

ASSEMBLY BILL NO. 474—COMMITTEE ON JUDICIARY

MARCH 28, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning certain sporting events. (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.

AN ACT relating to sporting events; expanding the sports officials to whom immunity from civil liability is provided for certain acts or omissions while officiating a sporting event; providing enhanced penalties in certain circumstances for committing assault or battery against certain sports officials at sporting events; extending the time for payment of certain license fees to the Nevada Athletic Commission; providing penalties; 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. As used in this section:
9 (a) *“Inspector” means an inspector of the Nevada Athletic*
10 *Commission.*



1 (b) "Sporting event" means any contest, game or other event
2 involving the athletic or physical skills of amateur or professional
3 athletes.

4 ~~[(b)]~~ (c) "Sports official" means any person who serves as a
5 referee, umpire, linesman , *timekeeper, inspector, judge* or in a
6 similar capacity, whether paid or unpaid.

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

8 200.471 1. As used in this section:

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

11 (b) "Officer" means:

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

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

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

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

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

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

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

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

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

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

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



1 ~~(h)~~ (h) "Taxicab driver" means a person who operates a
2 taxicab.

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

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

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

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

15 (c) If paragraph (d) of this subsection does not apply to the
16 circumstances of the crime and if the assault is committed upon an
17 officer, a provider of health care, a school employee, a taxicab
18 driver or a transit operator who is performing his duty *or upon a*
19 *sports official based on the performance of his duties at a sporting*
20 *event*, and the person charged knew or should have known that the
21 victim was an officer, a provider of health care, a school employee,
22 a taxicab driver, ~~(e)~~ a transit operator ~~(i)~~ *or a sports official*, for a
23 gross misdemeanor, unless the assault is made with the use of a
24 deadly weapon, or the present ability to use a deadly weapon, then
25 for a category B felony by imprisonment in the state prison for a
26 minimum term of not less than 1 year and a maximum term of not
27 more than 6 years, or by a fine of not more than \$5,000, or by both
28 fine and imprisonment.

29 (d) If the assault is committed upon an officer, a provider of
30 health care, a school employee, a taxicab driver or a transit operator
31 who is performing his duty ~~(i)~~ *or upon a sports official based on*
32 *the performance of his duties at a sporting event* by a probationer,
33 a prisoner who is in lawful custody or confinement or a parolee, and
34 the probationer, prisoner or parolee charged knew or should have
35 known that the victim was an officer, a provider of health care, a
36 school employee, a taxicab driver, ~~(e)~~ a transit operator ~~(i)~~ *or a*
37 *sports official*, for a category D felony as provided in NRS 193.130,
38 unless the assault is made with the use of a deadly weapon, or the
39 present ability to use a deadly weapon, then for a category B felony
40 by imprisonment in the state prison for a minimum term of not less
41 than 1 year and a maximum term of not more than 6 years, or by a
42 fine of not more than \$5,000, or by both fine and imprisonment.

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

44 200.481 1. As used in this section:



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

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

4 (c) "Officer" means:

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

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

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

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

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

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

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

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

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

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

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

28 ~~(e)~~ (i) "Taxicab driver" means a person who operates a
29 taxicab.

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

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

35 (a) If the battery is not committed with a deadly weapon, and no
36 substantial bodily harm to the victim results, except under
37 circumstances where a greater penalty is provided in paragraph (d)
38 or in NRS 197.090, for a misdemeanor.

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

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

44 ~~— (1) The } :~~



1 (1) *Upon an* officer, provider of health care, school
2 employee, taxicab driver or transit operator *who* was performing his
3 duty ~~or~~ *or upon a sports official based on the performance of his*
4 *duties at a sporting event;*

5 (2) The officer, provider of health care, school employee,
6 taxicab driver , ~~or~~ transit operator *or sports official* suffers
7 substantial bodily harm; and

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

11 ➤ for a category B felony by imprisonment in the state prison for a
12 minimum term of not less than 2 years and a maximum term of not
13 more than 10 years, or by a fine of not more than \$10,000, or by
14 both fine and imprisonment.

15 (d) If the battery is committed upon an officer, provider of
16 health care, school employee, taxicab driver or transit operator who
17 is performing his duty *or upon a sports official based on the*
18 *performance of his duties at a sporting event* and the person
19 charged knew or should have known that the victim was an officer,
20 provider of health care, school employee, taxicab driver , ~~or~~ transit
21 operator ~~or~~ *or sports official,* for a gross misdemeanor, except under
22 circumstances where a greater penalty is provided in this section.

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

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

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

35 (f) If the battery is committed by a probationer, a prisoner who
36 is in lawful custody or confinement or a parolee, without the use of
37 a deadly weapon, whether or not substantial bodily harm results, for
38 a category B felony by imprisonment in the state prison for a
39 minimum term of not less than 1 year and a maximum term of not
40 more than 6 years.

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

44 (1) No substantial bodily harm to the victim results, for a
45 category B felony by imprisonment in the state prison for a



1 minimum term of not less than 2 years and a maximum term of not
2 more than 10 years.

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

7 **Sec. 4.** NRS 467.104 is hereby amended to read as follows:

8 467.104 1. Any person who charges and receives an
9 admission fee for exhibiting any live contest or exhibition of
10 unarmed combat on a closed-circuit telecast, or motion picture,
11 shall, within 10 days after the event, furnish to the Commission a
12 verified written report on a form which is supplied by the
13 Commission, showing the number of tickets sold and issued or sold
14 or issued, and the gross receipts therefor without any deductions.

15 2. That person shall also, ~~at the same time,~~ **not later than 20**
16 **days after the exhibition,** pay to the Commission a license fee,
17 exclusive of federal taxes thereon, of 4 cents for each \$1 or fraction
18 thereof received for admission at the exhibition. The license fee
19 applies uniformly at the same rate to all persons subject to it. The
20 license fee must be based on the face value of all tickets sold and
21 complimentary tickets issued.

22 **Sec. 5.** NRS 467.109 is hereby amended to read as follows:

23 467.109 1. Every promoter shall, within 10 days after the
24 completion of any contest, match or exhibition for which an
25 admission fee is charged and received, furnish to the Commission a
26 verified written report showing:

27 (a) The number of tickets sold and issued or sold or issued for
28 the contest, match or exhibition;

29 (b) The amount of the:

30 (1) Gross receipts from admission fees; and

31 (2) Gross receipts derived from the sale, lease or other
32 exploitation of broadcasting, motion picture and television rights of
33 such contest, match or exhibition,

34 ➔ without any deductions for commissions, brokerage fees,
35 distribution fees, advertising, contestants' purses or any other
36 expenses or charges; and

37 (c) Such other matters as the Commission may prescribe.

38 2. The promoter shall ~~at the same time,~~ **not later than 20**
39 **days after the contest, match or exhibition,** pay to the Commission
40 the license fee described in NRS 467.107.



