfer may be granted without
36 express consent of the person, corporation or association owning or
37 leasing the track to which [such] the transfer is made, but nothing in this
38 section affects in any manner the license fees, requirements, rights, con-
39 ditions, terms and provisions of NRS 466.120 or the provision for taxes
40 contained in NRS 466.125.

41 SEC. 8. NRS 466.115 is hereby amended to read as follows:

42 466.115 A license shall not be issued to conduct pari-mutuel wager-
43 ing at a track which is less than 100 miles from another track at which
44 pari-mutuel betting is already licensed to be conducted during the race
45 meet of [such track except] *the track first licensed unless:*

46 1. *The second track is a county fair race meeting authorized by the*
47 *commission which does not exceed 6 days in duration during that calen-*
48 *dar year [.] ; or*

49 2. *One of the tracks has qualified for licensing under subparagraph*
50 *(2) of paragraph (b) of subsection 6 of NRS 466.100.*

1 SEC. 9. NRS 466.125 is hereby amended to read as follows:

2 466.125 1. Each licensee conducting racing with pari-mutuel wager-
3 ing shall pay to the commission for the use of the State of Nevada a tax
4 at the rate of [3] 2 percent on all pari-mutuel [moneys] money handled
5 on horse races and 4 percent on all pari-mutuel [moneys] money
6 handled on greyhound races during the race meeting, 1 percent of which
7 [shall] must be paid to the commission pursuant to NRS 466.080, and
8 for greyhound races, 1 percent of which [shall] must be paid to the city
9 in which the races are to be conducted or if the race is to be conducted
10 outside any city, to the county in which the race is to be conducted.

11 2. State fair associations, agricultural societies, county fair and rec-
12 reation boards and county agricultural associations [are to] shall pay 1
13 percent only of total pari-mutuel [moneys] money handled during race
14 meetings.

15 3. *Each licensee conducting racing with pari-mutuel wagering, except*
16 *a state fair association, agricultural society, county fair and recreation*
17 *board, or other association to which state or county aid is given, shall*
18 *distribute no less than 8 percent of all pari-mutuel money handled on*
19 *horse races as purses to the owners of the horses winning those races.*

20 SEC. 10. NRS 466.130 is hereby amended to read as follows:

21 466.130 1. [In addition to the licensing of racing as provided in this
22 chapter, the commission is authorized in its discretion to] *The Nevada*
23 *racing commission may issue licenses for the holding of trotting and pac-*
24 *ing meetings and chariot races at which there may be offered stakes,*
25 *purses or awards.*

26 2. *The Nevada racing commission [shall have] has supervisory*
27 *powers over such meetings and those licensed in the same manner and to*
28 *the same extent, where not inappropriate, as it has by virtue of the pro-*
29 *visions of this chapter over those licensed under other provisions of this*
30 *chapter. Every applicant shall pay a license fee of not less than \$25 nor*
31 *more than \$200 for each day that races are held.*

32 [3. *The commission shall authorize not more than 100 days of racing*
33 *with betting privileges in any 1 year to any one track.*]

34 SEC. 11. NRS 466.155 is hereby amended to read as follows:

35 466.155 1. *It is unlawful for any person to operate a system of*
36 *pari-mutuel wagering on any licensed horse race or dog race outside the*
37 *enclosure wherein the race which is the subject of the wagering occurs.*

38 2. All other forms of wagering or betting on the results of any of
39 the races licensed under this chapter outside the enclosure where such
40 races or events [are licensed by the commission] occur are also illegal,
41 unless expressly authorized by the *Nevada gaming* commission.

42 SEC. 12. NRS 466.170 is hereby amended to read as follows:

43 466.170 1. *The Nevada racing commission may [make and adopt*
44 *rules and regulations, and thereafter modify the same, providing for the*
45 *pari-mutuel method of wagering on races and] adopt regulations for the*
46 *licensing, supervising, disciplining, suspending, finding and barring for*
47 *a racing, on any track under the jurisdiction of the commission, of horses,*
48 *greyhounds, owners, breeders, authorized agents, subagents, nominators,*
49 *trainers, jockeys, jockey apprentices, jockey agents and any other person,*

1 persons, organizations, associations or corporations [the] whose activi-
2 ties [of whom] affect the conduct or operation of licensed race meetings.

3 2. At a licensed race meeting or race, a person shall not enter a
4 horse or greyhound or participate as an owner, agent, nominator, trainer,
5 jockey, jockey apprentice, or jockey agent, without first procuring from
6 the commission a license so to do, and paying such fees as the com-
7 mission [shall determine] determines to be reasonable therefor. The
8 commission [is authorized to] may issue such licenses, and may revoke
9 [the same] them at any time for cause.

10 3. The [rules and] regulations of the commission may include, but
11 are not limited to, the following:

12 (a) A requirement for fingerprinting, or other method of identifica-
13 tion, of applicants and licensees;

14 (b) A requirement for information concerning applicants' antecedents,
15 habits and character; and

16 (c) The procedure and form of application which applicants shall
17 follow and complete prior to consideration of their applications by the
18 commission.

