

**Amendment No. 867**

Assembly Amendment to Assembly Bill No. 321 First Reprint (BDR 52-753)

**Proposed by:** Assembly Committee on Ways and Means

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

| ASSEMBLY ACTION |                          |      | Initial and Date         | SENATE ACTION |              |                          | Initial and Date |                          |       |
|-----------------|--------------------------|------|--------------------------|---------------|--------------|--------------------------|------------------|--------------------------|-------|
| Adopted         | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____         | Adopted      | <input type="checkbox"/> | Lost             | <input type="checkbox"/> | _____ |
| Concurred In    | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____         | Concurred In | <input type="checkbox"/> | Not              | <input type="checkbox"/> | _____ |
| Receded         | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____         | Receded      | <input type="checkbox"/> | Not              | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





ASSEMBLY BILL NO. 321—ASSEMBLYMEN CARTER;  
ANDERSON AND LA RUE HATCH

MARCH 16, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to public safety. (BDR 52-753)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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 public safety; setting forth certain requirements and restrictions concerning foil balloons that are sold, offered for sale or manufactured in this State; prohibiting, with certain exceptions, a person from selling, offering for sale or manufacturing a foil balloon that fails to meet certain requirements; requiring the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons; providing enhanced penalties in certain circumstances for committing assault or battery upon a utility worker; prohibiting a person from committing certain acts against the infrastructure of a public utility; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

**Sections 2-10** of this bill set forth certain requirements and restrictions concerning the manufacturing and sale of foil balloons, which **section 5** of this bill defines, in general, to mean a balloon that is constructed of electrically conductive material and that is not a hot air balloon or a balloon used in a governmental or scientific research project.

**Section 2** sets forth certain legislative findings and declarations concerning foil balloons.

**Section 7** of this bill requires a person who manufactures a foil balloon in this State to include certain markings on the foil balloon. **Section 7** also prohibits a person from selling, offering for sale or distributing a foil balloon that is filled with a gas that is lighter than air unless: (1) an object of sufficient weight is affixed to the balloon or its appurtenance to counter the lift capability of the foil balloon; and (2) no electrically conductive string, tether or streamer or other electrically conductive object is attached to the foil balloon.

**Section 9** of this bill requires the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons. **Section 9:** (1) requires that standard to be the P2845 Standard, if the P2845 Standard is deemed final and approved; and (2) sets forth the conditions under which the P2845 Standard is deemed final and approved. **Section 6** of this bill defines “P2845 Standard” to mean, in general, a certain specified standard for the testing and evaluation of the dielectric performance of foil balloons established by the Institute of Electrical and Electronics Engineers.

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19 **Section 8** of this bill: (1) requires any foil balloon sold, offered for sale or manufactured  
20 in this State to have been tested in accordance with, and meet the performance standards set  
21 forth in, the standard adopted by the Commission pursuant to **section 9**; and (2) prohibits a  
22 person from selling, offering for sale or manufacturing a foil balloon in this State unless the  
23 foil balloon meets those requirements. **Section 8** provides for the gradual implementation of  
24 those requirements by setting forth certain deadlines by which certain percentages of the foil  
25 balloons sold, offered for sale or manufactured by a person must comply with those  
26 requirements. **Section 8** sets forth certain circumstances under which those deadlines may be  
27 extended.

28 **Section 10** provides for the imposition of a civil penalty against a person who sells, offers  
29 for sale or manufactures a foil balloon in violation of **sections 2-10** not to exceed \$50 for each  
30 balloon sold, offered for sale or manufactured, not to exceed \$2,500 for each day on which a  
31 violation occurs. **Section 10** authorizes the Attorney General, a district attorney or a city  
32 attorney to: (1) recover the civil penalties in a civil action; and (2) bring an action to enjoin  
33 any violation of **sections 2-10**.

34 Existing law: (1) makes it unlawful to commit certain acts involving theft or damage to  
35 property of a public utility; (2) prescribes certain criminal penalties for the commission of  
36 such unlawful acts; and (3) provides for a civil action for damages for an injury to or the  
37 destruction of the property of a public utility. (NRS 704.800, 704.805) **Section 11** of this bill  
38 makes it unlawful for a person, with the intent to interfere or otherwise prevent the  
39 performance of the normal function of any infrastructure owned by a public utility, to: (1)  
40 commit any trespass upon the infrastructure; or (2) intentionally or recklessly deface, damage  
41 or tamper with the infrastructure. **Section 12** of this bill authorizes a public utility to bring a  
42 civil action for damages against any person who violates the prohibition created by **section**  
43 **11**.

