



# OFFICE OF THE ATTORNEY GENERAL

Adam Paul Laxalt, *Attorney General*

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## **TECHNOLOGICAL CRIME ADVISORY BOARD**

May 4, 2016 – 10:00 a.m.

Video Conferenced Between:

Attorney General's Office  
Mock Courtroom  
100 N. Carson Street  
Carson City Nevada

Sawyer Building, Room 4500  
555 E. Washington Avenue  
Las Vegas, Nevada

## **AGENDA**

***Please Note:*** The Technological Crime Advisory Board may: 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate physically handicapped persons, who wish to attend this meeting. Please contact Patricia D. Cafferata, Technological Crime Advisory Board Executive Director, at (775) 684-1136 or [pcafferata@ag.nv.gov](mailto:pcafferata@ag.nv.gov) in advance, so that arrangements can be made.

1. Call to order and Roll Call.
2. Attorney General Adam Laxalt's welcome and self-introduction of members.
3. Public Comment. Discussion only. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action.
4. Discussion for possible action to approve minutes of March 31, 2016 meeting.  
(Attachment One (1) Minutes from March 31, 2016 Meeting)
5. Report of Executive Director Patricia Cafferata.
  - a. Governor appointed Eric Campbell from the Churchill County School District to the board.
  - b. Some of today's agenda is based on the discussions at the last meeting to include outreach to the Latino community, prosecutions of technological crimes and a presentation from the former Privacy Subcommittee.

6. Discussion and election of new chair and vice chair for one year term beginning on July 1, 2016. In the past, the Board elected the Attorney General as the chair and one of the legislators as the vice chair.
7. Presentation and discussion for possible action on outreach programs, in particular to the Latino community. Assemblyman Edgar Flores.
8. Presentation on the prosecution of technological crimes. Clark County Deputy District Attorney Jonathan Cooper.
9. Presentation and discussion for possible action on one of the committee's legislative duties, per NRS 205A.060.3. (Attachment Two (2) - NRS 205A).
  - a. Presentation on Modern Trends in Identity Theft and Consumer Education. Deputy Attorney General Laura Tucker.
10. Presentation and recommendations by former Privacy Subcommittee member. Lecturer, Information Systems. UNR James Elste.
11. Discussion and possible action on proposed legislation:
  - a. To increase penalties for commission of technological crimes, redefine the meaning of "intent" and
  - b. Other related legislation on technological crimes for the 2017 Legislative Session.
12. Discussion and possible action on applying for grants for education and prevention of ID theft. Management Analyst for Grants Liz Greb.
13. Discussion for possible action setting quarterly meetings on July 14, 2016 and November 9, 2016.
14. Public Comment. Discussion only. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action.
15. Adjournment.

In accordance with NRS 241.020, this agenda was posted on or before April 29, 2016 online at: [http://ag.nv.gov/About/Administration/Tech\\_Crime/2015\\_Mtgs/Tech\\_Crime\\_Meetings\\_2015/](http://ag.nv.gov/About/Administration/Tech_Crime/2015_Mtgs/Tech_Crime_Meetings_2015/) and at the following locations:

- Office of the Attorney General, 100 N. Carson Street, Carson City, NV 89701
- Office of the Attorney General, 5450 Kietzke Lane, Suite 202, Reno, NV 89511
- Office of the Attorney General, Grant Sawyer Building, 555 E. Washington Ave., Las Vegas, NV 89101
- Legislative Building, 401 N. Carson Street, Carson City, NV 89701
- Capitol Building, 101 N. Carson Street, Carson City, NV 89701

Meeting materials may be requested from Patricia D. Cafferata, Advisory Board Executive Director, at (775) 684-1136 or [pcafferata@ag.nv.gov](mailto:pcafferata@ag.nv.gov), and obtained from the Office of the Attorney General at any of the first three (3) locations listed above.

# Attachment One (1)

to

Technological Crime Advisory Board Agenda

May 4, 2016

Contents: Minutes of March 31, 2016 Meeting



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## MEETING MINUTES

**Name of Organization:** Technological Crime Advisory Board

**Date and Time of Meeting:** March 31, 2016, 10:00 a.m.

**Place of Meeting:** Video Conferenced Between:

Attorney General's Office  
 Executive Conference Room  
 100 N. Carson Street  
 Carson City Nevada

