

ASSEMBLY BILL NO. 86—ASSEMBLYMAN WHEELER

PREFILED JANUARY 27, 2017

Referred to Committee on Judiciary

SUMMARY—Lowers the minimum age at which a person is authorized to gamble and engage in certain other related activities. (BDR 41-37)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 gaming; lowering the minimum age at which a person is authorized to gamble and engage in certain other related activities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person under 21 years of age from: (1) playing, being
2 allowed to play, placing wagers at, or collecting winnings from any gambling
3 game, slot machine, race book, sports pool or pari-mutuel operator; (2) loitering or
4 being permitted to loiter in or about any room or premises wherein any licensed
5 game, race book, sports pool or pari-mutuel wagering is operated or conducted; and
6 (3) being employed as a gaming employee except in a counting room. Any licensee,
7 employee, dealer or other person who violates or permits the violation of any such
8 provision, and any person under 21 years of age who violates any such provision, is
9 guilty of a misdemeanor. (NRS 463.350) **Section 1** of this bill lowers the age at
10 which a person may engage in any such activity from 21 years of age to 18 years of
11 age. **Sections 2-5** of this bill make conforming changes.

12 Existing law generally provides that a child commits a delinquent act if the
13 child commits an act designated a criminal offense pursuant to the laws of this
14 State. (NRS 62B.330) Accordingly, **sections 1 and 5** of this bill specify, where
15 necessary, that a person under 18 years of age commits a delinquent act if he or she
16 violates the provisions of those sections relating to gaming.



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

- 1 **Section 1.** NRS 463.350 is hereby amended to read as follows:
2 463.350 1. A person under ~~the age of 21~~ **18** years *of age*
3 shall not:
4 (a) Play, be allowed to play, place wagers at, or collect winnings
5 from, whether personally or through an agent, any gambling game,
6 slot machine, race book, sports pool or pari-mutuel operator.
7 (b) Loiter, or be permitted to loiter, in or about any room or
8 premises wherein any licensed game, race book, sports pool or pari-
9 mutuel wagering is operated or conducted.
10 (c) Be employed as a gaming employee except in a counting
11 room.
12 2. Any ~~licensee~~ **:**
13 (a) *Licensee*, employee, dealer or other person *who is 18 years*
14 *of age or older and* who violates or permits the violation of any of
15 the provisions of this section ~~and any person~~ **is guilty of a**
16 **misdemeanor.**
17 (b) *Person who is* under ~~21~~ **18** years of age ~~and~~ **and** who
18 violates any of the provisions of this section ~~is guilty of a~~
19 **misdemeanor** **commits a delinquent act.**
20 3. In any prosecution or other proceeding for the violation of
21 any of the provisions of this section, it is no excuse for the licensee,
22 employee, dealer or other person to plead that he or she believed the
23 person to be ~~21~~ **18** years ~~old~~ **of age** or ~~over~~ **older.**
24 **Sec. 2.** NRS 463.800 is hereby amended to read as follows:
25 463.800 1. A race book or sports pool may accept wagers
26 from a business entity if the business entity has established a
27 wagering account with the race book or sports pool and provided the
28 information required pursuant to subsection 2. The business entity
29 shall:
30 (a) Be deemed to be a patron for the purposes of this chapter and
31 chapter 465 of NRS.
32 (b) Place wagers in compliance with all applicable state and
33 federal laws.
34 2. A business entity that wishes to establish a wagering account
35 with a race book or sports pool shall provide to the race book or
36 sports pool:
37 (a) The name, residential address, copy of a valid photo
38 identification which evidences that the person is at least ~~21~~ **18**
39 years of age, and social security number or individual taxpayer
40 identification number, of each of the business entity's equity
41 owners, holders of indebtedness, directors, officers, managers and



1 partners, anyone entitled to payments based on the profits or
2 revenues and any designated individuals;

3 (b) The business entity's formation documents and all filings
4 with the Secretary of State pursuant to title 7 of NRS;

5 (c) Any other documentation or information the Commission
6 may require; and

7 (d) Any other documentation or information the race book or
8 sports pool may require.

9 3. A business entity shall update the information provided
10 pursuant to subsection 2 within 5 business days after any change in
11 the information or status.

12 4. A business entity shall:

13 (a) In addition to the books and records required by law to be
14 kept in this State, keep in this State originals or copies of the records
15 received from the race book or sports pool for all wagers placed;

16 (b) Maintain an account in this State with a bank or other
17 financial institution having a principal office, branch or agency
18 located in this State, from which it shall transfer and receive all
19 money used in wagering with an operator of a race book or sports
20 pool; and

21 (c) Make any records pursuant to this subsection available for
22 review by the Board or its agents.

23 5. Notwithstanding the provisions of NRS 463.350, a race book
24 or sports pool may accept wagers from a designated individual of a
25 business entity which has established a wagering account with the
26 race book or sports pool.