19 4. If any member of the commission is a resident within an agri-
20 cultural district which is conducting racing, [such member shall be]
21 that member is the representative of the commission at such race
22 meeting.

23 5. *The Nevada gaming commission may adopt regulations for the*
24 *conducting of pari-mutuel wagering under this chapter. The regulations*
25 *must be similar to that commission's regulations relating to the conduct*
26 *of gaming adopted pursuant to chapter 463 of NRS.*

27 SEC. 13. NRS 464.020 is hereby amended to read as follows:

28 464.020 1. The Nevada gaming commission [shall be] is charged
29 with the administration of this chapter for the protection of the public
30 and in the public interest.

31 2. The Nevada gaming commission [is empowered to] may adopt,
32 amend and repeal regulations governing, permitting and regulating the
33 pari-mutuel method of wagering on any sporting event [except] ,
34 including horse racing and dog racing. Such wagering [shall] must be
35 conducted only by the licensee and only within the enclosure wherein
36 the race or other sporting event which is the subject of the wagering
37 occurs and only on the dates determined and set by the Nevada gaming
38 commission.

39 3. The regulations of the Nevada gaming commission may include,
40 without limitation thereof, the following:

41 (a) Requiring fingerprinting of an applicant or licensee, or other
42 method of identification.

43 (b) Requiring information concerning an applicant's antecedents,
44 habits and character.

45 (c) Prescribing the method and form of application which any appli-
46 cant for a license under this chapter shall follow and complete prior to
47 consideration of his application by the Nevada gaming commission.

48 4. The Nevada gaming commission shall, and it is granted the
49 power to, demand access to and inspect all books and records of any

1 person licensed under this chapter pertaining to and affecting the sub-
2 ject of the license.

3 SEC. 14. Section 9 of chapter 688, Statutes of Nevada 1979, at page
4 1841, is hereby amended to read as follows:

5 Sec. 9. Unless continued or reestablished by express act of the
6 legislature, the following agencies terminate on July 1, 1981:

7 1. [The Nevada racing commission.

8 2.] The bureau of community health services established by the
9 state board of health.

10 [3.] 2. The real estate division of the department of com-
11 merce.

12 SEC. 15. Sections 10 and 11 of chapter 688, Statutes of Nevada
13 1979, at page 1841, are hereby repealed.

14 SEC. 16. This section and sections 14 and 15 of this act shall become
15 effective upon passage and approval.

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

A. B. 157

ASSEMBLY BILL NO. 157—ASSEMBLYMEN COULTER,
BARENGO, HAYES, FOLEY, THOMPSON, BANNER, SADER,
PRENGAMAN, WESTALL, JEFFREY, BREMNER, PRICE,
HORN, RUSK AND GLOVER

FEBRUARY 13, 1981

Referred to Committee on Judiciary

SUMMARY—Requires report of abuse and neglect of older person and provides penalty therefor. (BDR 16-697)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to crimes; requiring the report of the abuse, neglect or exploitation of an older person; providing a penalty; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 200 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 11, inclusive, of this act.
3 SEC. 2. *It is the policy of this state to provide for the cooperation of*
4 *law enforcement officials, courts of competent jurisdiction and all appro-*
5 *priate state agencies providing human services in identifying the abuse,*
6 *neglect and exploitation of older persons through the complete reporting*
7 *of abuse, neglect and exploitation of older persons.*
8 SEC. 3. *As used in sections 2 to 11, inclusive, of this act, unless the*
9 *context otherwise requires:*
10 1. "Abuse" means willful and unjustified:
11 (a) *Infliction of pain, injury or mental anguish; or*
12 (b) *Deprivation of food, shelter, clothing or services which are neces-*
13 *sary to maintain the physical or mental health of an older person.*
14 2. "Exploitation" means wrongful use of an older person or his
15 money or property to the advantage of another if the older person is
16 unable to care for himself.
17 3. "Neglect" means the failure of:
18 (a) *A person who has assumed legal responsibility or a contractual obli-*
19 *gation for caring for an older person who is unable to care for himself to*
20 *provide food, shelter, clothing or services which are necessary to maintain*
21 *the physical or mental health of the older person; or*

1 (b) An older person to provide for his own needs because of inability
2 to do so.

3 4. "Older person" means a person who is 62 years of age or older.

4 SEC. 4. 1. A report must be made within 3 working days after an
5 instance of abuse, neglect or exploitation is suspected to the local office
6 of the welfare division or to the aging services division of the department
7 of human resources or to any police department or sheriff's office when
8 there is reason to believe that an older person has been abused, neglected
9 or exploited. If the report of abuse, neglect or exploitation involves an
10 act or omission of the welfare division, aging services division or a law
11 enforcement agency, the report must be made to an agency other than
12 the one alleged to have committed the act or omission. Each agency, after
13 reducing the report to writing, shall forward a copy of the report to the
14 aging services division of the department of human resources.

15 2. Reports must be made by:

16 (a) Every physician, dentist, chiropractor, optometrist, resident and
17 intern licensed in this state who examines, attends or treats an older per-
18 son who appears to have been abused, neglected or exploited.