Sawyer Building, Room 3315  
 555 E. Washington Avenue  
 Las Vegas, Nevada

### Attendees:

Las Vegas:	Carson City:
<p><b><u>Members in Attendance:</u></b>            Wes Duncan, Assistant Attorney General            (Sitting Proxy for Attorney General Laxalt)            Edgar Flores            Mark Lipparelli            Patrick Moers            Jim Owen            Brian Spellacy</p> <p><b><u>Members Absent:</u></b>            Guy Weber</p> <p><b><u>Guests in Attendance:</u></b>            Raymond Spencer            Zachary Johnson            Brett Zimmerman            Roger Palmer            Jeff Grace            Rod Swanson</p>	<p><b><u>Members in Attendance:</u></b>            Patricia Cafferata, Executive Director            "Tray" Abney            Jerry Baldridge (Sitting Proxy for Captain            Frank Schumann)</p> <p><b><u>Members Absent:</u></b>            Sharon Rahmig</p> <p><b><u>Guests in Attendance:</u></b>            Laura Tucker            Lea Tauchen            Catherine Krause            Dennis Carry</p>

- 1. Call to Order and Roll Call:**  
 The meeting was called to order at 10:10 by First Assistant Attorney General Wes Duncan (sitting proxy for Attorney General Adam Laxalt).
- 2. Attorney General's Welcome and self-introduction of members:**  
 Attendees introduced themselves.

**3. Public Comment:**

None

**4. Discussion for possible action on approval of December 10, 2015 meeting minutes:**

Tray Abney moved to approve the minutes of the December 10, 2015 meeting, Jim Owen seconded the motion. The motion to approve the minutes passed unanimously.

**5. Discussion for possible action to appoint Patricia D. Cafferata as Executive Director. NRS 205A.070.**

Mark Lipparelli moved to appoint Patricia Cafferata as Executive Director, Brian Spellacy seconded the motion. The motion to appoint Patricia Cafferata as Executive Director passed unanimously.

**6. Patricia Cafferata's Report.**

Patricia Cafferata reported that the Governor appointed two new members to the Board, Henderson Chief of Police Patrick Moers and banker Greg Weger. Cafferata also reported regarding the outreach to Clark and Washoe sheriffs for information on their agencies' activities in this area.

On the duties of the board, Duncan explained that the subcommittee regarding privacy might need to be abolished because it was not lawfully created.

**7. Discussion for possible action on the committee's legislative duties, per NRS 205A.060. Suggested plans for how the Board will fulfill its duties to:**

- a. **Facilitate cooperation with state, local and federal officers in detecting and prosecuting technological crimes.**
- b. **Establish, support and assist in the coordination of activities between two multiagency task forces on technological crime, one based in Reno and one based in Las Vegas, consisting of investigators and forensic examiners who are specifically trained to investigate technological crimes. (Dennis Carry, Washoe County and Brett Zimmerman, LVMPD)**
- c. **Coordinate and provide training and education of members of the general public, private industry and governmental agencies concerning the statistics and methods of technological crimes and how to prevent, detect and investigate technological crimes. (Brian Spellacy; Jim Owens; Sgt. Bryon Gray, LVMPD; and Sgt. Roger Palmer, LVMPD)**
- d. **Assist the Division of Enterprise Information Technology Services (EITS) in securing governmental information systems against illegal intrusion and other criminal activities.**
- e. **Evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology and law enforcement techniques. Discussion for possible action in amending Chapter NRS 205A. (See Attachment Four (4) – Detailed Explanation of Agenda Item and NRS 205A.)**

Dennis Carry (Washoe County Cybercrime Unit) and Brett Zimmerman (LVMPD) briefed the committee on what kind of fraud each unit investigate. They requested that legislation be

submitted for higher fines and /or for grants in order to fund their investigations. Ray Spencer, Brian Spellacy, Chief Jim Owens and Sgt Spencer each made presentations regarding current skimming investigations, their ongoing funding issues and how tech/cybercrime is increasing tremendously. Duncan suggested that DAs can brief in the future about what is needed for prosecution in skimming cases.

Duncan also urged members to send suggestions for proposed legislation to Cafferata.

**8. Discussion for possible action on the Privacy Subcommittee:**

Lipparelli moved to abolish the Privacy Subcommittee, Owens seconded the motion. The motion to abolish the Privacy Subcommittee was approved, all voted aye with the exception of Flores, who voted nay.

Duncan invited the subcommittee members to the next meeting for a presentation.

**9. Public Comment.**

None

**10. Discussion for possible action on adjournment.**

Duncan concluded the meeting.

**11. Adjournment.**

The meeting adjourned at 11:44 p.m.

