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ASSEMBLY BILL NO. 474—COMMITTEE ON JUDICIARY

MARCH 28, 2005

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Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to sports officials. (BDR 3-1374)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to sporting events; revising the definitions of the crimes of assault and battery to include certain acts committed against sports officials at sporting events; revising provisions relating to the liability of certain medical professionals engaged in certain actions at sporting events; 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 41.630 is hereby amended to read as follows:  
2     41.630 1. A sports official who officiates a sporting event at  
3 any level of competition in this State is not liable for any civil  
4 damages as a result of any unintended act or omission, not  
5 amounting to gross negligence, by him in the execution of his  
6 officiating duties within the facility ~~where~~ *in which* the sporting  
7 event takes place.  
8     2. *Except as otherwise provided in this subsection, a*  
9 *physician licensed pursuant to chapter 630, 630A, 633 or 634 of*  
10 *NRS who is retained to perform duties pursuant to his license at a*  
11 *sporting event at any level of competition in this State is not liable*  
12 *for any civil damages as a result of any unintended act or*  
13 *omission, not amounting to gross negligence, by him in the*



1 *execution of his duties within the facility in which the sporting*  
2 *event takes place. This subsection is not intended to abrogate or*  
3 *supersede any other provisions of law, including, without*  
4 *limitation, the provisions of NRS 41.500 to 41.507, inclusive,*  
5 *which protect a physician from liability for an act or omission*  
6 *involving greater degree of culpability.*

7 **3.** As used in this section:

8 (a) "Sporting event" means any contest, game or other event  
9 involving the athletic or physical skills of amateur or professional  
10 athletes.

11 (b) "Sports official" means any person who serves as a referee,  
12 umpire, linesman, *judge* or in a similar capacity, whether paid or  
13 unpaid.

14 **Sec. 2.** NRS 200.471 is hereby amended to read as follows:

15 200.471 1. As used in this section:

16 (a) "Assault" means intentionally placing another person in  
17 reasonable apprehension of immediate bodily harm.

18 (b) "Officer" means:

19 (1) A person who possesses some or all of the powers of a  
20 peace officer;

21 (2) A person employed in a full-time salaried occupation of  
22 fire fighting for the benefit or safety of the public;

23 (3) A member of a volunteer fire department;

24 (4) A jailer, guard, matron or other correctional officer of a  
25 city or county jail;

26 (5) A justice of the Supreme Court, district judge, justice of  
27 the peace, municipal judge, magistrate, court commissioner, master  
28 or referee, including a person acting pro tempore in a capacity listed  
29 in this subparagraph; or

30 (6) An employee of the State or a political subdivision of the  
31 State whose official duties require him to make home visits.

32 (c) "Provider of health care" means a physician, a physician  
33 assistant, a practitioner of respiratory care, a homeopathic physician,  
34 an advanced practitioner of homeopathy, a homeopathic assistant,  
35 an osteopathic physician, an osteopathic physician's assistant, a  
36 podiatric physician, a podiatry hygienist, a physical therapist,  
37 a medical laboratory technician, an optometrist, a chiropractor, a  
38 chiropractor's assistant, a doctor of Oriental medicine, a nurse, a  
39 student nurse, a certified nursing assistant, a nursing assistant  
40 trainee, a dentist, a dental hygienist, a pharmacist, an intern  
41 pharmacist, an attendant on an ambulance or air ambulance, a  
42 psychologist, a social worker, a marriage and family therapist and  
43 an emergency medical technician.



1 (d) "School employee" means a licensed or unlicensed person  
2 employed by a board of trustees of a school district pursuant to  
3 NRS 391.100.

4 (e) *"Sporting event" has the meaning ascribed to it in*  
5 *NRS 41.630.*

6 (f) *"Sports official" has the meaning ascribed to it in*  
7 *NRS 41.630.*

8 (g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

9 ~~(f)~~ (h) "Taxicab driver" means a person who operates a  
10 taxicab.