44 Under existing law, if a person commits an assault upon an officer, a provider of health  
45 care, a school employee, a taxicab driver or a transit operator who is performing his or her  
46 duty and the person knew or should have known that the victim was an officer, a provider of  
47 health care, a school employee, a taxicab driver or a transit operator, the person is guilty of:  
48 (1) a category B felony if the assault is made with the use of a deadly weapon or the present  
49 ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner  
50 or parolee; or (3) if neither of those circumstances is present, a gross misdemeanor. (NRS  
51 200.471) Additionally, under existing law, if a person commits a battery upon an officer, a  
52 provider of health care, a school employee, a taxicab driver or a transit operator, and the  
53 person knew or should have known that the victim was an officer, a provider of health care,  
54 a school employee, a taxicab driver or a transit operator, the person is guilty of: (1) a category B  
55 felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if  
56 those circumstances are not present and no greater penalty is provided by law, a gross  
57 misdemeanor. (NRS 200.481) **Sections 10.3 and 10.6** of this bill provide for the imposition of  
58 those penalties for an assault or battery committed upon a utility worker.

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

1 **Section 1.** Chapter 597 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2 to 10, inclusive, of this act.

3 **Sec. 2. *The Legislature hereby finds and declares that:***

4 ***1. Electric utilities in this State are responsible for delivering safe, reliable***  
5 ***energy through large transmission and distribution networks. Equipment failure***  
6 ***or damage from weather, animals and human activity can cause power outages.***

7 ***2. Electric utilities report that foil balloons are among the top causes of***  
8 ***outages. Foil balloons are coated with a shiny metallic film that conducts***  
9 ***electricity. If a foil balloon contacts power lines, this can create an electrical fault***  
10 ***that can damage power lines, cause blackouts and start fires.***

1           3. Because of the risk of power outages and fires caused by foil balloons  
2 coming into contact with power lines, other states and jurisdictions have  
3 considered bans on foil balloons.

4           4. Modern technology has advanced to allow for the manufacturing of foil  
5 balloons that resist conducting electricity. The Institute of Electrical and  
6 Electronics Engineers is developing standards for such balloons.

7           5. Requiring foil balloons to be tested and to meet performance standards  
8 concerning their dielectric performance will minimize the risks of power outages  
9 and fires.

10          Sec. 3. As used in sections 2 to 10, inclusive, of this act, unless the context  
11 otherwise requires, the words and terms defined in sections ~~[4, 5 and 6]~~ 3.5 to 6,  
12 inclusive, of this act have the meanings ascribed to them in those sections.

13          Sec. 3.5. “Commencement date” means the date on which the regulation  
14 adopted by the Commission establishing the P2845 Standard pursuant to section  
15 9 of this act becomes effective, or on June 20, 2027, whichever is later.

16          Sec. 4. “Commission” means the Public Utilities Commission of Nevada.

17          Sec. 5. 1. “Foil balloon” means a balloon that is constructed of  
18 electrically conductive material.

19           2. The term does not include a hot air balloon or a balloon used in a  
20 governmental or scientific research project.

21          Sec. 6. “P2845 Standard” means the “Standard for Testing and Evaluating  
22 the Dielectric Performance of Celebratory Balloons in Contact with Overhead  
23 Power Distribution Lines Rated up to 38 kV System Voltage,” IEEE P2845, of  
24 the Institute of Electrical and Electronics Engineers.

25          Sec. 7. 1. A person who manufactures a foil balloon in this State shall  
26 include on the foil balloon a suitable, permanent mark that:

27           (a) Identifies the manufacturer of the foil balloon.

28           (b) If the foil balloon meets the requirements of section 8 of this act,  
29 indicates that the foil balloon meets those requirements. If the Commission has  
30 adopted the P2845 Standard pursuant to section 9 of this act, any marking  
31 specified in the P2845 Standard shall be deemed to be a suitable mark for the  
32 purposes of this subsection.

33           2. A person shall not sell, offer for sale or distribute a foil balloon that is  
34 filled with a gas that is lighter than air in this State after the commencement date  
35 unless:

36           (a) An object of sufficient weight is affixed to the foil balloon or its  
37 appearance to counter the lift capability of the foil balloon; and

38           (b) No electrically conductive string, tether or streamer or any other  
39 electrically conductive object is attached to the foil balloon.

