

ASSEMBLY BILL NO. 226—ASSEMBLYMEN MCCLAIN, KIRKPATRICK, PARNELL, KOIVISTO, GERHARDT, ARBERRY, ATKINSON, BOBZIEN, BUCKLEY, CARPENTER, CLABORN, CONKLIN, DENIS, HOGAN, HORNE, KIHUEN, LESLIE, OCEGUERA, PARKS, PIERCE, SEGERBLOM AND WOMACK

MARCH 1, 2007

Referred to Committee on Judiciary

SUMMARY—Establishes teams specializing in the investigation and prosecution of crimes against older persons. (BDR 15-162)

FISCAL NOTE: Effect on Local Government: No.
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 older persons; creating the Unit for the Review and Oversight of the Investigation and Prosecution of Crimes Against Older Persons, the Initial Crime Evaluation Team, and the Civilian Volunteer Investigation and Prosecution Team; providing for the appointment of an Executive Director of Crimes Against Older Persons; creating the Repository for Information Concerning Crimes Against Older Persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 5** of this bill creates the Unit for the Review and Oversight of the
2 Investigation and Prosecution of Crimes Against Older Persons to facilitate
3 cooperation among law enforcement agencies in the detection, investigation and
4 prosecution of crimes against persons 60 years of age or older. **Section 6** of this bill
5 establishes the meeting requirements for members of the Unit. **Section 7** of this bill
6 establishes the duties of the Unit, including the creation of the Initial Crime
7 Evaluation Team and the Civilian Volunteer Investigation and Prosecution Team.
8 **Section 8** of this bill establishes the duties of the Initial Crime Evaluation Team.
9 **Section 9** of this bill establishes the duties of the Civilian Volunteer Investigation
10 and Prosecution Team. **Section 10** of this bill provides for the appointment of an



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11 Executive Director of Crimes Against Older Persons within the Office of the
12 Attorney General. **Section 11** of this bill provides for the appointment of a full-time
13 secretary for the Unit. **Section 12** of this bill creates in the State General Fund an
14 account for the Unit to pay expenses relating to the duties of the Unit. **Section 13** of
15 this bill allows the Unit to apply for grants and accept gifts, grants, appropriations
16 or donations to assist in carrying out its duties. **Section 14** of this bill creates the
17 Repository for Information Concerning Crimes Against Older Persons in the
18 Central Repository for Nevada Records of Criminal History.

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

1 **Section 1.** Title 15 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 14, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 and 4 of this*
6 *act have the meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Older person” means a person who is 60 years of*
8 *age or older.*

9 **Sec. 4.** *“Unit” means the Unit for the Review and Oversight*
10 *of the Investigation and Prosecution of Crimes Against Older*
11 *Persons created pursuant to section 5 of this act.*

12 **Sec. 5. 1.** *There is hereby created the Unit for the Review*
13 *and Oversight of the Investigation and Prosecution of Crimes*
14 *Against Older Persons.*

15 **2.** *The Unit consists of the following members:*

16 **(a)** *One prosecuting attorney from the Office of the Attorney*
17 *General.*

18 **(b)** *One prosecuting attorney from the office of the district*
19 *attorney of each county.*

20 **(c)** *One officer from:*

21 **(1)** *Each police department of an incorporated city located*
22 *in a county whose population is 100,000 or more.*

23 **(2)** *The sheriff’s office of each county, except that if the*
24 *county is within the jurisdiction of a metropolitan police*
25 *department, then two officers from the metropolitan police*
26 *department.*

27 **3.** *Each member of the Unit who is appointed to the Unit*
28 *serves for a term of 4 years. A vacancy on the Unit in an appointed*
29 *position must be filled in the same manner as the original*
30 *appointment. A member may be reappointed to the Unit.*

31 **4.** *The members of the Unit shall elect a Chairman and Vice*
32 *Chairman by majority vote. After the initial election, the*
33 *Chairman and Vice Chairman shall hold office for a term of 1*
34 *year beginning on July 1 of each year. If a vacancy occurs in the*



1 *chairmanship or vice chairmanship, the members of the Unit shall*
2 *elect a Chairman or Vice Chairman, as appropriate, from among*
3 *its members for the remainder of the unexpired term.*