11 ~~(g)~~ (i) "Transit operator" means a person who operates a bus or  
12 other vehicle as part of a public mass transportation system.

13 2. A person convicted of an assault shall be punished:

14 (a) If paragraph (c) or (d) of this subsection does not apply to  
15 the circumstances of the crime and the assault is not made with the  
16 use of a deadly weapon, or the present ability to use a deadly  
17 weapon, for a misdemeanor.

18 (b) If the assault is made with the use of a deadly weapon, or the  
19 present ability to use a deadly weapon, for a category B felony by  
20 imprisonment in the state prison for a minimum term of not less  
21 than 1 year and a maximum term of not more than 6 years, or by a  
22 fine of not more than \$5,000, or by both fine and imprisonment.

23 (c) If paragraph (d) of this subsection does not apply to the  
24 circumstances of the crime and if the assault is committed upon an  
25 officer, a provider of health care, a school employee, a taxicab  
26 driver or a transit operator who is performing his duty *or upon a*  
27 *sports official immediately prior to, during or immediately after a*  
28 *sporting event*, and the person charged knew or should have known  
29 that the victim was an officer, a provider of health care, a school  
30 employee, a taxicab driver, ~~or~~ a transit operator ~~or~~ *or a sports*  
31 *official*, for a gross misdemeanor, unless the assault is made with  
32 the use of a deadly weapon, or the present ability to use a deadly  
33 weapon, then for a category B felony by imprisonment in the state  
34 prison for a minimum term of not less than 1 year and a maximum  
35 term of not more than 6 years, or by a fine of not more than \$5,000,  
36 or by both fine and imprisonment.

37 (d) If the assault is committed upon an officer, a provider of  
38 health care, a school employee, a taxicab driver or a transit operator  
39 who is performing his duty ~~or~~ *or upon a sports official immediately*  
40 *prior to, during or immediately after a sporting event* by a  
41 probationer, a prisoner who is in lawful custody or confinement or a  
42 parolee, and the probationer, prisoner or parolee charged knew or  
43 should have known that the victim was an officer, a provider of  
44 health care, a school employee, a taxicab driver, ~~or~~ a transit  
45 operator ~~or~~ *or a sports official*, for a category D felony as provided



1 in NRS 193.130, unless the assault is made with the use of a deadly  
2 weapon, or the present ability to use a deadly weapon, then for a  
3 category B felony by imprisonment in the state prison for a  
4 minimum term of not less than 1 year and a maximum term of not  
5 more than 6 years, or by a fine of not more than \$5,000, or by both  
6 fine and imprisonment.

7 **Sec. 3.** NRS 200.481 is hereby amended to read as follows:

8 200.481 1. As used in this section:

9 (a) "Battery" means any willful and unlawful use of force or  
10 violence upon the person of another.

11 (b) "Child" means a person less than 18 years of age.

12 (c) "Officer" means:

13 (1) A person who possesses some or all of the powers of a  
14 peace officer;

15 (2) A person employed in a full-time salaried occupation of  
16 fire fighting for the benefit or safety of the public;

17 (3) A member of a volunteer fire department;

18 (4) A jailer, guard, matron or other correctional officer of a  
19 city or county jail or detention facility;

20 (5) A justice of the Supreme Court, district judge, justice of  
21 the peace, municipal judge, magistrate, court commissioner, master  
22 or referee, including, without limitation, a person acting pro tempore  
23 in a capacity listed in this subparagraph; or

24 (6) An employee of the State or a political subdivision of the  
25 State whose official duties require him to make home visits.

26 (d) "Provider of health care" has the meaning ascribed to it in  
27 NRS 200.471.

28 (e) "School employee" means a licensed or unlicensed person  
29 employed by a board of trustees of a school district pursuant to  
30 NRS 391.100.

