

CHAPTER 171 - PROCEEDINGS TO COMMITMENT

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TIME OF COMMENCING CRIMINAL ACTIONS

SECTION 171.080 No statute of limitation for murder or terrorism. There is no limitation of the time within which a prosecution for:

1. Murder must be commenced. It may be commenced at any time after the death of the person killed.
2. A violation of [SECTION 202.445](#) must be commenced. It may be commenced at any time after the violation is committed.

SECTION 171.083 No limitation for sexual assault if written report filed with law enforcement officer during period of limitation; effect of disability on period of limitation.

1. If, at any time during the period of limitation prescribed in [SECTION 171.085](#) and [171.095](#), a victim of a sexual assault or a person authorized to act on behalf of a victim of a sexual assault files with a law enforcement

officer a written report concerning the sexual assault, the period of limitation prescribed in [SECTION 171.085](#) and [171.095](#) is removed and there is no limitation of the time within which a prosecution for the sexual assault must be commenced.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. If a victim of a sexual assault is under a disability during any part of the period of limitation prescribed in [SECTION 171.085](#) and [171.095](#) and a written report concerning the sexual assault is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in [SECTION 171.085](#) and [171.095](#).

4. For the purposes of this section, a victim of a sexual assault is under a disability if the victim is insane, mentally retarded, mentally incompetent or in a medically comatose or vegetative state.

5. As used in this section, "law enforcement officer" means:

(a) A tribal prosecutor;

(b) A sheriff of a county or his deputy;

(c) An officer of a metropolitan police department or the Tribal Police Department, any tribal police officer, or any police department of an incorporated city; or

(d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to [SECTION 289.150](#) to [289.360](#), inclusive.

SECTION 171.084 Limitation for kidnapping or attempted murder extended if written report filed with law enforcement officer during period of limitation.

1. If, at any time during the period of limitation prescribed in [SECTION 171.085](#) and [171.095](#), a victim of kidnapping or attempted murder, or a person authorized to act on behalf of such a victim, files with a law enforcement officer a written report concerning the offense, the period of limitation prescribed in [SECTION 171.085](#) and [171.095](#) is extended for 5 years.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. As used in this section, "law enforcement officer" has the meaning ascribed to it in [SECTION 171.083](#).

SECTION 171.085 Any complaint for a Category A offense. A complaint filed for a **Category A offense** must be within 5 years of the offense except as otherwise provided in Sections 171.080, 171.083, and 171.095.

SECTION 171.090 Limitations for all other offenses.

1. A complaint for a **Category B offense** must be found, or an information or complaint filed, within 2 years after the commission of the offense.

2. All other offenses must be filed within 1 year after the commission of the offense.

SECTION 171.095 Limitations for all other offenses secret manner and offenses constituting sexual abuse of child.

1. Except as otherwise provided in subsection 2 and [SECTION 171.083](#) and [171.084](#):

(a) If any offense is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in [SECTION 171.085](#), [171.090](#) and [624.800](#) after the discovery of the offense.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child, as defined in [SECTION 432B.100](#), before the victim of the sexual abuse is:

(1) Twenty-one years old if he discovers or reasonably should have discovered that he was a victim of the sexual abuse by the date on which he reaches that age; or

(2) Twenty-eight years old if he does not discover and reasonably should not have discovered that he was a victim of the sexual abuse by the date on which he reaches 21 years of age.

2. If any complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

WARRANT OR SUMMONS UPON COMPLAINT

SECTION 171.102 Complaint defined; oath or declaration required. The complaint is a written statement of the essential facts constituting the public offense charged. It must be made upon:

1. Oath before a tribal judge or a notary public; or court clerk;
2. Declaration which is made subject to the penalty for perjury.

SECTION 171.103 Court clerk may accept complaint filed electronically; procedure; service.

1. A court clerk may accept a complaint filed pursuant to this chapter that is filed electronically. A complaint that is filed electronically must contain an image of the signature of the prosecuting attorney.