19 (b) The superintendent, manager or other person in charge of a hospi-
20 tal or similar institution, upon notification, which must be given by every
21 physician who has attended an older person who appears to have been
22 abused, neglected or exploited pursuant to his performance of services as
23 a member of the staff of the hospital or institution.

24 (c) Every professional or practical nurse, physician's assistant, psychol-
25 ogist, ambulance driver and ambulance attendant licensed or certified to
26 practice in this state, who examines, attends or treats an older person who
27 appears to have been abused, neglected or exploited.

28 (d) Every clergyman or social worker.

29 (e) Every person who maintains or is employed by a group care facil-
30 ity.

31 (f) Every attorney, unless he has acquired the knowledge of abuse,
32 neglect or exploitation from a client who has been or may be accused of
33 the abuse, neglect or exploitation.

34 3. A report may be filed by any other person.

35 SEC. 5. 1. The report required pursuant to section 4 of this act may
36 be made orally, by telephone or otherwise. The person who receives the
37 report must reduce it to writing as soon as possible.

38 2. The report must contain the following information, when possible:

39 (a) The name and address of the older person;

40 (b) The name and address of the person responsible for his care, if there
41 is one;

42 (c) The name and address, if available, of the person who is alleged to
43 have abused, neglected or exploited the older person;

44 (d) The nature and extent of the abuse, neglect or exploitation; and

45 (e) Any evidence of previous injuries.

46 SEC. 6. 1. The aging services division of the department of human
47 resources shall identify and record demographic information on the older
48 person who is alleged to have been abused, neglected or exploited and
49 the person who is alleged to be responsible for the abuse, neglect or
50 exploitation.

1 **SEC. 7. 1. Reports made pursuant to sections 4 and 5 of this act are**
2 **confidential.**

3 **2. Any person, law enforcement agency or public or private agency,**
4 **institution or facility who willfully releases data or information concern-**
5 **ing the reports and investigation of the abuse, neglect or exploitation of**
6 **older persons, except:**

7 **(a) Pursuant to criminal prosecution under the provisions of sections**
8 **3 to 11, inclusive, of this act; and**

9 **(b) To persons or agencies enumerated in subsection 3 of this sec-**
10 **tion,**
11 **is guilty of a misdemeanor.**

12 **3. Data or information concerning the reports and investigations of**
13 **the abuse, neglect or exploitation of an older person is available only to:**

14 **(a) A physician who has in his care an older person who he reasonably**
15 **believes may have been abused, neglected or exploited;**

16 **(b) An agency responsible for or authorized to undertake the care,**
17 **treatment and supervision of the older person;**

18 **(c) A district attorney or other law enforcement official who requires**
19 **the information in connection with an investigation of the abuse, neglect**
20 **or exploitation of the older person;**

21 **(d) A court which has determined, in camera, that public disclosure of**
22 **such information is necessary for the determination of an issue before it;**

23 **(e) A person engaged in bona fide research, but the identity of the sub-**
24 **jects of the report must remain confidential;**

25 **(f) A grand jury upon its determination that access to such records is**
26 **necessary in the conduct of its official business;**

27 **(g) Any comparable authorized person or agency in another jurisdic-**
28 **tion;**

29 **(h) A legal guardian of the older person, if the identity of the person**
30 **who was responsible for reporting the alleged abuse, neglect or exploita-**
31 **tion to the public agency is protected, and the legal guardian is not the**
32 **person suspected of the abuse, neglect or exploitation; or**

33 **(i) The person named in the report as allegedly being abused, neglected**
34 **or exploited, if that person is not legally incompetent.**

35 **4. If the person who is reported to have abused or neglected an older**
36 **person is the holder of a license or certificate issued pursuant to chapters**
37 **630 to 641 A, inclusive, of NRS, information contained in the report must**
38 **be submitted to the board which issued the license.**

39 **SEC. 8. Immunity from civil or criminal liability extends to every**
40 **person participating in good faith in the making of a report pursuant to**
41 **sections 4 and 5 of this act.**

42 **SEC. 9. In any proceeding resulting from a report made or action**
43 **taken pursuant to sections 3 to 11, inclusive, of this act or in any pro-**
44 **ceeding where the report of its contents or any other fact related thereto**
45 **or to the condition of the older person who is the subject of the report**
46 **may not be excluded on the ground that the matter would otherwise be**
47 **privileged against disclosure under chapter 49 of NRS.**

48 **SEC. 10. Any person who knowingly and willfully violates sections**
49 **3 to 11, inclusive, of this act is guilty of a misdemeanor.**

50 **SEC. 11. 1. Any adult person who willfully causes or permits an**

- 1 older person to suffer unjustifiable physical pain or mental suffering as a
2 result of abuse, neglect or exploitation, or who willfully causes or permits
3 an older person to be placed in a situation where the person may suffer
4 unjustifiable physical pain or mental suffering as the result of abuse,
5 neglect or exploitation, is guilty of a gross misdemeanor unless a more
6 severe penalty is prescribed by law for the act or omission which brings
7 about the abuse, neglect, danger or loss through exploitation.
- 8 2. A person who violates any provision of subsection 1, if substantial
9 bodily or mental harm results to the older person, shall be punished by
10 imprisonment in the state prison for not less than 1 year nor more than
11 6 years.
- 12 3. As used in this section, "permit" means permission that a reason-
13 able person would not grant and which amounts to a neglect of responsi-
14 bility attending the care and custody of an older person.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 447

