

ASSEMBLY BILL NO. 184—ASSEMBLYMEN MILLER, BENITEZ-THOMPSON, MONROE-MORENO; FUMO, MCCURDY AND THOMPSON

FEBRUARY 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to security guards. (BDR 54-929)

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 security guards; requiring certain training and screenings for a private patrol officer and certain employees thereof; creating enhanced penalties for certain crimes committed against a security guard; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a person to be licensed by the Private Investigator’s
2 Licensing Board before engaging in the business of a private patrol officer, which
3 is defined to mean a person engaged in the business of employing and providing for
4 other persons watchmen, guards, patrol officers, uniformed officers to control
5 traffic, bodyguards or other persons for the purpose of protecting persons or
6 property. (NRS 648.013, 648.060) Existing law authorizes the Board to require a
7 licensee or employee thereof to complete training in firearm safety before being
8 allowed to carry a firearm in the course of his or her duties. (NRS 648.030) **Section**
9 **1** of this bill instead requires a private patrol officer and any employee of a private
10 patrol officer to complete certain training and pass a psychological evaluation and a
11 screening for controlled substances before being allowed to carry a firearm in the
12 course of his or her duties. **Section 1** also requires private patrol officers and
13 employees of private patrol officers who carry firearms in the course of their duties
14 to complete continuing education. **Section 1** additionally requires a private patrol
15 officer or employee thereof who carries a firearm in the course of his or her duties
16 to receive training concerning any tool that may be used for attacking or disabling
17 another person that the officer or employee wishes to carry. **Section 1** also requires
18 the Board to require a private patrol officer or security guard who is not allowed to
19 carry a firearm in the course of his or her duties to receive at least 8 hours of
20 comprehensive training.

21 Existing law prescribes enhanced penalties for assault or battery of certain
22 persons, including peace officers and certain other public employees and
23 volunteers, who are performing their duties. (NRS 200.471, 200.481) **Sections 2**



24 **and 3** of this bill make these enhanced penalties applicable to assault or battery of a
25 security guard who is performing his or her duties.

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

1 **Section 1.** NRS 648.030 is hereby amended to read as follows:
2 648.030 1. The Board shall from time to time adopt
3 regulations to enable it to carry out the provisions of this chapter.

4 2. The Board shall classify licensees according to the type of
5 business in which they are engaged and may limit the field and
6 scope of the operations of a licensee to those in which the licensee is
7 classified.

8 3. The Board shall establish the criteria for:

9 (a) Authorizing self-insurance maintained by licensees pursuant
10 to NRS 648.135.

11 (b) Levying fines contained in notices of violation based upon
12 the following factors:

13 (1) The seriousness of the violation.

14 (2) The good faith of the person being charged.

15 (3) A person's history of previous violations.

16 4. The Board may by regulation fix qualifications of licensees
17 and of the directors and officers of corporate licensees necessary to
18 promote the public welfare.

19 5. The Board may by regulation require licensees and their
20 employees to attend courses in firearm safety conducted by
21 instructors approved by the Board. The Board may require a
22 licensee or his or her employee to complete a certain amount of
23 training in firearm safety before being ~~permitted~~ *allowed* to carry a
24 firearm in the course of his or her duties ~~[-]~~, *except that a private*
25 *patrol officer and any employee of a private patrol officer shall,*
26 *before being allowed to carry a firearm in the course of his or her*
27 *duties:*

28 (a) *Complete at least 40 hours of comprehensive training,*
29 *including, without limitation, training in firearm safety.*

30 (b) *Complete training concerning the safe use of each*
31 *additional tool that may be used for attacking or disabling another*
32 *person, including, without limitation, batons, pepper spray,*
33 *handcuffs, mace and electronic stun devices, that the licensee or*
34 *employee wishes to carry in the course of his or her duties.*

35 (c) *Complete the Minnesota Multiphasic Personality Inventory*
36 *or, if that examination ceases to exist, a similar examination*
37 *prescribed by regulation of the Board in a manner which indicates*
38 *that the licensee or employee is capable of exercising good*
39 *judgment in rapidly developing situations and carrying a firearm*



1 *without posing a danger to himself or herself or others. The Board*
2 *shall prescribe by regulation the specific criteria for determining*
3 *whether a licensee or employee has completed the examination in*
4 *such a manner.*