4 5. *The members of the Unit:*

5 (a) *Serve without compensation; and*

6 (b) *May, upon written request, receive the per diem allowance*
7 *and travel expenses provided for state officers and employees*
8 *generally while engaged in the business of the Unit.*

9 6. *A member of the Unit who is an officer or employee of this*
10 *State or a political subdivision of this State must be relieved from*
11 *his duties without loss of his regular compensation so that he may*
12 *prepare for and attend meetings of the Unit and perform any work*
13 *necessary to carry out the duties of the Unit in the most timely*
14 *manner practicable. A state agency or political subdivision of this*
15 *State shall not require an officer or employee who is a member of*
16 *the Unit to make up the time he is absent from work to carry out*
17 *his duties as a member of the Unit or use annual vacation or*
18 *compensatory time for the absence.*

19 **Sec. 6. 1.** *The Unit shall meet at least once every quarter*
20 *and at the times and places specified by a call of the Chairman or*
21 *a majority of the members of the Unit.*

22 2. *A member of the Unit may designate in writing a person to*
23 *represent him at a meeting of the Unit. A representative who has*
24 *been so designated:*

25 (a) *Shall be deemed to be a member of the Unit for the purpose*
26 *of determining a quorum at the meeting; and*

27 (b) *May vote on any matter that is voted on by the regular*
28 *members of the Unit at the meeting.*

29 3. *A majority of the members of the Unit constitute a quorum.*
30 *A quorum may exercise all the power and authority conferred on*
31 *the Unit.*

32 4. *Notwithstanding any other provision of law, a member of*
33 *the Unit:*

34 (a) *Is not disqualified from public employment or holding a*
35 *public office because of his membership on the Unit; and*

36 (b) *Does not forfeit his public office or public employment*
37 *because of his membership on the Unit.*

38 **Sec. 7.** *The Unit shall:*

39 1. *Facilitate cooperation among state, local and federal law*
40 *enforcement officers in detecting, investigating and prosecuting*
41 *crimes against older persons.*

42 2. *Provide appropriate review and oversight of all active*
43 *investigations and activities relating to the prosecution of crimes*
44 *against older persons, including, without limitation, the allegation*



1 of a crime, all stages of legal proceedings and the financial
2 compensation of the victim.

3 3. Establish an Initial Crime Evaluation Team.

4 4. Establish a Civilian Volunteer Investigation and
5 Prosecution Team.

6 5. Coordinate and provide training and education for
7 members of the general public, private industry and governmental
8 agencies, including, without limitation, law enforcement agencies,
9 concerning the national, state and local statistics of crimes against
10 older persons.

11 6. Evaluate and recommend changes to the existing civil and
12 criminal laws relating to crimes against older persons in response
13 to current and projected studies and data relating to crimes
14 against older persons.

15 7. Authorize the payment of expenses incurred by the Unit in
16 carrying out its duties pursuant to this chapter.

17 Sec. 8. 1. The Initial Crime Evaluation Team created
18 pursuant to section 7 of this act shall consist of:

19 (a) Local law enforcement officers, investigators and
20 prosecutors who are specifically trained to investigate and
21 prosecute crimes against older persons; and

22 (b) Persons from state governmental agencies that conduct
23 activities related to older persons.

24 2. The Initial Crime Evaluation Team shall:

25 (a) Establish a procedure to determine the seriousness and
26 category of each reported offense against an older person; and

27 (b) Coordinate with local law enforcement officers,
28 investigators and prosecutors to provide additional assistance in
29 the investigation and prosecution of crimes against older persons.

30 3. The members of the Initial Crime Evaluation Team:

31 (a) Serve without compensation; and

32 (b) May, upon written request, receive the per diem allowance
33 and travel expenses provided for state officers and employees
34 generally while engaged in the business of the Initial Crime
35 Evaluation Team.

36 4. A member of the Initial Crime Evaluation Team who is an
37 officer or employee of this State or a political subdivision of this
38 State must be relieved from his duties without loss of his regular
39 compensation so that he may prepare for and attend meetings of
40 the Initial Crime Evaluation Team and perform any work
41 necessary to carry out the duties of the Initial Crime Evaluation
42 Team in the most timely manner practicable. A state agency or
43 political subdivision of this State shall not require an officer or
44 employee who is a member of the Initial Crime Evaluation Team
45 to make up the time he is absent from work to carry out his duties



1 as a member of the Initial Crime Evaluation Team or use annual
2 vacation or compensatory time for the absence.