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In accordance with NRS 241.020, this agenda was posted on or before March 25, 2016 online at [http://ag.nv.gov/About/Administration/Tech Crime Meetings/](http://ag.nv.gov/About/Administration/Tech_Crime_Meetings/) and at the following locations:

- Office of the Attorney General, 100 North Carson Street, Carson City, NV 89701
- Office of the Attorney General, 5450 Kietzke Lane, Suite 202, Reno, NV 89511
- Office of the Attorney General, Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, NV 89101
- Legislative Building, 401 N. Carson Street, Carson City, NV 89701
- Capitol Building, 101 N. Carson Street, Carson City, NV 89701

# Attachment Two (2)

to

Technological Crime Advisory Board Agenda

May 4, 2016

Contents: NRS Chapter 205A

**NEVADA REVISED STATUTES**

**CHAPTER 205A - TECHNOLOGICAL CRIME ADVISORY BOARD**

<a href="#"><u>NRS 205A.010</u></a>	<b>Definitions.</b>
<a href="#"><u>NRS 205A.020</u></a>	<b>“Board” defined.</b>
<a href="#"><u>NRS 205A.030</u></a>	<b>“Technological crime” defined.</b>
<a href="#"><u>NRS 205A.040</u></a>	<b>Creation; membership; terms of members; election of Chair and Vice Chair; vacancies; members serve without compensation; members holding public office or employed by governmental entity.</b>
<a href="#"><u>NRS 205A.050</u></a>	<b>Meetings; designation of representative; quorum; effect of membership upon holding public office or public employment.</b>
<a href="#"><u>NRS 205A.060</u></a>	<b>General duties of Board.</b>
<a href="#"><u>NRS 205A.070</u></a>	<b>Executive Director: Appointment; Board to establish qualifications, powers and duties.</b>
<a href="#"><u>NRS 205A.080</u></a>	<b>Appointment of full-time administrative assistant.</b>
<a href="#"><u>NRS 205A.090</u></a>	<b>Account for the Technological Crime Advisory Board: Creation; use; distribution of money in Account as result of certain criminal or civil forfeitures.</b>
<a href="#"><u>NRS 205A.100</u></a>	<b>Gifts, grants, appropriations or donations; deposit of money in designated Account.</b>

**NRS 205A.010 Definitions.** As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 205A.020](#) and [205A.030](#) have the meanings ascribed to them in those sections.

(Added to NRS by [1999, 2700](#))

**NRS 205A.020 “Board” defined.** “Board” means the Technological Crime Advisory Board created pursuant to [NRS 205A.040](#).

(Added to NRS by [1999, 2700](#); A [2007, 206](#))

**NRS 205A.030 “Technological crime” defined.** “Technological crime” means the commission of, attempt to commit or conspiracy to commit any crime that involves, directly or indirectly, any component, device, equipment, system or network that, alone or in conjunction with any other component, device, equipment, system or network, is designed or has the capability to:

1. Be programmed; or
2. Generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound in a technological format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic, magnetic or optical technology.

(Added to NRS by [1999, 2701](#); A [2007, 206](#))

**NRS 205A.040 Creation; membership; terms of members; election of Chair and Vice Chair; vacancies; members serve without compensation; members holding public office or employed by governmental entity.**

1. The Technological Crime Advisory Board is hereby created.
2. The Board consists of 13 members as follows:



- (a) The Attorney General.
- (b) The Administrator of the Division of Enterprise Information Technology Services.
- (c) One member of the Senate appointed by the Majority Leader of the Senate.
- (d) One member of the Assembly appointed by the Speaker of the Assembly.
- (e) Nine other persons appointed by the Governor as follows:

(1) Two or more persons who represent major sectors of the economy of this State that are impacted significantly by technological crimes.

(2) One or more persons who are employees of a law enforcement agency of this State.

(3) One or more persons who are employees of a public educational institution within this State.

(4) One or more persons who are residents of this State and who are employed by the Federal Government.

3. Each member of the Board who is appointed to the Board serves for a term of 4 years. A vacancy on the Board in an appointed position must be filled in the same manner as the original appointment. A member may be reappointed to the Board.

4. The members of the Board shall elect a Chair and Vice Chair by majority vote. After the initial election, the Chair and Vice Chair shall hold office for a term of 1 year beginning on July 1 of each year. If the position of Chair or Vice Chair becomes vacant, the members of the Board shall elect a Chair or Vice Chair, as appropriate, from among its members for the remainder of the unexpired term.

5. The members of the Board:

(a) Serve without compensation; and

(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the Board.

6. A member of the Board who is an officer or employee of this State or a political subdivision of this State must be relieved from duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board to make up the time the officer or employee is absent from work to carry out duties as a member of the Board or use annual vacation or compensatory time for the absence.

(Added to NRS by [1999, 2701](#); A [2007, 206](#))

**NRS 205A.050 Meetings; designation of representative; quorum; effect of membership upon holding public office or public employment.**

1. The Board shall meet at least once every quarter and at the times and places specified by a call of the Chair or a majority of the members of the Board.

2. Except as otherwise provided in subsection 3, a member of the Board may designate in writing a person to represent him or her at a meeting of the Board if it is impractical for the member of the Board to attend the meeting. A representative who has been so designated:

(a) Shall be deemed to be a member of the Board for the purpose of determining a quorum at the meeting; and

(b) May vote on any matter that is voted on by the regular members of the Board at the meeting.