2. If a court clerk accepts a complaint that is filed electronically pursuant to subsection 1, the court clerk shall acknowledge receipt of the complaint by an electronic time stamp and shall electronically return the complaint with the electronic time stamp to the tribal prosecuting attorney. A complaint that is filed and time-stamped electronically pursuant to this section may be converted into a printed document and served upon a defendant in the same manner as a complaint that is not filed electronically.

SECTION 171.104 Arrest defined; by whom made. An arrest is the taking of a person into custody, in a case and in the manner authorized by law. An arrest may be made by a peace officer or by a private person.

SECTION 171.106 Issuance of warrant or summons upon complaint or citation. If it appears from the complaint or a citation issued, or from an affidavit or affidavits filed with the complaint or citation that there is probable cause to believe that an offense, triable within the Reservation, has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall be issued by the tribal judge to any peace officer. Upon the request of the tribal prosecuting attorney a summons instead of a warrant shall issue. More than one warrant or summons may issue on the same complaint or citation. If a defendant fails to appear in response to the summons, a warrant shall issue.

SECTION 171.108 Contents of warrant of arrest. The warrant of arrest is an order in writing in the name of the Ely Shoshone Tribe which shall:

1. Be signed by the tribal judge with his name of office;
2. Contain the name of the defendant or, if his name is unknown, any name or description by which he can be identified with reasonable certainty;
3. State the date of its issuance;
4. Describe the offense charged in the complaint; and
5. Command that the defendant be arrested and brought before the nearest available tribal judge.

SECTION 171.112 Contents of summons. The summons shall be in the same form as the warrant except that it shall summon the defendant to appear before a tribal judge or clerk at a stated time and place. Upon a complaint against a corporation, the tribal judge or clerk must issue a summons, signed by him, with his name of office, requiring the corporation to appear before him at a specified time and place to answer the charge, the time to be not less than 20 days after the issuing of the summons.

SECTION 171.114 Execution of warrant and service of summons: By whom. The warrant shall be directed to and executed by a peace officer. The summons may be served by any person authorized to serve a summons in a civil action.

SECTION 171.116 When tribal judge may depute person to act as constable. A tribal judge may depute in writing any suitable and discreet person to act as constable when no constable is at hand and the nature of the business requires immediate action.

SECTION 171.118 Execution of warrant and service of summons: Territorial limits. The warrant may be executed within the jurisdiction of the Ely Shoshone Tribe and the summons may be served at any place within the jurisdiction of the Ely Shoshone Tribe.

SECTION 171.122 Manner in which execution of warrant and service of summons are made; issuance of citation in lieu of execution of warrant of arrest.

1. Except as otherwise provided in subsection 2, the warrant must be executed by the arrest of the defendant. The officer need not have the warrant in his possession at the time of the arrest, but upon request he must show the warrant to the defendant as soon as possible. If the officer does not have a warrant in his possession at the time of the arrest, he shall then inform the defendant of his intention to arrest him, of the offense charged, the authority to make it and of the fact that a warrant has or has not been issued. The defendant must not be subjected to any more restraint than is necessary for his arrest and detention. If the defendant either flees or forcibly resists, the officer may, except as otherwise provided in [SECTION 171.1455](#), use all necessary means to effect the arrest.

2. In lieu of executing the warrant by arresting the defendant, a peace officer may issue him a citation as provided in [SECTION 171.1773](#) if:

- (a) The warrant is issued upon an offense not punishable as a **Category A offense**;
- (b) The officer has no indication that the defendant has previously failed to appear on the charge reflected in the warrant;
- (c) The defendant provides satisfactory evidence of his identity to the peace officer;
- (d) The defendant signs a written promise to appear in court for any offense other than a **Category A or B offense**; and
- (e) The officer has reasonable grounds to believe that the defendant will keep a written promise to appear in court.

3. The summons must be served upon a defendant by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person then residing in the house or abode who is at least 16 years of age and is of suitable discretion, or by mailing it to the defendant's last known address. In the case of a corporation, the summons must be served at least 5 days before the day of appearance fixed in the summons, by delivering a copy to an officer or to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the corporation's last known address within the State of Nevada or at its principal place of business elsewhere in the United States.