ASSEMBLY BILL NO. 447—ASSEMBLYMEN PRICE, HORN, MELLO, BANNER, BENNETT, BERGEVIN, BEYER, BRADY, BREMNER, CAFFERATA, CHANEY, COULTER, CRADDOCK, DINI, DuBOIS, FOLEY, GLOVER, HAM, HAYES, JEFFREY, KOVACS, MALONE, MARVEL, MAY, NICHOLAS, POLISH, PRENGAMAN, REDELSPERGER, RHOADS, ROBINSON, RUSK, SADER, SCHOFIELD, STEWART, THOMPSON, VERGIELS, WESTALL, BARENGO, HICKEY AND RACKLEY

APRIL 7, 1981

Referred to Committee on Judiciary

SUMMARY—Revises procedures for providing compensation to certain victims of crimes. (BDR 16-608)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to certain victims of crimes; revising the procedure for providing compensation; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 217.010 is hereby amended to read as follows:
2 217.010 It is the policy of this state to [encourage the cooperation
3 and assistance of the public in law enforcement and to promote the pub-
4 lic welfare.] *provide assistance to persons who are victims of violent*
5 *crimes or the survivors of victims of violent crimes.*
6 SEC. 2. NRS 217.040 is hereby amended to read as follows:
7 217.040 "Dependents" means the relatives of a deceased *or injured*
8 *victim who were wholly or partially dependent upon his income at the*
9 *time of his death [and includes the child of such victim born after his*
10 *death.] or injury.*
11 SEC. 3. NRS 217.050 is hereby amended to read as follows:
12 217.050 "Personal injury" means actual bodily [harm.] *harm or*
13 *threat of bodily harm which results in a need for medical or psychological*
14 *treatment.*

1 SEC. 4. NRS 217.060 is hereby amended to read as follows:

2 217.060 "Relative" of any person [includes a spouse, parent, grand-
3 parent, stepparent, natural born, step or adopted child, grandchild,
4 brother, sister, half brother, half sister or parents of the spouse.] *includes:*

5 1. *A spouse, parent, grandparent or stepparent;*

6 2. *A natural born, step or adopted child;*

7 3. *A grandchild, brother, sister, half brother or half sister; or*

8 4. *A parent of a spouse.*

9 SEC. 5. NRS 217.070 is hereby amended to read as follows:

10 217.070 "Victim" means a person who is physically injured or
11 killed [:

12 1. While attempting to prevent the commission of a crime not ini-
13 tially involving:

14 (a) Self-defense of the life, limb or property of the victim;

15 (b) Defense of the life, limb or property of a relative of the victim;

16 (c) Defense of the life, limb or property of a person or institution
17 based upon a preexisting legal obligation on the part of the victim to
18 so defend; or

19 (d) An attempt to arrest a suspected criminal for any offense under
20 circumstances covered by paragraphs (a), (b) or (c) of this subsection.

21 2. While attempting to aid a police officer to arrest a suspected
22 criminal for any offense under circumstances other than those covered
23 by paragraphs (a), (b) or (c) of subsection 1.] *as the direct result*
24 *of a criminal act.*

25 SEC. 6. NRS 217.080 is hereby amended to read as follows:

26 217.080 Members of the board [shall serve without additional]
27 *are not entitled to compensation, but are entitled to subsistence allow-*
28 *ances and travel expenses pursuant to the provisions of NRS 281.160*
29 *while engaged in the performance of official duties under NRS 217.010*
30 *to 217.270, inclusive.*

31 SEC. 7. NRS 217.090 is hereby amended to read as follows:

32 217.090 1. The board may appoint one or more [hearing] *compen-*
33 *sation officers, who must [be licensed to practice law in this state, to con-*
34 *duct investigations and hearings and to take testimony in any proceeding*
35 *pursuant to NRS 217.010 to 217.270, inclusive, but final determinations*
36 *of any matter shall be only by the board. A hearing officer acting pursu-*
37 *ant to this section shall report his findings of fact and conclusions of law*
38 *to the board, together with the reasons therefor. The board shall act only*
39 *after the consideration of the report and such other evidence as it deems*
40 *appropriate.] have had responsible and successful administrative experi-*
41 *ence. Each compensation officer is entitled to receive wages of \$50 per*
42 *hour spent in performing his duties, but not more than \$250 per day, and*
43 *is entitled to a subsistence allowance and reimbursement for travel*
44 *expenses as provided for state officers and employees.*

45 2. *Compensation officers may:*

46 (a) *Grant, reduce or deny claims;*

47 (b) *Make immediate awards in cases of emergency; and*

48 (c) *Award attorney's fees.*

49 3. *Compensation officers shall:*

1 (a) Conduct an investigation to determine the eligibility of the appli-
2 cant for aid, including but not limited to:

3 (1) Compiling bills from physicians who have treated the victim for
4 his injury;

5 (2) Obtaining from the victim a signed affidavit indicating the
6 amount of any wages allegedly lost because of the injury; and

7 (3) Reviewing reports of peace officers and statements of witnesses.