3. The Attorney General may designate a representative to serve in his or her place on the Board or attend a meeting of the Board in his or her place. The Administrator of the Division of

Enterprise Information Technology Services may designate a representative to serve in his or her place on the Board or attend a meeting of the Board in his or her place.

4. Seven members of the Board constitute a quorum. Except as otherwise provided in [NRS 205A.070](#) and [205A.080](#), a quorum may exercise all the power and authority conferred on the Board.

5. Notwithstanding any other provision of law, a member of the Board:

(a) Is not disqualified from public employment or holding a public office because of membership on the Board; and

(b) Does not forfeit public office or public employment because of membership on the Board.

(Added to NRS by [1999, 2702](#); A [2007, 207](#))

**NRS 205A.060 General duties of Board.** The Board shall:

1. Facilitate cooperation between state, local and federal officers in detecting, investigating and prosecuting technological crimes.

2. Establish, support and assist in the coordination of activities between two multiagency task forces on technological crime, one based in Reno and one based in Las Vegas, consisting of investigators and forensic examiners who are specifically trained to investigate technological crimes.

3. Coordinate and provide training and education for members of the general public, private industry and governmental agencies, including, without limitation, law enforcement agencies, concerning the statistics and methods of technological crimes and how to prevent, detect and investigate technological crimes.

4. Assist the Division of Enterprise Information Technology Services in securing governmental information systems against illegal intrusions and other criminal activities.

5. Evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology and law enforcement techniques.

6. Distribute money deposited pursuant to [NRS 179.1233](#) into the Account for the Technological Crime Advisory Board in accordance with the provisions of [NRS 205A.090](#).

7. Authorize the payment of expenses incurred by the Board in carrying out its duties pursuant to this chapter.

(Added to NRS by [1999, 2702](#); A [2007, 207](#))

**NRS 205A.070 Executive Director: Appointment; Board to establish qualifications, powers and duties.**

1. Upon approval by a majority of the members of the Board, the Board shall appoint an Executive Director of Technological Crime within the Office of the Attorney General.

2. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Board.

3. The Board shall establish the qualifications, powers and duties of the Executive Director.

(Added to NRS by [1999, 2703](#); A [2007, 208](#); [2013, 824](#))

**NRS 205A.080 Appointment of full-time administrative assistant.** Upon approval by two-thirds of the members of the Board, the Board shall appoint a full-time administrative assistant who is in the unclassified service of the State, serves at the pleasure of the Board and reports to the Executive Director.

(Added to NRS by [1999, 2703](#); A [2007, 208](#))

**NRS 205A.090 Account for the Technological Crime Advisory Board: Creation; use; distribution of money in Account as result of certain criminal or civil forfeitures.**

1. The Account for the Technological Crime Advisory Board is hereby created in the State General Fund. The Board shall administer the Account.

2. The money in the Account must only be used to carry out the provisions of this chapter and pay the expenses incurred by the Board in the discharge of its duties, including, without limitation, the payment of any expenses related to the creation and subsequent activities of the task forces on technological crime.

3. For each criminal or civil forfeiture carried out pursuant to [NRS 179.1211](#) to [179.1235](#), inclusive, the Board shall distribute the money deposited into the Account pursuant to [NRS 179.1233](#) in the following manner:

(a) Not less than 25 percent to be retained in the Account for use by the Board to carry out the provisions of this chapter and to pay the expenses incurred by the Board in the discharge of its duties.

(b) Not more than 75 percent to be distributed to the federal, state and local law enforcement agencies that participated in the investigation of the unlawful act giving rise to the criminal or civil forfeiture in accordance with the level of participation of each law enforcement agency as determined by the Board. If the participating law enforcement agencies have entered into an agreement to share any such money, the Board shall distribute the money to the law enforcement agencies in accordance with the provisions of the agreement.

4. Claims against the Account must be paid as other claims against the State are paid.

5. The money in the Account that is provided from sources other than the State General Fund or the State Highway Fund must remain in the Account and must not revert to the State General Fund at the end of any fiscal year. Money in the Account that is appropriated or allocated from the State General Fund or the State Highway Fund must revert as provided in the legislation that authorizes the appropriation or the allocation.

(Added to NRS by [1999, 2703](#); A [2007, 208, 1713](#))

**NRS 205A.100 Gifts, grants, appropriations or donations; deposit of money in designated Account.**

1. The Board may apply for any available grants and accept gifts, grants, appropriations or donations from any public or private source to assist the Board in carrying out its duties pursuant to the provisions of this chapter.

2. Any money received by the Board must be deposited in the Account for the Technological Crime Advisory Board created pursuant to [NRS 205A.090](#).

(Added to NRS by [1999, 2703](#); A [2007, 209](#))