INVESTIGATION OF SUSPECTED CRIMINAL ACTIVITY; DETENTION OF SUSPECTS

SECTION 171.1223 Peace officer with limited jurisdiction must notify primary law enforcement agency of commission of certain felonies; transfer of investigation to primary law enforcement agency.

1. A Tribal Police officer who has probable cause to believe that a **Category A offense** was committed, must notify the Bureau of Indian Affairs – special agent in charge of investigations with either Eastern or Western agencies
2. Or without probable cause whenever a **Category A offense** is reported.

SECTION 171.1225 Peace officer to provide information to suspected victims of domestic violence.

1. When investigating an act of domestic violence, a peace officer shall:
 - (a) Make a good faith effort to explain the provisions of [SECTION 171.137](#) pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.
 - (b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is officer (naming the investigating officer). Tribal law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you are or were actually residing, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the act.

(3) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

(4) The law provides that you may seek a court order for the protection of you or your minor children against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

(5) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

- (I) Stop threatening, harassing or injuring you or your children;
- (II) Move out of your residence;
- (III) Stay away from your place of employment;
- (IV) Stay away from the school attended by your children;
- (V) Stay away from any place you or your children regularly go; and
- (VI) Avoid or limit all communication with you or your children.

(6) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to pay:

- (I) The rent or mortgage due on the place in which you live;
- (II) The amount of money necessary for the support of your children; and
- (III) Part or all of the costs incurred by you in obtaining the order for protection.

(7) To get an order for protection, go to room number (state the room number of the office at the court) at the court, which is located at (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

(8) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, he may be arrested and, if the arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm, he will not be admitted to bail sooner than 12 hours after his arrest.

(9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at (state toll-free telephone number of Statewide Program).

2. As used in this section, "act of domestic violence" means any of the following acts committed by a person against his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:
 - (1) Stalking.
 - (2) Arson.
 - (3) Trespassing.
 - (4) Larceny.
 - (5) Destruction of private property.
 - (6) Carrying a concealed weapon without a permit.

(f) False imprisonment.

(g) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

3. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or his employer.

4. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

SECTION 171.123 Temporary detention by peace officer of person suspected of criminal behavior or of violating conditions of parole or probation: Limitations.

1. Any peace officer may detain any person whom the officer encounters under circumstances which reasonably indicate that the person has committed, is committing or is about to commit a crime.

2. Any peace officer may detain any person the officer encounters under circumstances which reasonably indicate that the person has violated or is violating the conditions of his parole or probation.

3. The officer may detain the person pursuant to this section only to ascertain his identity and the suspicious circumstances surrounding his presence abroad. Any person so detained shall identify himself, but may not be compelled to answer any other inquiry of any peace officer.

4. A person must not be detained longer than is reasonably necessary to effect the purposes of this section, and in no event longer than 60 minutes. The detention must not extend beyond the place or the immediate vicinity of the place where the detention was first effected, unless the person is arrested.

SECTION 171.1231 Arrest if probable cause appears. At any time after the onset of the detention pursuant to [SECTION 171.123](#), the person so detained shall be arrested if probable cause for an arrest appears. If, after inquiry into the circumstances which prompted the detention, no probable cause for arrest appears, such person shall be released.

SECTION 171.1232 Search to ascertain presence of dangerous weapon; seizure of weapon or evidence.

1. If any peace officer reasonably believes that any person whom he has detained or is about to detain pursuant to [SECTION 171.123](#) is armed with a dangerous weapon and is a threat to the safety of the peace officer or another, the peace officer may search such person to the extent reasonably necessary to ascertain the presence of such weapon. If the search discloses a weapon or any evidence of a crime, such weapon or evidence may be seized.

2. Nothing seized by a peace officer in any such search is admissible in any proceeding unless the search which disclosed the existence of such evidence is authorized by and conducted in compliance with this section.