40          Sec. 8. 1. Except as otherwise provided in this section, a person shall not  
41 sell, offer to sell or manufacture a foil balloon in this State after the  
42 commencement date unless the foil balloon meets the requirements set forth in  
43 this section.

44           2. Except as otherwise provided in this section, any foil balloon sold, offered  
45 for sale or manufactured in this State after the commencement date must be  
46 tested in accordance with, and meet the performance standards set forth in, a  
47 standard for the testing and evaluation of the dielectric performance of foil  
48 balloons adopted by the Commission pursuant to section 9 of this act.

49           3. Except as otherwise provided in subsections 4 and 5, a person who sells,  
50 offers for sale or manufactures foil balloons in this State after the  
51 commencement date shall ensure that:

1 (a) Not less than 25 percent of the foil balloons sold, offered for sale or  
2 manufactured by the person comply with the provisions of this section on or  
3 before June 30, 2027.

4 (b) Not less than 55 percent of the foil balloons sold, offered for sale or  
5 manufactured by the person comply with the provisions of this section on or  
6 before June 30, 2028.

7 (c) Not less than 80 percent of the foil balloons sold, offered for sale or  
8 manufactured by the person comply with the provisions of this section on or  
9 before June 30, 2029.

10 (d) One hundred percent of the foil balloons sold, offered for sale or  
11 manufactured by the person comply with the provisions of this section on or  
12 before June 30, 2030.

13 4. A period described in subsection 3 must be tolled during any period in  
14 which a serious development, manufacturing, production or supply chain issue or  
15 event in the nature of force majeure occurs if the issue or event:

16 (a) Makes it infeasible to develop, manufacture, produce or sell foil balloons  
17 in compliance with the requirements of this section; and

18 (b) Is outside of the control of the person who sells, offers to sell or  
19 manufactures a foil balloon in this State.

20 5. If a period of tolling is required pursuant to subsection 4, the period must  
21 be:

22 (a) Twenty four months; or

23 (b) Until the serious development, manufacturing, production or supply  
24 chain issue or event in the nature of force majeure is resolved,

25 ↪ whichever occurs ~~first~~ later.

26 6. As used in this section, “infeasible” means incapable of being  
27 accomplished in a successful manner within a reasonable time, taking into  
28 account economic, environmental, legal, social and technological factors.

29 **Sec. 9.** 1. The Commission shall adopt, by regulation, a standard for  
30 testing and evaluating the dielectric performance of foil balloons. If the P2845  
31 Standard is final and approved, the Commission shall adopt the P2845 Standard  
32 as the standard required by this section.

33 2. For the purposes of subsection 1, the P2845 Standard shall be deemed to  
34 be final and approved if the Institute for Electrical and Electronics Engineers  
35 has:

36 (a) Published an interim version of the P2845 Standard;

37 (b) Completed a trial of the interim version of the P2845 Standard; and

38 (c) After any materially substantive adjustments, if any, to the interim  
39 version, published a final version of the P2845 Standard.

40 **Sec. 10.** 1. A person who sells, offers for sale or manufactures a foil  
41 balloon in violation of sections 2 to 10, inclusive, of this act is subject to a civil  
42 penalty not to exceed \$50 for each such foil balloon sold, offered for sale or  
43 manufactured, except that the penalty against the person must not exceed \$2,500  
44 for each day on which a violation occurs.

45 2. A civil penalty imposed pursuant to subsection 1 must be recovered in a  
46 civil action brought by the Attorney General or by the district attorney or city  
47 attorney for the jurisdiction in which the violation occurred.

48 3. Any civil penalty collected pursuant to this section by:

49 (a) The Attorney General must be paid to the State Treasurer for credit to the  
50 State General Fund.

51 (b) A district attorney or city attorney must deposited in the county or city  
52 treasury, as applicable.