5 *(d) Undergo a screening test for the presence of controlled*
6 *substances and test negative for any controlled substance, other*
7 *than marijuana, for which the licensee or employee does not have*
8 *a valid prescription.*

9 **6.** *Each private patrol officer or employee of a private patrol*
10 *officer who is allowed to carry a firearm in the course of his or her*
11 *duties shall:*

12 *(a) Complete training concerning each additional tool*
13 *described in paragraph (b) of subsection 5 that the licensee or*
14 *employee wishes to carry in the course of his or her duties and for*
15 *which the licensee or employee has not previously received*
16 *training pursuant to that paragraph; and*

17 *(b) Complete such continuing education as prescribed by the*
18 *Board.*

19 **7.** *Each private patrol officer and any employee of a private*
20 *patrol officer who is not allowed to carry a firearm in the course*
21 *of his or her duties shall complete at least 8 hours of*
22 *comprehensive training in accordance with any regulations*
23 *adopted by the Board.*

24 **8.** *The Board shall adopt any regulations necessary to ensure*
25 *compliance with the provisions of this section, including, without*
26 *limitation, prescribing appropriate disciplinary action for a private*
27 *patrol officer who fails to comply with the requirements of*
28 *subsections 5, 6 and 7 or who fails to ensure that his or her*
29 *employee complies with those requirements.*

30 **Sec. 2.** NRS 200.471 is hereby amended to read as follows:

31 200.471 1. As used in this section:

32 (a) "Assault" means:

33 (1) Unlawfully attempting to use physical force against
34 another person; or

35 (2) Intentionally placing another person in reasonable
36 apprehension of immediate bodily harm.

37 (b) "Fire-fighting agency" has the meaning ascribed to it in
38 NRS 239B.020.

39 (c) "Officer" means:

40 (1) A person who possesses some or all of the powers of a
41 peace officer;

42 (2) A person employed in a full-time salaried occupation of
43 fire fighting for the benefit or safety of the public;

44 (3) A member of a volunteer fire department;



1 (4) A jailer, guard or other correctional officer of a city or
2 county jail;

3 (5) A justice of the Supreme Court, judge of the Court of
4 Appeals, district judge, justice of the peace, municipal judge,
5 magistrate, court commissioner, master or referee, including a
6 person acting pro tempore in a capacity listed in this subparagraph;

7 (6) An employee of this State or a political subdivision of
8 this State whose official duties require the employee to make home
9 visits;

10 (7) A civilian employee or a volunteer of a law enforcement
11 agency whose official duties require the employee or volunteer to:

12 (I) Interact with the public;

13 (II) Perform tasks related to law enforcement; and

14 (III) Wear identification, clothing or a uniform that
15 identifies the employee or volunteer as working or volunteering for
16 the law enforcement agency;

17 (8) A civilian employee or a volunteer of a fire-fighting
18 agency whose official duties require the employee or volunteer to:

19 (I) Interact with the public;

20 (II) Perform tasks related to fire fighting or fire
21 prevention; and

22 (III) Wear identification, clothing or a uniform that
23 identifies the employee or volunteer as working or volunteering for
24 the fire-fighting agency; or

25 (9) A civilian employee or volunteer of this State or a
26 political subdivision of this State whose official duties require the
27 employee or volunteer to:

28 (I) Interact with the public;

29 (II) Perform tasks related to code enforcement; and

30 (III) Wear identification, clothing or a uniform that
31 identifies the employee or volunteer as working or volunteering for
32 this State or a political subdivision of this State.

33 (d) "Provider of health care" means a physician, a medical
34 student, a perfusionist or a physician assistant licensed pursuant to
35 chapter 630 of NRS, a practitioner of respiratory care, a
36 homeopathic physician, an advanced practitioner of homeopathy, a
37 homeopathic assistant, an osteopathic physician, a physician
38 assistant licensed pursuant to chapter 633 of NRS, a podiatric
39 physician, a podiatry hygienist, a physical therapist, a medical
40 laboratory technician, an optometrist, a chiropractor, a
41 chiropractor's assistant, a doctor of Oriental medicine, a nurse, a
42 student nurse, a certified nursing assistant, a nursing assistant
43 trainee, a medication aide - certified, a dentist, a dental student, a
44 dental hygienist, a dental hygienist student, a pharmacist, a
45 pharmacy student, an intern pharmacist, an attendant on an



1 ambulance or air ambulance, a psychologist, a social worker, a
2 marriage and family therapist, a marriage and family therapist
3 intern, a clinical professional counselor, a clinical professional
4 counselor intern, a licensed dietitian, an emergency medical
5 technician, an advanced emergency medical technician and a
6 paramedic.