31 (f) *"Sporting event" has the meaning ascribed to it in*  
32 *NRS 41.630.*

33 (g) *"Sports official" has the meaning ascribed to it in*  
34 *NRS 41.630.*

35 (h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

36 ~~(g)~~ (i) "Taxicab driver" means a person who operates a  
37 taxicab.

38 ~~(h)~~ (j) "Transit operator" means a person who operates a bus or  
39 other vehicle as part of a public mass transportation system.

40 2. Except as otherwise provided in NRS 200.485, a person  
41 convicted of a battery, other than a battery committed by an adult  
42 upon a child which constitutes child abuse, shall be punished:

43 (a) If the battery is not committed with a deadly weapon, and no  
44 substantial bodily harm to the victim results, except under



1 circumstances where a greater penalty is provided in paragraph (d)  
2 or in NRS 197.090, for a misdemeanor.

3 (b) If the battery is not committed with a deadly weapon, and  
4 substantial bodily harm to the victim results, for a category C felony  
5 as provided in NRS 193.130.

6 (c) If the battery is committed ~~upon an officer, provider of~~  
7 ~~health care, school employee, taxicab driver or transit operator and:~~

8 ~~(1) The} :~~

9 (1) *Upon an* officer, provider of health care, school  
10 employee, taxicab driver or transit operator *who* was performing his  
11 duty ~~{}~~ *or upon a sports official immediately prior to, during or*  
12 *immediately after a sporting event;*

13 (2) The officer, provider of health care, school employee,  
14 taxicab driver , ~~{}~~ transit operator *or sports official* suffers  
15 substantial bodily harm; and

16 (3) The person charged knew or should have known that the  
17 victim was an officer, provider of health care, school employee,  
18 taxicab driver , ~~{}~~ transit operator ~~{}~~ *or sports official,*

19 ~~↳~~ for a category B felony by imprisonment in the state prison for a  
20 minimum term of not less than 2 years and a maximum term of not  
21 more than 10 years, or by a fine of not more than \$10,000, or by  
22 both fine and imprisonment.

23 (d) If the battery is committed upon an officer, provider of  
24 health care, school employee, taxicab driver or transit operator who  
25 is performing his duty *or upon a sports official immediately prior*  
26 *to, during or after a sporting event* and the person charged knew or  
27 should have known that the victim was an officer, provider of health  
28 care, school employee, taxicab driver , ~~{}~~ transit operator ~~{}~~ *or*  
29 *sports official,* for a gross misdemeanor, except under  
30 circumstances where a greater penalty is provided in this section.

31 (e) If the battery is committed with the use of a deadly weapon,  
32 and:

33 (1) No substantial bodily harm to the victim results, for a  
34 category B felony by imprisonment in the state prison for a  
35 minimum term of not less than 2 years and a maximum term of not  
36 more than 10 years, and may be further punished by a fine of not  
37 more than \$10,000.

38 (2) Substantial bodily harm to the victim results, for a  
39 category B felony by imprisonment in the state prison for a  
40 minimum term of not less than 2 years and a maximum term of not  
41 more than 15 years, and may be further punished by a fine of not  
42 more than \$10,000.

43 (f) If the battery is committed by a probationer, a prisoner who  
44 is in lawful custody or confinement or a parolee, without the use of  
45 a deadly weapon, whether or not substantial bodily harm results, for



1 a category B felony by imprisonment in the state prison for a  
2 minimum term of not less than 1 year and a maximum term of not  
3 more than 6 years.

4 (g) If the battery is committed by a probationer, a prisoner who  
5 is in lawful custody or confinement or a parolee, with the use of a  
6 deadly weapon, and:

7 (1) No substantial bodily harm to the victim results, for a  
8 category B felony by imprisonment in the state prison for a  
9 minimum term of not less than 2 years and a maximum term of not  
10 more than 10 years.

11 (2) Substantial bodily harm to the victim results, for a  
12 category B felony by imprisonment in the state prison for a  
13 minimum term of not less than 2 years and a maximum term of not  
14 more than 15 years.