1           **4. In determining whether to impose a civil penalty pursuant to subsection**  
2 **1, the court shall consider:**

3           **(a) The nature, extent and severity of the violation;**

4           **(b) If multiple violations occurred, the number of violations;**

5           **(c) The economic effect of the civil penalty on the person;**

6           **(d) The annual revenue of the person in both sales of foil balloons and total**  
7 **sales;**

8           **(e) Whether the person took good faith measures to comply with the**  
9 **requirements of sections 2 to 10, inclusive, of this act and when such measures**  
10 **were taken;**

11           **(f) The deterrent effect that the imposition of the penalty would have on both**  
12 **the person and the regulated community as a whole;**

13           **(g) The willfulness of the person responsible for the violation; and**

14           **(h) Any other factors that justice may require.**

15           **5. The Attorney General or the district attorney or city attorney of a county**  
16 **or city, as applicable, in which a person sells, offers for sale or manufactures a**  
17 **foil balloon in violation of sections 2 to 10, inclusive, of this act may bring an**  
18 **action to enjoin the violation.**

19           **Sec. 10.3.** NRS 200.471 is hereby amended to read as follows:

20           200.471 1. As used in this section:

21           (a) "Assault" means:

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

23                   (2) Intentionally placing another person in reasonable apprehension of  
24 immediate bodily harm.

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

26           (c) "Officer" means:

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

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

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

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

32                   (5) A prosecuting attorney of an agency or political subdivision of the  
33 United States or of this State;

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

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

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

42                           (I) Interact with the public;

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

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

46                   (9) A civilian employee or a volunteer of a fire-fighting agency whose  
47 official duties require the employee or volunteer to:

48                           (I) Interact with the public;

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

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

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

1 (I) Interact with the public;

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

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

6 (d) "Provider of health care" means a physician, a medical student, a  
7 perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a  
8 practitioner of respiratory care, a homeopathic physician, an advanced practitioner  
9 of homeopathy, a homeopathic assistant, an osteopathic physician, a physician  
10 assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry  
11 hygienist, a physical therapist, a medical laboratory technician, an optometrist, a  
12 chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a  
13 nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a  
14 medication aide - certified, a dentist, a dental student, a dental hygienist, a dental  
15 hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an  
16 attendant on an ambulance or air ambulance, a psychologist, a social worker, a  
17 marriage and family therapist, a marriage and family therapist intern, a clinical  
18 professional counselor, a clinical professional counselor intern, a licensed dietitian,  
19 the holder of a license or a limited license issued under the provisions of chapter  
20 653 of NRS, an emergency medical technician, an advanced emergency medical  
21 technician and a paramedic.

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

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

25 (g) "Sports official" has the meaning ascribed to it in NRS 41.630.

26 (h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

27 (i) "Taxicab driver" means a person who operates a taxicab.

28 (j) "Transit operator" means a person who operates a bus or other vehicle as  
29 part of a public mass transportation system.

30 (k) *"Utility worker" means an employee ~~or contractor~~ of a public utility as*  
31 *defined in NRS 704.020 ~~and~~ whose official duties require the employee to:*

32 *(1) Interact with the public;*

33 *(2) Perform tasks related to the operation of the public utility; and*

34 *(3) Wear identification, clothing or a uniform that identifies the*  
35 *employee as working for the public utility.*

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

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

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

44 (c) If paragraph (d) does not apply to the circumstances of the crime and if the  
45 assault is committed upon an officer, a provider of health care, a school employee,  
46 a taxicab driver, ~~or~~ a transit operator *or a utility worker* who is performing his or  
47 her duty or upon a sports official based on the performance of his or her duties at a  
48 sporting event and the person charged knew or should have known that the victim  
49 was an officer, a provider of health care, a school employee, a taxicab driver, a  
50 transit operator, *a utility worker* or a sports official, for a gross misdemeanor,  
51 unless the assault is made with the use of a deadly weapon or the present ability to  
52 use a deadly weapon, then for a category B felony by imprisonment in the state  
53 prison for a minimum term of not less than 1 year and a maximum term of not more



1 than 6 years, or by a fine of not more than \$5,000, or by both fine and  
2 imprisonment.

3 (d) If the assault is committed upon an officer, a provider of health care, a  
4 school employee, a taxicab driver, ~~for~~ a transit operator *or a utility worker* who is  
5 performing his or her duty or upon a sports official based on the performance of his  
6 or her duties at a sporting event by a probationer, a prisoner who is in lawful  
7 custody or confinement or a parolee, and the probationer, prisoner or parolee  
8 charged knew or should have known that the victim was an officer, a provider of  
9 health care, a school employee, a taxicab driver, a transit operator, *a utility worker*  
10 or a sports official, for a category D felony as provided in NRS 193.130, unless the  
11 assault is made with the use of a deadly weapon or the present ability to use a  
12 deadly weapon, then for a category B felony by imprisonment in the state prison for  
13 a minimum term of not less than 1 year and a maximum term of not more than 6  
14 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