7 (e) "School employee" means a licensed or unlicensed person
8 employed by a board of trustees of a school district pursuant to NRS
9 391.100 or 391.281.

10 (f) "*Security guard*" has the meaning ascribed to it in
11 *NRS 648.016*.

12 (g) "Sporting event" has the meaning ascribed to it in
13 NRS 41.630.

14 ~~(e)~~ (h) "Sports official" has the meaning ascribed to it in
15 NRS 41.630.

16 ~~(h)~~ (i) "Taxicab" has the meaning ascribed to it in
17 NRS 706.8816.

18 ~~(i)~~ (j) "Taxicab driver" means a person who operates a
19 taxicab.

20 ~~(j)~~ (k) "Transit operator" means a person who operates a bus
21 or other vehicle as part of a public mass transportation system.

22 2. A person convicted of an assault shall be punished:

23 (a) If paragraph (c) or (d) does not apply to the circumstances of
24 the crime and the assault is not made with the use of a deadly
25 weapon or the present ability to use a deadly weapon, for a
26 misdemeanor.

27 (b) If the assault is made with the use of a deadly weapon or the
28 present ability to use a deadly weapon, for a category B felony by
29 imprisonment in the state prison for a minimum term of not less
30 than 1 year and a maximum term of not more than 6 years, or by a
31 fine of not more than \$5,000, or by both fine and imprisonment.

32 (c) If paragraph (d) does not apply to the circumstances of the
33 crime and if the assault is committed upon an officer, *a security*
34 *guard*, a provider of health care, a school employee, a taxicab driver
35 or a transit operator who is performing his or her duty or upon a
36 sports official based on the performance of his or her duties at a
37 sporting event and the person charged knew or should have known
38 that the victim was an officer, *a security guard*, a provider of health
39 care, a school employee, a taxicab driver, a transit operator or a
40 sports official, for a gross misdemeanor, unless the assault is made
41 with the use of a deadly weapon or the present ability to use a
42 deadly weapon, then for a category B felony by imprisonment in the
43 state prison for a minimum term of not less than 1 year and a
44 maximum term of not more than 6 years, or by a fine of not more
45 than \$5,000, or by both fine and imprisonment.



(d) If the assault is committed upon an officer, *a security guard*, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, *a security guard*, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony 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, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 3. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(6) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(7) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;



1 (8) A civilian employee or a volunteer of a fire-fighting
2 agency whose official duties require the employee or volunteer to:

3 (I) Interact with the public;

4 (II) Perform tasks related to fire fighting or fire
5 prevention; and

6 (III) Wear identification, clothing or a uniform that
7 identifies the employee or volunteer as working or volunteering for
8 the fire-fighting agency; or

9 (9) A civilian employee or volunteer of this State or a
10 political subdivision of this State whose official duties require the
11 employee or volunteer to:

12 (I) Interact with the public;

13 (II) Perform tasks related to code enforcement; and

14 (III) Wear identification, clothing or a uniform that
15 identifies the employee or volunteer as working or volunteering for
16 this State or a political subdivision of this State.

17 (e) "Provider of health care" has the meaning ascribed to it in
18 NRS 200.471.

19 (f) "School employee" means a licensed or unlicensed person
20 employed by a board of trustees of a school district pursuant to NRS
21 391.100 or 391.281.

22 (g) *"Security guard" has the meaning ascribed to it in*
23 *NRS 648.016.*

24 (h) "Sporting event" has the meaning ascribed to it in
25 NRS 41.630.

26 ~~(h)~~ (i) "Sports official" has the meaning ascribed to it in
27 NRS 41.630.

28 ~~(h)~~ (j) "Strangulation" means intentionally impeding the
29 normal breathing or circulation of the blood by applying pressure on
30 the throat or neck or by blocking the nose or mouth of another
31 person in a manner that creates a risk of death or substantial bodily
32 harm.