8 (b) Swear witnesses and hear testimony, when necessary, in any pro-
9 ceeding pursuant to NRS 217.010 to 217.270, inclusive; and

10 (c) After conferring with the board, schedule hearings on any appeals
11 to the board of reduced or denied claims.

12 4. If an attorney admitted to practice law in this state has been
13 appointed as a compensation officer, he shall not represent or otherwise
14 assist a claimant for compensation with any matter relating to the cir-
15 cumstances which have or may result, directly or indirectly, in a claim.

16 SEC. 8. NRS 217.100 is hereby amended to read as follows:

17 217.100 1. Any person eligible for compensation under the provi-
18 sions of NRS 217.010 to 217.270, inclusive, may apply to the [board
19 for such compensation.] compensation officer for that compensation.
20 Where the person entitled to make application is:

21 (a) A minor, the application may be made on his behalf by a parent
22 or guardian.

23 (b) Mentally incompetent, the application may be made on his behalf
24 by a parent, guardian or other person authorized to administer his estate.

25 2. [Prior to] Before a hearing on any application, the applicant
26 [shall submit] must submit to the compensation officer reports, if rea-
27 sonably available, from all physicians who, at the time of or subsequent to
28 the victim's injury or death, treated or examined the victim in relation to
29 the injury for which compensation is claimed. If, in the opinion of the
30 [board,] compensation officer, reports on the previous medical history
31 of the victim or an examination of the victim and report thereon or a
32 report on the cause of death of the victim by an impartial medical expert
33 would aid the [board in its determination, the board] compensation offi-
34 cer in his determination, he may order such reports.

35 SEC. 9. NRS 217.110 is hereby amended to read as follows:

36 217.110 1. Upon receipt of an application for compensation, the
37 [board] compensation officer shall conduct an investigation. [and may
38 fix a time and place for a hearing.] If a hearing is to be held, the [board]
39 compensation officer shall give notice thereof to the applicant. [Such
40 hearing shall be held within 30 days of the board's receipt of such appli-
41 cation unless:

42 (a) The time limitation is waived in writing by the applicant; or

43 (b) There is a conflict with the hearing calendar of the hearing
44 officer.

45 In the case of a conflict in the hearing calendar, the hearing shall be
46 scheduled at the earliest possible date.] The hearing must be held within
47 30 days after the compensation officer's receipt of the application unless
48 this limitation is waived by the applicant.

49 2. The [board or its hearing] compensation officer may hold such
50 hearings, sit and act at such times and places, and take such testimony

1 as [it or] he may deem advisable. [The board or its hearing officer may
2 administer oaths or affirmations to witnesses.] The [board] *compensa-*
3 *tion officer* has full powers of subpoena and compulsion of attendance of
4 witnesses and production of documents; but no subpoena may be issued
5 except under the signature of a member of the board. Application to any
6 court for aid in enforcing [such] a subpoena may be made in the name of
7 the board only by a member thereof. Subpoenas may be served by any
8 person designated by the board.

9 3. The applicant and any other person having a substantial interest in
10 the outcome of a [proceeding] *hearing* may appear and be heard, pro-
11 duce evidence and cross-examine witnesses in person or by his attorney.
12 The [board or its hearing] *compensation officer* also may hear other
13 persons who may have relevant evidence to submit.

14 4. Any statement, document, information or matter may be received
15 in evidence if, in the opinion of the [board or its hearing] *compensation*
16 *officer*, it contributes to a determination of the claim, whether or not
17 [such] the evidence would be admissible in a court of law.

18 5. *Orders and decisions by the compensation officer are reviewable*
19 *on appeal to the board.* Orders and decisions of the board are final and
20 not subject to judicial review.

21 SEC. 10. NRS 217.140 is hereby amended to read as follows:

22 217.140 [The board may, as part of any order entered pursuant to
23 the provisions of NRS 217.010 to 217.270, inclusive, allow reasonable
24 attorney fees, but such fees shall not exceed 10 percent of the amount
25 awarded as compensation and shall be paid to the attorney representing
26 the applicant out of, not in addition to, the amount of such compensa-
27 tion.]

28 1. *The compensation officer may, as part of any order entered pur-*
29 *suant to the provisions of NRS 217.010 to 217.270, inclusive, allow rea-*
30 *sonable attorney's fees, but these fees may not exceed 10 percent of:*

31 (a) *The award; or*

32 (b) *The amount claimed in the application,*

33 *whichever is greater.*

34 2. It is unlawful for any attorney to ask for, contract for or receive
35 any larger sum than the amount so allowed.

36 SEC. 11. NRS 217.160 is hereby amended to read as follows:

37 217.160 The board may order the payment of compensation:

38 1. To or for the benefit of the [injured person;] *victim;*

39 2. [Where] *If* the victim has suffered personal injury, to any person
40 responsible for the maintenance of the victim who has suffered pecuniary
41 loss or incurred expenses as a result of [such] the injury; or

42 3. [Where] *If* the victim dies, to or for the benefit of any one or
43 more of the dependents of the victim.