SECTION 171.1235 Gaming licensee may detain person suspected of having committed a Category A offense in gaming establishment.

1. As used in this section:

(a) "Establishment" means any premises whereon any gaming is done or any premises owned or controlled by a licensee for the purpose of parking motor vehicles owned or operated by patrons of such licensee.

(b) "Licensee" has the meaning ascribed to it in [SECTION 463.0171](#) of the Nevada Revised Statutes.

2. Any licensee or his officers, employees or agents may take into custody and detain any person when such licensee or his officers, employees or agents have reasonable cause to believe the person detained has committed a **Category A offense**, whether or not in the presence of such licensee or his officers, employees or agents.

3. Detention pursuant to this section shall be in the establishment, in a reasonable manner, for a reasonable length of time and solely for the purpose of notifying a peace officer. Such taking into custody and detention shall not render the licensee or his officers, employees or agents criminally or civilly liable for false arrest, false imprisonment, slander or unlawful detention unless such taking into custody and detention are unreasonable under all the circumstances.

4. No licensee or his officers, employees or agents are entitled to the immunity from liability provided for in this section unless there is displayed in a conspicuous place in his establishment a notice in boldface type clearly legible and in substantially this form:

Any gaming licensee or his officers, employees or agents who have reasonable cause to believe that any person has committed a **Category A offense** may detain such person in the establishment for the purpose of notifying a peace officer.

ARREST: BY WHOM AND HOW MADE

SECTION 171.124 Arrest by peace officer or officer of Drug Enforcement Administration.

1. Except as otherwise provided, a peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

- (a) For a public offense committed or attempted in his presence.
- (b) When a person arrested has committed a **Category A or B offense**, although not in his presence.
- (c) When a **Category A or B offense** has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.
- (d) On a charge made, upon a reasonable cause, of the commission of a **Category A or B offense** by the person arrested.
- (e) When a warrant has in fact been issued for the arrest of a named or described person for a public offense, and he has reasonable cause to believe that the person arrested is the person so named or described.

2. He may also, at night, without a warrant, arrest any person whom he has reasonable cause for believing to have committed a **Category A or B offense**, and is justified in making the arrest, though it afterward appears that a **Category A or B offense** has not been committed.

3. An officer of the Drug Enforcement Administration may only make an arrest pursuant to subsections 1 and 2 for a violation of chapter [453](#) of NRS.

SECTION 171.1245 Arrest by agent of Federal Bureau of Investigation or Secret Service. An agent of the Federal Bureau of Investigation or Secret Service may, without a warrant, arrest a person:

1. For a public offense committed or attempted in his presence.
2. When a person arrested has committed a **Category A or B offense**, although not in his presence.
3. When a **Category A or B offense** has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.
4. On a charge made, upon a reasonable cause, of the commission of a **Category A or B offense** by the person arrested.
5. When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and he has reasonable cause to believe that the person arrested is the person so named or described.

SECTION 171.1255 Arrest by police officer employed by another Indian tribe.

1. Except as otherwise provided in subsection 2, any officer, or a person employed as a police officer by another Indian tribe may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

- (a) For a public offense committed or attempted in his presence.
- (b) When a person arrested has committed a **Category A or B offense**, although not in his presence.
- (c) When a **Category A or B offense** has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.
- (d) On a charge made, upon a reasonable cause, of the commission of a **Category A or B offense** by the person arrested.
- (e) When a warrant has in fact been issued for the arrest of a named or described person for a public offense, and he has reasonable cause to believe that the person arrested is the person so named or described.

(f) When the peace officer has probable cause to believe that the person to be arrested has committed a battery upon that person's spouse and the peace officer finds evidence of bodily harm to the spouse.

2. Such an officer or agent may make an arrest pursuant to subsection 1 only:
 - (a) Within the boundaries of an Ely Shoshone Indian Reservation or Indian colony for an offense committed on that reservation or colony.

