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Gaming; Exclusion of Persons from Gaming Establishments

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Gaming

Gaming; exclusion of persons from gaming establishments

N.R.S. §§463.151, 463.154, 463.155 (amended).

AB 341 (Committee on Judiciary); STATS 1981, Ch 289
(Effective May 21, 1981)

Under existing law, the Nevada Gaming Commission, (hereinafter referred to as the Commission), may provide by regulation for the establishment of a list of persons to be excluded or ejected from specified establishments, including those licensed to operate any gambling game¹ or conduct pari-mutuel² wagering.³ Any person whose name has been placed on this list commits a gross misdemeanor upon entering specified premises⁴ without first obtaining a determination by the Commission that his or her name should not have been placed on the list.⁵ In accordance with the legislative finding that the exclusion or ejection of certain persons from licensed gaming establishments is necessary to effectuate the policies of gaming, licensing, and control and to maintain effectively the strict regulation of licensed gaming,⁶ Chapter 289 expands the class of establishments subject to the Commission regulation.⁷ Establishments licensed to operate any horse race book, sports pool,⁸ or games,⁹ other than slot machines¹⁰ only, are brought within the purview of the regulation by Chapter 289.¹¹

The list of persons to be excluded or ejected may include any person whose presence in the establishment would be objectionable to the interests of the State of Nevada or to licensed gaming, or both, as determined by the Nevada State Gaming Control Board and the Commission.¹² Prior to the enactment of Chapter 289, specified classes

1. See N.R.S. §463.011 (definition of gambling game).

2. See *id.* §§464.010-464.100 (Pari-Mutuel Betting).

3. See *id.* §463.151 1, 2. See also N.R.S. §§463.152, 463.153 (requirement of notice and evidentiary hearing).

4. See *id.* §463.155.

5. *Id.*

6. See *id.* §463.151 1.

7. Compare *id.* §463.151 1, 2 with STATUTES OF NEVADA 1977, c. 571, §10, at 1430.

8. See N.R.S. §463.01275 (definition of sports pool).

9. See *id.* §463.011 (definition of games).

10. See *id.* §§463.0127 (definition of slot machine), 463.151 1.

11. See *id.* §463.151 1, 2.

12. *Id.* §463.151 2. Compare *id.* with STATUTES OF NEVADA 1977, c. 571, §10, at 1430-1431.

of persons could be placed on the list.¹³ Chapter 289 revises the criteria to allow consideration of the following: (1) Any prior conviction of a crime that is a felony in Nevada or under federal law, a crime involving moral turpitude, or a violation of the gaming laws of any state;¹⁴ (2) any violation or conspiracy to violate state gaming, licensing, and control provisions governing the failure to disclose an interest in a gaming establishment that requires a license,¹⁵ or willful tax or fee evasion;¹⁶ (3) any notorious or unsavory reputation that would affect adversely public confidence and trust that the gaming industry is free from criminal or corruptive elements;¹⁷ or (4) any written order of a governmental agency that authorizes the exclusion or ejection of the person from an establishment where gaming or pari-mutuel wagering is conducted.¹⁸ Race, color, creed, national origin or ancestry, or sex remain impermissible grounds for placing the name of a person on the list.¹⁹ Moreover, prior to the enactment of Chapter 289, the Commission could revoke, limit, condition, suspend, or fine an individual licensee or certain licensed gaming establishments²⁰ for the failure to exclude or eject any person whose name appeared on the list.²¹ Chapter 289 limits this authority of the Commission to cases when the individual or establishment *knowingly* fails to exclude or eject the person.²²

13. See STATUTES OF NEVADA 1977, c. 571, §10, at 1430-1431.

14. N.R.S. §463.151 3(a). Compare *id.* with STATUTES OF NEVADA 1977, c. 571, §10, at 1430 (prior law restricted consideration of violations of gaming laws to those within provisions of §§463.010-463.720).

15. See N.R.S. §463.151 3(b)(1).

16. See *id.* §463.151 3(b)(2).

17. *Id.* §463.151 3(c). Compare *id.* with STATUTES OF NEVADA 1977, c. 571, §10, at 1431.

18. N.R.S. §463.151 3(d).

19. Compare *id.* §463.151 4 with STATUTES OF NEVADA 1977, c. 571, §10, at 1431.

20. See STATUTES OF NEVADA 1979, c. 430, §7, at 774-775 (amending N.R.S. §463.154).

21. See *id.*

22. Compare N.R.S. §463.154 with STATUTES OF NEVADA 1979, c. 430, §7, at 774-775.

Gaming; cheating and penalties for offenses

N.R.S. §§465.030, 465.040, 465.050, 465.060 (repealed); §§465.—, 465.— (new); §§207.080, 465.070, 465.080, 465.083, 465.085, 465.101 (amended); STATUTES OF NEVADA Chapter 272 (commencing with §1) (new).

SB 35 (Committee on Judiciary); STATS 1981, Ch 594
(Effective June 6, 1981)

Prior to the enactment of Chapter 594, gaming statutes enumerated