

Senate Bill No. 256–Senator Nguyen

Joint Sponsor: Assemblymember Miller

CHAPTER.....

AN ACT relating to gaming; requiring the disgorgement of any profit, gain, gross receipt or other benefit related to certain illegal gaming activities; increasing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits: (1) a person from engaging in certain activities relating to gaming without procuring a state gaming license; (2) a person from engaging in a fraudulent act or otherwise manipulating or cheating at a gambling game; and (3) a person from accepting, receiving or allowing certain other persons to accept or receive certain wagers through any medium of communication from another person physically present within this State. (NRS 463.160, 465.070, 465.092) **Sections 1-3** of this bill require, in addition to any existing penalty, a person to disgorge any profit, gain, gross receipt or other benefit resulting from certain illegal gaming activities and pay that amount to the State Treasurer for deposit in the State General Fund. **Section 3** also increases the penalty for accepting, receiving or allowing certain persons to accept or receive certain wagers under certain circumstances from a misdemeanor to a gross misdemeanor.

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

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

Section 1. NRS 463.360 is hereby amended to read as follows:

463.360 1. Conviction by a court of competent jurisdiction of a person for a violation of, an attempt to violate, or a conspiracy to violate any of the provisions of this chapter or of chapter 463B, 464 or 465 of NRS may act as an immediate revocation of all licenses which have been issued to the violator, and, in addition, the court may, upon application of the district attorney of the county or of the Commission, order that no new or additional license under this chapter be issued to the violator, or be issued to any person for the room or premises in which the violation occurred, for 1 year after the date of the revocation.

2. A person who willfully fails to report, pay or truthfully account for and pay over any license fee or tax imposed by the provisions of this chapter, or willfully attempts in any manner to evade or defeat any such license fee, tax or payment thereof is guilty of a category C felony and shall be punished as provided in



NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. Except as otherwise provided in subsection 4, a person who willfully violates, attempts to violate, or conspires to violate any of the provisions of subsection 1 of NRS 463.160 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, by a fine of not more than \$50,000, or by both fine and imprisonment. *The court shall also order any profits, gain, gross receipts or other benefit from the violation to be disgorged and paid to the State Treasurer for deposit in the State General Fund.*

4. A licensee who puts additional games or slot machines into play or displays additional games or slot machines in a public area without first obtaining all required licenses and approval is subject only to the penalties provided in NRS 463.270 and 463.310 and in any applicable ordinance of the county, city or town.

5. A person who willfully violates any provision of a regulation adopted pursuant to NRS 463.125 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. The violation of any of the provisions of this chapter, the penalty for which is not specifically fixed in this chapter, is a gross misdemeanor.

Sec. 2. NRS 465.088 is hereby amended to read as follows:

465.088 1. A person who violates any provision of NRS 465.070 to 465.086, inclusive:

(a) For the first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130. *The court shall also order any profits, gain, gross receipts or other benefit from the violation to be disgorged and paid to the State Treasurer for deposit in the State General Fund.*

(b) For a second or subsequent violation of any of these provisions, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$10,000. *The court shall also order any profits, gain, gross receipts or other benefit from the violation to be disgorged and paid to the State Treasurer for deposit in the State General Fund.*

2. A person who attempts, or two or more persons who conspire, to violate any provision of NRS 465.070 to 465.086, inclusive, each is guilty of a category C felony and shall be punished by imposing the penalty provided in subsection 1 for the completed



crime, whether or not he or she personally played any gambling game or used any prohibited device.

Sec. 3. NRS 465.092 is hereby amended to read as follows:

465.092 1. Except as otherwise provided in NRS 465.094, a person, alone or with others, shall not knowingly, within or outside of this state:

(a) Accept or receive, directly or indirectly, through any medium of communication a wager from another person who is physically present within this state; or

(b) Allow a lessee, agent or employee to accept or receive, directly or indirectly, through any medium of communication a wager from another person who is physically present within this state.

2. If a person engages in conduct in violation of subsection 1 and the person is outside of this state at the time of the offense:

(a) The offense shall be deemed to commence outside of this state;

(b) The offense shall be deemed to be consummated within this state; and

(c) The person may be prosecuted within this state pursuant to the provisions of NRS 171.015.

3. A person who violates the provisions of this section is guilty of a *gross* misdemeanor [] *and the court shall order any profits, gain, gross receipts or other benefit from the violation to be disgorged and paid to the State Treasurer for deposit in the State General Fund.*