44 SEC. 12. NRS 217.180 is hereby amended to read as follows:

45 217.180 1. In determining whether to make an order for compensa-
46 tion, the board shall consider the provocation, consent or any other
47 behavior of the victim which directly or indirectly contributed to his
48 injury or death, the prior case or social history, if any, of the victim,
49 need of the victim or his dependents for financial aid and other relevant
50 matters.

1 2. [In determining the amount of compensation to be allowed by
2 order, the board shall consider amounts received or receivable from any
3 other source by the victim or his dependents as a result of the incident or
4 offense giving rise to the application.] *If the claimant has received, or is*
5 *or may be entitled to receive, any amount on account of his injuries or*
6 *the death of another from:*

7 (a) *The person who committed the crime which caused the victim's*
8 *injury or from anyone paying on behalf of the offender;*

9 (b) *Insurance; or*

10 (c) *Any other public source or program of assistance,*
11 *he shall report the amounts received or to which he is or may be*
12 *entitled to the compensation officer or the board, and the board shall*
13 *reduce the award of compensation by that amount. Any of those sources*
14 *which is obligated to pay any amount after the award of compensation*
15 *shall pay the board any amount of compensation which has been paid*
16 *to the claimant and pay the remainder of the amount due to the claim-*
17 *ant.*

18 3. An order for compensation may be made whether or not any per-
19 son is prosecuted or convicted of any offense arising from the act on
20 which the claim for compensation is based.

21 SEC. 13. NRS 217.200 is hereby amended to read as follows:

22 217.200 1. The board may order the payment of compensation and
23 the award of a governor's certificate for meritorious citizen's service to a
24 victim as defined in [subsections 1 and 2 of] NRS 217.070 for:

25 (a) Medical expenses, and nonmedical remedial care and treatment
26 rendered in accordance with a religious method of healing, actually and
27 reasonably incurred as a result of the personal injury or death of the
28 victim;

29 (b) Loss of [earning power, actually] *earnings or support not to*
30 *exceed \$150 per week and reasonably incurred as a result of the total or*
31 *partial incapacity of the victim;*

32 (c) Pecuniary loss to the dependents of a deceased victim;

33 (d) Funeral expenses, not in excess of \$1,000, which are actually and
34 reasonably incurred as a result of the death of the victim; and

35 (e) Any other loss which results from the personal injury or death of
36 the victim and which the board determines to be reasonable.

37 2. An award of compensation may be made subject to such terms and
38 conditions as the board considers necessary or advisable with respect to
39 payment, disposition, allotment or apportionment of the award.

40 3. *No award may be made for less than \$100 or for more than*
41 *\$10,000.*

42 SEC. 14. NRS 217.210 is hereby amended to read as follows:

43 217.210 [No order for the payment of compensation may be made
44 unless the application is made within 2 years after the date of the per-
45 sonal injury or death on which the claim is based, and the personal
46 injury or death was the result of an incident or offense which was
47 reported to the police within 5 days of its occurrence or, if the incident
48 or offense could not reasonably have been reported within such period,
49 within 5 days of the time when a report could reasonably have been

1 made.] *An application for compensation must be made within 60 days*
2 *after the date the victim is capable of reporting the incident in which he*
3 *was injured. For good cause shown, the compensation officer may waive*
4 *the 60-day limitation.*

5 SEC. 15. NRS 217.220 is hereby amended to read as follows:

6 217.220 1. Compensation [shall] *must not be awarded if the*
7 *victim:*

8 (a) *Is a relative of the offender;*

9 (b) *Was, at the time of the personal injury or death of the victim, liv-*
10 *ing with the offender [as a member of his family or household or main-*
11 *taining a sexual relationship, whether illicit or not, with such person or*
12 *with any member of the family of such person;] in a continuing relation-*
13 *ship;*

14 (c) *Violated a penal law of this state, which caused or contributed to*
15 *his injuries or death;*

16 (d) *Was injured or killed as a result of the operation of a motor*
17 *vehicle, boat or airplane unless such vehicle, boat or airplane was used*
18 *as a weapon in a deliberate attempt to harm the victim; [or]*

19 (e) *Was not a resident of the State of Nevada at the time the incident*
20 *upon which the claim is based occurred [.] ; or*

21 (f) *Was a coconspirator, codefendant or accomplice of the offender*
22 *whose crime caused the victim's injuries.*

23 2. [No compensation may be awarded in an amount in excess of
24 \$5,000.] *The compensation officer shall deny an award if he determines*
25 *that the claimant will not suffer serious financial hardship.*

26 SEC. 16. NRS 217.240 is hereby amended to read as follows:

27 217.240 [Whenever an order for the payment of compensation for
28 personal injury or death is made pursuant to NRS 217.010 to 217.270,
29 inclusive, the board is, upon payment of the order, subrogated to the
30 cause of action of the applicant against the person or persons responsible
31 for such injury or death and may bring an action against such person or
32 persons for the amount of the damages sustained by the applicant. If an
33 amount greater than that paid pursuant to the order is recovered and
34 collected in any such action, the board shall pay the balance to the appli-
35 cant.] *When a claimant accepts an award, the State of Nevada is subro-*
36 *gated in the amount of the award to any right of action had by the*
37 *claimant for damages caused by the crime.*