SECTION 171.126 Arrest by private person. A private person may arrest another:

1. For a public offense committed or attempted in his presence.
2. When the person arrested has committed a **Category A offense**, although not in his presence.
3. When a **Category A offense** has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

SECTION 171.128 Tribal judge may order arrest for committing or attempting to commit offense in his presence. A magistrate may orally order a peace officer or private person to arrest anyone committing or attempting to commit a public offense in the presence of the magistrate, and may thereupon proceed as if the offender had been brought before him on a warrant of arrest.

SECTION 171.132 Person making arrest may summon assistance. Any person making an arrest may orally summon as many persons as he deems necessary to aid him therein.

SECTION 171.134 Escape or rescue of arrested person: Pursuit and retaking at any time and place on the Reservation. If a person arrested escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and retake him at any time and in any place within the Reservation.

SECTION 171.136 When arrest may be made.

1. If the offense charged is a **Category A or B offense**, the arrest may be made on any day, and at any time of day or night.
2. For any other offense, the arrest cannot be made between the hours of 7 p.m. and 7 a.m., except:
 - (a) Upon the direction of a tribal judge, endorsed upon the warrant;
 - (b) When the offense is committed in the presence of the arresting officer;
 - (c) When the person is found and the arrest is made in a public place or a place that is open to the public and:
 - (1) There is a warrant of arrest against the person; and
 - (2) The **Category C, D, or E offense** is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;
 - (d) When the offense is committed in the presence of a private person and he makes an arrest immediately after the offense is committed;
 - (e) When the offense charged is battery that constitutes domestic violence pursuant to [SECTION 33.018](#) and the arrest is made in the manner provided in [SECTION 171.137](#);
 - (f) When the offense charged is a violation of a temporary or extended order for protection against domestic violence issued pursuant to [SECTION 33.017](#) to [33.100](#), inclusive;
 - (g) When the person is already in custody as a result of another lawful arrest; or
 - (h) When the person voluntarily surrenders himself in response to an outstanding warrant of arrest.

SECTION 171.137 Arrest required for suspected battery constituting domestic violence; exceptions.

1. Except as otherwise provided in subsection 2, whether or not a warrant has been issued, a peace officer shall, unless mitigating circumstances exist, arrest a person when he has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child.
2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, he shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery was the primary physical aggressor involved

in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:

- (a) Prior domestic violence involving either person;
- (b) The relative severity of the injuries inflicted upon the persons involved;
- (c) The potential for future injury;
- (d) Whether one of the alleged batteries was committed in self-defense; and
- (e) Any other factor that may help the peace officer decide which person was the primary physical aggressor.

3. A peace officer shall not base his decision regarding whether to arrest a person pursuant to this section on his perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

4. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

SECTION 171.138 Breaking open door or window: Making arrest. To make an arrest, a private person, if the offense is a **Category A offense**, and in all cases a peace officer, may break open a door or window of the house, structure or other place of concealment in which the person to be arrested is, or in which there is reasonable grounds for believing him to be, after having demanded admittance and explained the purpose for which admittance is desired.

SECTION 171.142 Breaking open door or window: Upon detention after making arrest. Any person who has entered a house, structure or other place of concealment to make an arrest may break open a door or window if that is necessary for him to liberate himself. An officer may do the same to liberate a person who, acting in his aid, entered to make an arrest and is detained inside.

SECTION 171.144 Breaking open door or window: Retaking person arrested. To retake a person arrested who has escaped or been rescued, the person pursuing may break open an outer or inner door or window of a dwelling house, structure or other place of concealment, if, after notice of his intention, he is refused admittance.

SECTION 171.1455 Use of deadly force to effect arrest: Limitations. If necessary to prevent escape, an officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person:

1. Has committed a **Category A offense** which involves the infliction or threat of serious bodily harm or the use of deadly force; or
2. Poses a threat of serious bodily harm to the officer or to others.

SECTION 171.146 Weapon may be taken from person arrested. Any person making an arrest may take from the person arrested all dangerous and offensive weapons which he may have about his person.

SECTION 171.147 Duties of arresting officer where person arrested appears to be intoxicated or not in control of his physical functions.