3 **Sec. 9. 1. The Civilian Volunteer Investigation and**
4 **Prosecution Team created pursuant to section 7 of this act shall**
5 **consist of retired law enforcement officers, attorneys licensed to**
6 **practice in this State, social workers and other persons who are**
7 **selected with appropriate regard for their expertise with and**
8 **knowledge of matters relating to crimes against older persons.**

9 2. Volunteers of the Civilian Volunteer Investigation and
10 Prosecution Team shall investigate reports of financial crimes
11 against older persons and provide assistance to the victim
12 throughout any civil proceeding.

13 3. The Unit shall establish regulations to provide a stipend
14 for volunteer work, a training program and the investigation of a
15 volunteer's background.

16 4. As used in this section, "financial crimes" include, without
17 limitation, any act by a person conducted to:

18 (a) Obtain control, through deception, intimidation or undue
19 influence, over an older person's ownership, use, benefit or
20 possession of his money, assets or property; or

21 (b) Unlawfully convert money, assets or property of an older
22 person with the intention of permanently depriving the older
23 person of the ownership, use, benefit or possession of his money,
24 assets or property.

25 **Sec. 10. 1. The Unit shall appoint an Executive Director of**
26 **Crimes Against Older Persons within the Office of the Attorney**
27 **General.**

28 2. The Executive Director is in the unclassified service of the
29 State and serves at the pleasure of the Unit.

30 3. The Unit shall establish the qualifications, powers and
31 duties of the Executive Director.

32 **Sec. 11. The Unit shall appoint a full-time secretary who is**
33 **in the unclassified service of the State and serves at the pleasure of**
34 **the Unit.**

35 **Sec. 12. 1. The Account for the Unit for the Review and**
36 **Oversight of the Investigation and Prosecution of Crimes Against**
37 **Older Persons is hereby created in the State General Fund. The**
38 **Unit shall administer the Account.**

39 2. The money in the Account must only be used to carry out
40 the provisions of this chapter and pay the expenses incurred by the
41 Unit in the discharge of its duties, including, without limitation,
42 the payment of any expenses related to the creation and
43 subsequent activities of the Initial Crime Evaluation Team and the
44 Civilian Volunteer Investigation and Prosecution Team.



1 3. *Claims against the Account must remain in the Account*
2 *and must not revert to the State General Fund at the end of any*
3 *fiscal year.*

4 **Sec. 13.** 1. *The Unit may apply for any available grants and*
5 *accept gifts, grants, appropriations or donations to assist the Unit*
6 *in carrying out its duties pursuant to the provisions of this chapter.*

7 2. *Any money received by the Unit must be deposited in the*
8 *Account for the Unit for the Review and Oversight of the*
9 *Investigation and Prosecution of Crimes Against Older Persons*
10 *created pursuant to section 12 of this act.*

11 **Sec. 14.** Chapter 179A of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 1. *The Repository for Information Concerning Crimes*
14 *Against Older Persons is hereby created within the Central*
15 *Repository.*

16 2. *The Repository for Information Concerning Crimes*
17 *Against Older Persons must contain a complete and systematic*
18 *record of all reports of crimes against older persons committed in*
19 *this State, in accordance with regulations adopted by the Director*
20 *of the Department.*

21 3. *The Director of the Department shall compile and analyze*
22 *the data collected pursuant to this section to assess:*

23 (a) *The incidence of crimes against older persons; and*

24 (b) *The effectiveness of programs for the prevention of crimes*
25 *against older persons.*

26 4. *The Director of the Department shall report the statistical*
27 *data and findings from the program to the Legislature at the*
28 *beginning of each regular session.*

29 5. *The data acquired pursuant to this section is confidential*
30 *and must be used only for the purpose of research. The data and*
31 *findings generated pursuant to this section must not contain*
32 *information that may reveal the identity of an individual victim of*
33 *a crime.*

34 **Sec. 15.** This act becomes effective on July 1, 2007.