27 6. A business entity and any designated individual that places a
28 wager with a race book or sports pool pursuant to this section must
29 not be considered to be engaged in the unlawful accepting or
30 facilitating of any bet or wager.

31 7. It is unlawful for any person either solely or in conjunction
32 with others:

33 (a) To knowingly pay or distribute profits or any compensation
34 to a designated individual or equity owner who is not disclosed to
35 the race book or sports pool pursuant to subsection 2;

36 (b) To knowingly pay or distribute a percentage of revenue
37 derived from the wagering activity of a business entity to a person
38 who is not disclosed to the race book or sports pool pursuant to
39 subsection 2;

40 (c) To wager with money received from a person who is not
41 disclosed to the race book or sports pool pursuant to subsection 2;

42 (d) To place a wager on behalf of a person who is not disclosed
43 to the race book or sports pool pursuant to subsection 2; or

44 (e) To knowingly submit any false information as required by
45 this section.



1 8. The Commission may, with the advice and assistance of the
2 Board, adopt regulations as it deems necessary to carry out the
3 provisions of this section.

4 9. As used in this section:

5 (a) "Business entity" means an entity organized and existing
6 under the laws of this State.

7 (b) "Designated individual" means a person listed as an officer,
8 director, partner or manager of a business entity in the business
9 entity's filings with the Secretary of State pursuant to title 7 of NRS,
10 and any other natural person authorized by the business entity in
11 writing to place wagers.

12 **Sec. 3.** NRS 129.130 is hereby amended to read as follows:

13 129.130 1. If the court determines that the petition should be
14 granted, it shall enter a decree of emancipation.

15 2. A decree so entered is conclusive and binding.

16 3. Such a decree emancipates the minor for all purposes and
17 removes the disability of minority of the minor insofar as that
18 disability may affect:

19 (a) The incurring of indebtedness or contractual obligations of
20 any kind;

21 (b) The litigation and settlement of controversies;

22 (c) The acquiring, encumbering and conveying of property or
23 any interest therein;

24 (d) The consenting to medical, dental or psychiatric care without
25 parental consent, knowledge or liability;

26 (e) The enrolling in any school or college; and

27 (f) The establishment of the minor's own residence.

28 ➔ For these purposes, the minor shall be considered in law as an
29 adult, and any obligation the minor incurs is enforceable by and
30 against the minor without regard to his or her minority.

31 4. Unless otherwise provided by the decree, the obligation of
32 support otherwise owed a minor by his or her parent or guardian is
33 terminated by the entry of the decree.

34 5. Except as otherwise provided in this section, a decree of
35 emancipation does not affect the status of the minor for any purpose,
36 including the applicability of any provision of law which:

37 (a) Prohibits the sale, purchase or consumption of intoxicating
38 liquor to or by a person under the age of 21 years;

39 (b) Prohibits gaming or employment in gaming by or of a person
40 under the age of ~~14~~ 18 years;

41 (c) Restricts the ability to marry of a person under the age of 18
42 years;

43 (d) Governs matters relating to referrals for delinquent acts or
44 violations of NRS 392.040 to 392.125, inclusive, unless the minor
45 has been certified for trial as an adult pursuant to title 5 of NRS; or



1 (e) Imposes penalties or regulates conduct according to the age
2 of any person.

3 6. A petition may be filed by any person or by any public
4 agency to void a decree of emancipation on the following grounds:

5 (a) The minor has become indigent and has insufficient means
6 of support; or

7 (b) The decree of emancipation was obtained by fraud,
8 misrepresentation or the withholding of material information.

9 7. The voiding of any decree of emancipation must not alter
10 any contractual obligations or rights or any property rights or
11 interests which arose during the period that the decree was in effect.

12 **Sec. 4.** NRS 202.2494 is hereby amended to read as follows:

13 202.2494 1. A cigarette vending machine may be placed in a
14 public area only if persons who are ~~under~~ :

15 (a) *Under* 21 years of age are prohibited from loitering in that
16 area pursuant to NRS 202.030 ; or

17 (b) *Under 18 years of age are prohibited from loitering in that*
18 *area pursuant to NRS* 463.350.

19 2. A coin-operated vending machine containing cigarettes must
20 not be used to dispense any product not made or derived from
21 tobacco.

22 **Sec. 5.** NRS 205.460 is hereby amended to read as follows:

23 205.460 1. Every person who counterfeits, forges, alters,
24 erases or obliterates, or who attempts to counterfeit, forge, alter,
25 erase or obliterate any card, writing, paper or document, or any
26 photocopy print, photostat, or other replica of any card, writing,
27 paper or document which is designed for the purpose of personal
28 identification and which bears the age of the holder or purported
29 holder thereof, or which, although not designed for the purpose of
30 personal identification, is commonly used, or capable of being used
31 for the purpose of personal identification and bears the age of the
32 holder or purported holder thereof, with the intention that such card,
33 writing, paper or document, or photocopy print, photostat or other
34 replica thereof, be used by a person ~~under the age of~~ *who is:*

35 (a) *Under* 21 years *of age* to establish falsely or misrepresent
36 his or her actual age for the purpose of purchasing alcoholic liquor
37 or being served alcoholic liquor in a place where it is served for
38 consumption on the premises ; ~~or~~ or

39 (b) *Under 18 years of age to establish falsely or misrepresent*
40 *his or her actual age for the purpose of* entering gambling
41 establishments, or engaging in gambling in gambling
42 establishments, ~~shall be~~

43 *is* guilty of a misdemeanor.