38 SEC. 17. NRS 217.250 is hereby amended to read as follows:

39 217.250 The board shall prepare and transmit biennially to the [gov-
40 ernor and] legislature a report of its activities [under NRS 217.010 to
41 217.270, inclusive, including the name of each applicant, a brief descrip-
42 tion of the facts in each case and the amount of any compensation
43 awarded.] , *including:*

44 1. *The amount of compensation awarded;*

45 2. *The number of claimants;*

46 3. *The number of claimants who were denied compensation; and*

47 4. *The average length of time taken to award compensation, from*
48 *the date of receipt of the application to the date of the payment of com-*
49 *penensation.*

1 SEC. 18. NRS 217.260 is hereby amended to read as follows:

2 217.260 ~~["Funds"]~~ Money for payment of compensation ~~["as ordered~~
3 ~~by the board shall"]~~ must be paid from the ~~["emergency fund."]~~ fund for
4 *the compensation of victims of crimes, which is hereby created. Money in*
5 *the fund must be disbursed on the order of the board in the same manner*
6 *as other claims against the state are paid.*

7 SEC. 19. NRS 217.270 is hereby amended to read as follows:

8 217.270 Any person who knowingly obtains or attempts to obtain,
9 or aids or abets any person to obtain, by means of a willfully false state-
10 ment or representation or other fraudulent device, assistance to which he
11 is not entitled, or assistance greater than that to which he is entitled ~~["~~
12 ~~with the intent to defeat the purposes of"]~~ pursuant to NRS 217.010 to
13 217.260, inclusive, and sections 2 and 3 of this act, is guilty of a gross
14 misdemeanor.

15 SEC. 20. NRS 178.518 is hereby amended to read as follows:

16 178.518 Money collected pursuant to NRS 178.506 to 178.516,
17 inclusive, ~~["is to"]~~ must be paid over to the ~~["county treasurer."]~~ state treas-
18 *urer for deposit in the fund for compensation of victims of crimes.*

19 SEC. 21. NRS 179A.090 is hereby amended to read as follows:

20 179A.090 No agency of criminal justice in Nevada which has a
21 cooperative agreement with a repository of Nevada records of criminal
22 history may disseminate any record of criminal history which includes
23 information about a felony or a gross misdemeanor without first making
24 inquiry of the repository of Nevada records of criminal history, to obtain
25 the most current and complete information available, unless:

26 1. The information is needed for a purpose in the administration of
27 criminal justice for which time is essential, and the repository of Nevada
28 records of criminal history is not able to respond within the required time;

29 2. The full information requested and to be disseminated relates to
30 specific facts or incidents which are within the direct knowledge of an
31 officer, agent or employee of the agency which disseminates the informa-
32 tion;

33 3. The full information requested and to be disseminated was received
34 as part of a summary of records of criminal history from the Nevada rec-
35 ords of criminal history information repository within 30 days before the
36 information is disseminated;

37 4. The statute, executive order, court rule or court order under which
38 the information is to be disseminated refers only to information which is
39 in the files of the agency which makes the dissemination; ~~["or"]~~

40 5. The information requested and to be disseminated is for the
41 express purpose of research, evaluation or statistical activities to be based
42 upon information maintained in the files of the agency or agencies from
43 which the information is sought ~~["."]; or~~

44 6. *The information is requested by a compensation officer of the state*
45 *board of examiners pursuant to NRS 217.090.*

46 SEC. 22. NRS 217.190 is hereby repealed.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 553

**ASSEMBLY BILL NO. 553—COMMITTEE ON
WAYS AND MEANS**

APRIL 23, 1981

Referred to Committee on Ways and Means

SUMMARY—Requires annual training of civil defense personnel by civil defense and disaster agency. (BDR 36-1624)

**FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Effect less than \$2,000.**



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to civil defense; requiring the director of the civil defense and disaster agency to conduct annual training for civil defense personnel; providing for the payment of its cost by affected political subdivisions and state agencies; and providing other matters properly relating thereto.

***The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:***

- 1 **SECTION 1.** Chapter 414 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The director of the civil defense and disaster agency shall conduct*
4 *annual programs of training for members of local organizations of civil*
5 *defense and for state employees who are responsible for assistance*
6 *during emergencies. These members and state employees may attend*
7 *the training program each year.*
8 2. *Each political subdivision and state agency whose personnel attend*
9 *a training program shall reimburse the civil defense and disaster agency*
10 *for the costs of that training.*