15 **Sec. 10.6.** NRS 200.481 is hereby amended to read as follows:

16 200.481 1. As used in this section:

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

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

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

21 (d) "Officer" means:

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

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

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

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

28 (5) A prosecuting attorney of an agency or political subdivision of the  
29 United States or of this State;

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

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

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

38 (I) Interact with the public;

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

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

42 (9) A civilian employee or a volunteer of a fire-fighting agency whose  
43 official duties require the employee or volunteer to:

44 (I) Interact with the public;

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

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

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

50 (I) Interact with the public;

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

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

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

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

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

8 (h) "Sports official" has the meaning ascribed to it in NRS 41.630.

9 (i) "Strangulation" means intentionally impeding the normal breathing or  
10 circulation of the blood by applying pressure on the throat or neck or by blocking  
11 the nose or mouth of another person in a manner that creates a risk of death or  
12 substantial bodily harm.

13 (j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

14 (k) "Taxicab driver" means a person who operates a taxicab.

15 (l) "Transit operator" means a person who operates a bus or other vehicle as  
16 part of a public mass transportation system.

17 (m) *"Utility worker" means an employee ~~for contractor~~ of a public utility as*  
18 *defined in NRS 704.020 ~~for~~ whose official duties require the employee to:*

19 *(1) Interact with the public;*

20 *(2) Perform tasks related to the operation of the public utility; and*

21 *(3) Wear identification, clothing or a uniform that identifies the*  
22 *employee as working for the public utility.*

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

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

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

32 (c) If:

33 (1) The battery is committed upon an officer, provider of health care,  
34 school employee, taxicab driver, ~~for~~ transit operator *or utility worker* who was  
35 performing his or her duty or upon a sports official based on the performance of his  
36 or her duties at a sporting event;

37 (2) The officer, provider of health care, school employee, taxicab driver,  
38 transit operator, *utility worker* or sports official suffers substantial bodily harm or  
39 the battery is committed by strangulation; and

40 (3) The person charged knew or should have known that the victim was an  
41 officer, provider of health care, school employee, taxicab driver, transit operator,  
42 *utility worker* or sports official,

43 *for a category B felony by imprisonment in the state prison for a minimum term*  
44 *of not less than 2 years and a maximum term of not more than 10 years, or by a fine*  
45 *of not more than \$10,000, or by both fine and imprisonment.*

46 (d) If the battery is committed upon an officer, provider of health care, school  
47 employee, taxicab driver, ~~for~~ transit operator *or utility worker* who is performing  
48 his or her duty or upon a sports official based on the performance of his or her  
49 duties at a sporting event and the person charged knew or should have known that  
50 the victim was an officer, provider of health care, school employee, taxicab driver,  
51 transit operator, *utility worker* or sports official, for a gross misdemeanor, except  
52 under circumstances where a greater penalty is provided in this section.

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

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

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

9 (f) If the battery is committed by a probationer, a prisoner who is in lawful  
10 custody or confinement or a parolee, without the use of a deadly weapon, whether  
11 or not substantial bodily harm results and whether or not the battery is committed  
12 by strangulation, for a category B felony by imprisonment in the state prison for a  
13 minimum term of not less than 1 year and a maximum term of not more than 6  
14 years.

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

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

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

24 **Sec. 11.** NRS 704.800 is hereby amended to read as follows:

25 704.800 1. It is unlawful for a person to obtain any water, gas, electricity,  
26 power or other service, goods or product provided by a public utility with the intent  
27 to avoid payment therefor, by:

28 (a) Opening, breaking into, tapping or connecting with any pipe, flume, ditch,  
29 conduit, reservoir, wire, meter or other apparatus belonging to or used by any other  
30 person or by the State, any county, city, district or municipality, and taking and  
31 removing therefrom or allowing to flow or be taken therefrom any water, gas,  
32 electricity or power belonging to another;

33 (b) Connecting a pipe, tube, flume, conduit, wire or other instrument or  
34 appliance with any pipe, conduit, tube, flume, wire, line, pole, lamp, meter or other  
35 apparatus belonging to or used by any water, irrigation, gas, electric or power  
36 company or corporation, or belonging to or used by any other person in such a  
37 manner as to take therefrom water, gas, electricity or power for any purpose or use  
38 without passing through the meter or instrument or other means provided for  
39 registering the quantity consumed or supplied;

40 (c) Altering, disconnecting, removing, injuring or preventing the action of any  
41 headgate, meter or other instrument used to measure or register the quantity of  
42 water, gas, electricity or power used or supplied; or

43 (d) Injuring or interfering with the efficiency of any meter, pipe, conduit,  
44 flume, wire, pole, line, lamp, fixture, hydrant or other attachment or apparatus  
45 belonging to or used by any water, irrigation, gas, electric or power company or  
46 corporation.

