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Gaming; Immunity of Gaming Licensees

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Chapter 592 requires that a principal using an agent be present on the premises where the wagered race is being conducted and requires all off-track pari-mutuel wagering be done by a principal.[37]

Prior law limited the issuance of a pari-mutuel wagering license or a license to conduct or operate a game or device to United States citizens.[38] Chapter 592 removes this limitation.[39] Chapter 592 requires commission approval of the terms of any agreement entered into between a licensee and (1) an agency of the state in which the race or event takes place or (2) a licensee of another state.[40]

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37. 1983 Nev. Stat. c. 592, §10, at 1894.
38. 1981 Nev. Stat. c. 761, §3, at 1942 (amending NEV. REV. STAT. §466.090).
39. *Compare* NEV. REV. STAT. §466.090 (amended by 1983 Nev. Stat. c. 592, §12(2), at 1895) *with* 1981 Nev. Stat. c. 761, §3, at 1942 (amending NEV. REV. STAT. §466.090).
40. 1983 Nev. Stat. c. 592, §3(2), at 1891.

Gaming; immunity of gaming licensees

NEV. REV. STAT. §465.101 (amended).
SB 337 (Committee on Judiciary); 1983 STAT. Ch 249

Existing law grants immunity from civil or criminal liability to gaming licensees,[1] their officers, employees, or agents when they question a suspected cheater in their establishments.[2] To be afforded this immunity, however, notice of the immunity must be conspicuously posted on the premises.[3] Chapter 249 extends the availability of this immunity to the act of reporting suspected cheaters to the State Gaming Control Board or to law enforcement authorities.[4] In addition, prior law restricted the immunity to prosecutions for false arrest, false imprisonment, slander, or unlawful detention.[5] Chapter 249 deletes these restrictions, thus conferring a broader immunity to the licensees and their various agents.[6]

Furthermore, under existing law, the immunity from liability is limited to situations in which the taking into custody and detention of a

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1. NEV. REV. STAT. §463.0171; (definition of licensee).
2. *See id.* §465.101(1) (amended by 1983 Nev. Stat. c. 249, §1, at 564).
3. *Id.* §465.101(3) (amended by 1983 Nev. Stat. c. 249, §1, at 564).
4. *Compare id.* §465.101(1) (amended by 1983 Nev. Stat. c. 249, §1, at 564) *with* 1981 Nev. Stat. c. 594, §9, at 1295 (amending NEV. REV. STAT. §465.101). The Gaming Control Board and its agents are empowered to investigate and prosecute suspected criminal violations. *See* NEV. REV. STAT. §463.140; *see also* Gaming: Law Enforcement Activities of the Nevada Gaming Control Board, Op, Att'y Gen. (Op. no. 11, Nov. 19, 1981).
5. 1981 Nev. Stat. c. 594, §9, at 1295 (amending NEV. REV. STAT. §465.101).
6. *Compare* NEV. REV. STAT. §465.101 (amended by 1983 Nev. Stat. c. 249, §1, at 564) *with* 1981 Nev. Stat. c. 594, §9, at 1295 (amending NEV. REV. STAT. §465.101).

suspected cheater are reasonable under the circumstances.[7] With the enactment of Chapter 249, clear and convincing evidence must be established to show that the action taken against the suspect was unreasonable before an exception will be made to the licensee's grant of immunity.[8]

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7. *See* NEV. REV. STAT. §465.101(2) (amended by 1983 Nev. Stat. c. 249, §1, at 564).
8. *Compare id.* §465.101 (amended by 1983 Nev. Stat. c. 249, §1, at 564) *with* 1981 Nev. Stat. c. 594, §9, at 1295 (amending NEV. REV. STAT. §465.101).

Gaming; fines and judicial review procedures

NEV. REV. STAT. §463.— (new); §§463.153, 463.310, 463.312, 463.315, 463.335, 463.336, 463.337, 463.343, 464.080 (amended).
SB 330 (Committee on Judiciary); 1983 STAT. Ch 402
(*Effective May 17, 1983*)
SB 331 (Committee on Judiciary); 1983 STAT. Ch 533

Chapters 402 and 533 clarify the hearing procedures and fines that may be imposed by the Nevada Gaming Commission (hereinafter referred to as the Commission).[1] Prior law allowed the imposition of a fine not exceeding $100,000 for the first violation of the statute pertaining to (1) licensing and control of betting,[2] (2) pari-mutuel betting,[3] or (3) crimes and liabilities.[4] In addition, under prior law, fines not exceeding $250,000 were imposed for each subsequent violation.[5] Chapter 402 states that a fine of not more than $100,000 will be imposed for *each separate* violation of these statutory provisions or of the regulations of the Commission[6] that are the subject of the initial complaint.[7] Furthermore, Chapter 402 provides for an increased fine not exceeding $250,000 for each separate violation that is the subject of a subsequent complaint.[8]

If a violation occurs, existing law permits the Commission to fine the

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1. *See* NEV. REV. STAT. §463.310 (amended by 1983 Nev. Stat. c. 402, §1, at 998, effective May 17, 1983, and incorporated into c. 533, §3(4)(d), at 1554, effective July 1, 1983); *see also id.* §§463.022-.029 (provisions concerning Nevada Gaming Commission).
2. *See id.* §§463.010-.720.
3. *See id.* §§464.010-.100.
4. 1977 Nev. Stat. c. 571, §14(d), at 1432 (amending NEV. REV. STAT. §463.310); *see* NEV. REV. STAT. §§465.010-.101.
5. 1977 Nev. Stat. c. 571, §14(d), at 1432 (amending NEV. REV. STAT. §463.310).
6. *See* NEV. REV. STAT. §§463.145-.1598 (commission regulations).
7. *Id.* §463.310(4)(d) (amended by 1983 Nev. Stat. c. 402, §1(4)(d), at 998).
8. *Id.* §463.310 (amended by 1983 Nev. Stat. c. 402, §1(4)(d), at 998).