33 ~~(h)~~ (k) "Taxicab" has the meaning ascribed to it in
34 NRS 706.8816.

35 ~~(k)~~ (l) "Taxicab driver" means a person who operates a
36 taxicab.

37 ~~(h)~~ (m) "Transit operator" means a person who operates a bus
38 or other vehicle as part of a public mass transportation system.

39 2. Except as otherwise provided in NRS 200.485, a person
40 convicted of a battery, other than a battery committed by an adult
41 upon a child which constitutes child abuse, shall be punished:

42 (a) If the battery is not committed with a deadly weapon, and no
43 substantial bodily harm to the victim results, except under
44 circumstances where a greater penalty is provided in this section or
45 NRS 197.090, for a misdemeanor.



1 (b) If the battery is not committed with a deadly weapon, and
2 either substantial bodily harm to the victim results or the battery is
3 committed by strangulation, for a category C felony as provided in
4 NRS 193.130.

5 (c) If:

6 (1) The battery is committed upon an officer, *security guard*,
7 provider of health care, school employee, taxicab driver or transit
8 operator who was performing his or her duty or upon a sports
9 official based on the performance of his or her duties at a sporting
10 event;

11 (2) The officer, *security guard*, provider of health care,
12 school employee, taxicab driver, transit operator or sports official
13 suffers substantial bodily harm or the battery is committed by
14 strangulation; and

15 (3) The person charged knew or should have known that the
16 victim was an officer, *security guard*, provider of health care,
17 school employee, taxicab driver, transit operator or sports official,
18 ↪ for a category B felony by imprisonment in the state prison for a
19 minimum term of not less than 2 years and a maximum term of not
20 more than 10 years, or by a fine of not more than \$10,000, or by
21 both fine and imprisonment.

22 (d) If the battery is committed upon an officer, *security guard*,
23 provider of health care, school employee, taxicab driver or transit
24 operator who is performing his or her duty or upon a sports official
25 based on the performance of his or her duties at a sporting event and
26 the person charged knew or should have known that the victim was
27 an officer, *security guard*, provider of health care, school employee,
28 taxicab driver, transit operator or sports official, for a gross
29 misdemeanor, except under circumstances where a greater penalty is
30 provided in this section.

31 (e) If the battery is committed with the use of a deadly weapon,
32 and:

33 (1) No substantial bodily harm to the victim results, for a
34 category B felony by imprisonment in the state prison for a
35 minimum term of not less than 2 years and a maximum term of not
36 more than 10 years, and may be further punished by a fine of not
37 more than \$10,000.

38 (2) Substantial bodily harm to the victim results or the
39 battery is committed by strangulation, for a category B felony by
40 imprisonment in the state prison for a minimum term of not less
41 than 2 years and a maximum term of not more than 15 years, and
42 may be further punished by a fine of not more than \$10,000.

43 (f) If the battery is committed by a probationer, a prisoner who
44 is in lawful custody or confinement or a parolee, without the use of
45 a deadly weapon, whether or not substantial bodily harm results and



1 whether or not the battery is committed by strangulation, for a
2 category B felony by imprisonment in the state prison for a
3 minimum term of not less than 1 year and a maximum term of not
4 more than 6 years.

5 (g) If the battery is committed by a probationer, a prisoner who
6 is in lawful custody or confinement or a parolee, with the use of a
7 deadly weapon, and:

8 (1) No substantial bodily harm to the victim results, for a
9 category B felony by imprisonment in the state prison for a
10 minimum term of not less than 2 years and a maximum term of not
11 more than 10 years.

12 (2) Substantial bodily harm to the victim results or the
13 battery is committed by strangulation, for a category B felony by
14 imprisonment in the state prison for a minimum term of not less
15 than 2 years and a maximum term of not more than 15 years.

16 **Sec. 4.** 1. This section becomes effective upon passage and
17 approval.

18 2. Section 1 of this act becomes effective:

19 (a) Upon passage and approval for the purpose of adopting any
20 regulations and performing any other preparatory administrative
21 tasks that are necessary to carry out the provisions of this act; and

22 (b) On January 1, 2020, for all other purposes.

23 3. Sections 2 and 3 of this act become effective on July 1,
24 2019.