47 2. *It is unlawful for a person, with the intent to interfere with or otherwise*  
48 *prevent the performance of the normal function of any infrastructure owned by a*  
49 *public utility and without the consent of the public utility, to:*

50 (a) *Commit any trespass upon the infrastructure; or*

51 (b) *Intentionally or recklessly deface, damage or tamper with the*  
52 *infrastructure.*

53 3. If the value of the service involved or the property damaged or stolen is:

1 (a) Five hundred dollars or more, a person who violates the provisions of this  
2 section is guilty of a category D felony and shall be punished as provided in NRS  
3 193.130. In addition to any other penalty, the court shall order the person to pay  
4 restitution.

5 (b) Less than \$500, a person who violates the provisions of this section is  
6 guilty of a misdemeanor.

7 **↳** In determining the value of the service involved, the value of all services  
8 unlawfully obtained or attempted to be obtained within 3 years before the time the  
9 indictment is found or the information is filed may be aggregated.

10 ~~§~~ 4. This section applies when the service involved either originates or  
11 terminates, or both originates and terminates, in this state, or when the charges for  
12 the service would have been billable in the normal course by a person providing the  
13 service in this state but for the fact that the service was obtained or attempted to be  
14 obtained by one or more of the means set forth in subsection 1.

15 **Sec. 12.** NRS 704.805 is hereby amended to read as follows:

16 704.805 1. Any public utility may bring a civil action for damages against  
17 any person who ~~willfully~~ :

18 (a) *Willfully* and knowingly obtains, attempts to obtain or solicits, aids or abets  
19 another to obtain any service provided by the public utility by:

20 ~~(a)~~ (1) Opening, breaking into, tapping or connecting with any pipe, flume,  
21 ditch, conduit, reservoir, wire, meter or other apparatus owned or used by another  
22 person;

23 ~~(b)~~ (2) Bypassing any meter or other instrument used to register the quantity  
24 consumed or supplied; or

25 ~~(c)~~ (3) Altering, disconnecting, removing, injuring or preventing the action  
26 of any meter or other instrument used to register the quantity consumed or supplied  
27 ~~;~~ or

28 (b) *Violates subsection 2 of NRS 704.800,*

29 **↳** and recover a sum equal to treble the amount of the actual damages, plus all  
30 reasonable costs and expenses incurred by the public utility because of that  
31 conduct, including the cost of equipment, investigating the matter and expert  
32 witnesses and attorney's fees.

33 2. There is a rebuttable presumption that the person responsible for payment  
34 for the delivery of the service of a public utility to any premises caused or had  
35 knowledge of any act specified in *paragraph (a) of* subsection 1 if the person:

36 (a) Is the occupant of the premises; or

37 (b) Has any access to the system for delivery of the service to the premises.

38 3. The presumption provided in subsection 2 only shifts the burden of going  
39 forward with the evidence and does not shift the burden of proof to the defendant.

40 4. A person who willfully or negligently injures or destroys the property of a  
41 public utility which is used in the actual production, distribution or delivery of the  
42 service provided by the public utility is liable to the public utility for the cost of the  
43 repair or replacement of the property injured or destroyed, including the direct and  
44 indirect costs attributable to the repair or replacement but subtracting the value, if  
45 any, of salvage.

46 5. Nothing in this section abridges or alters any other right of action or  
47 remedy available to a public utility before or after July 1, 1985.

48 6. As used in this section, "direct and indirect costs attributable to repair or  
49 replacement" include, but are not limited to, costs for:

50 (a) Labor;

51 (b) Materials;

52 (c) Supervision of employees;

53 (d) Supplies;

- 1 (e) Tools;
- 2 (f) Taxes;
- 3 (g) Transportation;
- 4 (h) General and administrative expenses;
- 5 (i) Allocable benefits for employees;
- 6 (j) Allowances for meals; and
- 7 (k) Any other related expenses.