1 2. For the purposes of ~~this~~ subsection ~~H~~ 1, the cards,
2 writings, papers or documents and the photocopy prints, *photostats*
3 or other replicas thereof which, although not designed for the
4 purpose of personal identification, are commonly used, or capable of
5 being used, for the purpose of personal identification, include, but
6 are not limited to, an operator's license, chauffeur's license, fishing
7 or hunting license, selective service card, organizational
8 membership card, certificate of discharge from the Armed Forces, or
9 certificate or other record of birth.

10 ~~2~~ 3. Every person who sells, lends, gives away or offers, or
11 attempts to sell, lend, give away or offer, any counterfeited, forged,
12 altered, erased or obliterated card, writing, paper or document, or
13 photocopy print, photostat or other replica thereof, of the kind
14 mentioned in subsection 1, to a person *who is* under the *applicable*
15 age ~~of 21 years, shall be~~ *set forth in paragraph (a) or (b) of*
16 *subsection 1 with the intention that such card, writing, paper or*
17 *document, or photocopy print, photostat or other replica thereof,*
18 *be used for the purpose set forth in paragraph (a) or (b) of*
19 *subsection 1, as applicable, is guilty of a gross misdemeanor.*

20 ~~3~~ 4. *Every person who is at least 18 years of age but less*
21 *than 21 years of age and who uses or attempts to use or proffers*
22 *any counterfeited, forged, erased or obliterated card, writing,*
23 *paper or document, or any photocopy print, photostat or other*
24 *replica thereof, of the kind mentioned in subsection 1, for the*
25 *purpose and with the intention of purchasing alcoholic liquor or*
26 *being served alcoholic liquor in a place where it is served for*
27 *consumption on the premises, or who actually purchases alcoholic*
28 *liquor or is actually served alcoholic liquor in a place where it is*
29 *served for consumption on the premises, when the purchase or*
30 *service is induced or permitted by the presentation of any such*
31 *card, writing, paper or document, or any photocopy print,*
32 *photostat or other replica thereof, is guilty of a misdemeanor.*

33 5. Every person *who is* under ~~the age of 21~~ 18 years *of age*
34 who uses or attempts to use or proffers any counterfeited, forged,
35 erased or obliterated card, writing, paper, document, or any
36 photocopy print, photostat or other replica thereof, of the kind
37 mentioned in subsection 1, for the purpose and with the intention of
38 purchasing alcoholic liquor or being served alcoholic liquor in a
39 place where it is served for consumption on the premises, or
40 entering gambling establishments, or engaging in gambling in
41 gambling establishments, or who actually purchases alcoholic liquor
42 or is actually served alcoholic liquor in a place where it is served for
43 consumption on the premises, or actually enters a gambling
44 establishment or actually gambles therein, when the purchase,
45 service, entering or gambling is induced or permitted by the



1 presentation of any such card, writing, paper or document, or any
2 photocopy print, photostat or other replica thereof, ~~shall be guilty~~
3 ~~of a misdemeanor.~~
4 ~~—4.]~~ *commits a delinquent act.*
5 6. In any criminal prosecution or proceeding for the suspension
6 or revocation of any license based upon the violation of any law
7 making it unlawful to sell, serve or furnish a person *who is* under
8 ~~the age of~~ 21 years *of age* alcoholic liquor or upon violation of any
9 law making it unlawful to allow a person *who is* under ~~the age of~~
10 ~~21] 18~~ years *of age* to enter a gambling establishment or engage in
11 gambling in a gambling establishment, proof that the defendant
12 licensee, or his or her agent or employee, demanded and was shown,
13 immediately before furnishing any alcoholic liquor to a person *who*
14 *is* under ~~the age of~~ 21 years *of age* or allowing a person *who is*
15 under ~~the age of 21] 18~~ years *of age* to enter a gambling
16 establishment or engage in gambling in a gambling establishment,
17 bona fide documentary evidence of the majority and identity of the
18 person issued by a federal, state, county or municipal government,
19 or subdivision or agency thereof, including, but not limited to, an
20 operator's license for a motor vehicle, a registration certificate
21 issued under the Federal Selective Service Act, or an identification
22 card issued to a member of the Armed Forces, is a defense to the
23 prosecution or proceeding for the suspension or revocation of any
24 license.