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 534

ASSEMBLY BILL NO. 534—COMMITTEE ON JUDICIARY

APRIL 21, 1981

Referred to Committee on Judiciary

SUMMARY—Revises procedure for certain injunctions and repeals certain sections or crimes relating to exhibition and sale of obscene materials to minors. (BDR 16-695)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to obscene materials; revising procedure to obtain an injunction against certain sales, exhibitions or other use; repealing certain sections or crimes relating to exhibition and sale of obscene materials to minors; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 200.5011 is hereby amended to read as follows:
2 200.5011 As used in NRS 200.501 to 200.509, inclusive, and sec-
3 tion 1 of [this act:] *Assembly Bill No. 269 of the 61st session of the*
4 *Nevada legislature:*
5 1. "Child abuse and neglect" means the nonaccidental physical or
6 mental injury, sexual abuse, negligent treatment or maltreatment of a
7 child under the age of 18 years by a person who is responsible for the
8 child's welfare under circumstances which indicate that the child's health
9 or welfare is harmed or threatened thereby.
10 2. "Sado-masochistic abuse" [has the meaning ascribed to it in NRS
11 201.262.] *means:*
12 (a) *Flagellation or torture practiced by or upon a person; or*
13 (b) *The condition of being fettered, bound or otherwise physically*
14 *restrained,*
15 *if the flagellation, torture or physical restraint can be reasonably con-*
16 *strued as being for the purpose of sexual arousal or gratification.*
17 3. "Sexual abuse" includes but is not limited to acts upon a child
18 constituting:
19 (a) Incest under NRS 201.180;
20 (b) The infamous crime against nature under NRS 201.190;
21 (c) Lewdness with a child under NRS 201.230;
22 (d) Annoyance or molestation of a minor under NRS 207.260;

1 (e) Sado-masochistic abuse;

2 (f) Sexual assault under NRS 200.366; and

3 (g) Statutory sexual seduction under NRS 200.368.

4 SEC. 2. NRS 201.241 is hereby amended to read as follows:

5 201.241 1. The district attorney or city attorney of any county or
6 city, respectively, in which there is an item or material which he believes
7 to be obscene, may file a complaint in the district court seeking to have
8 the item or material declared obscene and to enjoin the possessor and
9 the owner from selling, renting, exhibiting, reproducing, manufacturing
10 or distributing it and from possessing it for any purpose other than per-
11 sonal use.

12 2. In such an action, no temporary restraining order may be [issued,
13 but irreparable injury or a threat thereof need not be shown in order to
14 obtain a preliminary injunction against a defendant.] issued.

15 3. *A trial on the merits must be held not earlier than 5 days after*
16 *the answer is filed nor later than 35 days after the complaint is filed.*
17 *The court shall render a decision within 2 days after the conclusion of*
18 *the trial.*

19 SEC. 3. NRS 201.257 is hereby amended to read as follows:

20 201.257 "Harmful to minors" means that quality of any description
21 or representation, *whether constituting all or a part of the material con-*
22 *sidered*, in whatever form, of nudity, sexual conduct, sexual excitement
23 or sado-masochistic abuse which predominantly appeals to the prurient,
24 shameful or morbid interest of minors, is patently offensive to prevailing
25 standards in the adult community [as a whole] with respect to what is
26 suitable material for minors, and is [utterly without redeeming social
27 importance for minors.] *without serious literary, artistic, political or*
28 *scientific value.*

29 SEC. 4. NRS 201.262 is hereby amended to read as follows:

30 201.262 "Sado-masochistic abuse" means [flagellation] :

31 1. *Flagellation or torture practiced by or upon a person whether or*
32 *not clad in undergarments, a mask or bizarre costume [, or the] ; or*

33 2. *The condition of being fettered, bound or otherwise physically*
34 *restrained. [on the part of one so clothed.]*

35 SEC. 5. NRS 201.265 is hereby amended to read as follows:

36 201.265 A person is guilty of a misdemeanor who knowingly:

37 1. Exhibits for sale, sells or loans for monetary consideration to a
38 minor, or exhibits for sale to an adult in such a manner or location as
39 to allow a minor to view or have access for examination any picture,
40 photograph, drawing, sculpture, motion picture film, or similar visual
41 representation or image of a person or portion of the human body which
42 depicts nudity, sexual conduct or sado-masochistic abuse and is harmful
43 to minors.

44 2. Exhibits for sale, sells or loans for monetary consideration to a
45 minor, or exhibits for sale to an adult in such a manner or location as
46 to allow a minor to view, read, hear or examine any book, pamphlet,
47 magazine, printed matter, however reproduced, or sound recording, with
48 or without music, which contains any matter enumerated in subsection
49 1, or explicit and detailed verbal descriptions or narrative accounts of

1 sexual excitement, sexual conduct or sado-masochistic abuse, which
2 **[taken as a whole]** is harmful to minors.

3 3. Exhibits for monetary consideration to a minor, sells to a minor
4 an admission ticket or pass or admits a minor, for monetary considera-
5 tion, to premises whereon there is exhibited a motion picture, show or
6 other presentation which, in whole or in part, depicts nudity, sexual
7 conduct or sado-masochistic abuse and is harmful to minors, unless
8 **[such]** *the* minor is accompanied by his parent, guardian or spouse.

9 4. Misrepresents that he is the parent, guardian or spouse of a
10 minor for the purpose of obtaining admission of **[such]** *the* minor to
11 any motion picture, show or any other presentation which is harmful to
12 minors.

13 5. Misrepresents his age as 18 or over for the purpose of obtaining
14 admission to any motion picture, show or other presentation which is
15 harmful to minors.

16 SEC. 6. NRS 201.258 is hereby repealed.

17 SEC. 7. Section 1 of this act shall become effective at 12:01 a.m. on
18 July 1, 1981.