1. Every peace officer shall, when arresting any person who appears to be intoxicated or not in control of his physical functions, investigate in a reasonable manner to determine whether or not that person is wearing a bracelet, necklace, other visible device or other identification identifying a medical condition which might account for the actions of the person.

2. Any arresting officer who discovers identification of a medical condition during an investigation conducted pursuant to subsection 1 shall take reasonable steps to aid the afflicted person in receiving medication or other treatment for his medical condition.

SECTION 171.148 Warrant of arrest by telegram authorized.

1. A warrant of arrest may be transmitted by telegram. A copy of a warrant transmitted by telegram may be sent to one or more peace officers, and the copy is as effectual in the hands of any officer, and he must proceed in the same manner under it, as though he held an original warrant issued by the magistrate before whom the original complaint in the case was laid.

2. Every officer causing a warrant to be transmitted by telegram pursuant to subsection 1 must certify as correct a copy of the warrant and endorsement thereon, and must return the original with a statement of his action thereunder.

3. As used in this section, "telegram" includes every method of electric or electronic communication by which a written as distinct from an oral message is transmitted.

SECTION 171.152 Return of warrant after execution by arrest or issuance of citation; return of summons after service; cancellation by tribal attorney before execution or service; reissuance.

1. The peace officer executing a warrant by arrest shall make return thereof to the magistrate before whom the defendant is brought pursuant to [SECTION 171.178](#) and [171.184](#). At the request of the tribal prosecutor any unexecuted warrant must be returned to the magistrate by whom it was issued and must be cancelled by him.

2. The peace officer executing a warrant by issuance of a citation pursuant to subsection 2 of [SECTION 171.122](#) shall:

(a) Record on the warrant the number assigned to the citation issued thereon;

(b) Attach the warrant to the citation issued thereon; and

(c) Return the warrant and citation to the magistrate before whom the defendant is scheduled to appear.

3. On or before the return day the person to whom a summons was delivered for service shall make return thereof to the tribal attorney before whom the summons is returnable.

4. At the request of the tribal prosecutor made at any time while the complaint is pending, a warrant returned unexecuted and not cancelled or a summons returned unserved or a duplicate thereof may be delivered by the tribal prosecutor to a peace officer for execution or service.

SECTION 171.153 Right of person arrested to make telephone calls.

1. Any person arrested has the right to make a reasonable number of completed telephone calls from the police station or other place at which he is booked immediately after he is booked and, except where physically impossible, no later than 3 hours after his arrest. Such telephone calls may be limited to local calls, except that long distance calls may be made by the arrested person at his own expense.

2. A reasonable number of calls must include one completed call to a friend or bail agent and one completed call to an attorney.

SECTION 171.1536 Arrest of person with disability: Interpreter to be made available. Upon the arrest of a person with a disability as defined in [SECTION 50.050](#), and before his interrogation or the taking of his statement, the peace officer in actual charge of the station, headquarters or other facility to which the person with a disability has been brought shall make an interpreter available.

SECTION 171.1537 Arrest of person with disability: Right to communicate by mail or telephone. When a person with a disability is detained in custody, the detaining authority shall make available to him reasonable means of communication, at least pencil and paper, and at least two envelopes and first-class postage stamps. If the person with a disability so requests, the proper officer of the detaining authority shall make on his behalf the same number and kind of telephone calls which a person arrested is authorized by law or custom to make for himself, and shall mail any letters written by that person.

SECTION 171.1538 Arrest of person with disability: Waiver of right to interpretation or communication.

1. The rights to interpretation and communication provided in [SECTION 171.1536](#) and [171.1537](#) may not be waived except knowingly and voluntarily by the person with a disability by a written statement indicating his desire not to be so assisted. At any time after arrest but before the termination of any custody, the person may retract his waiver by indicating his desire to be so assisted.

2. Unless there is a waiver under this section, there must be no interrogation or taking of the statement of a person with a disability without the assistance of an interpreter.

INTRASTATE (UNIFORM ACT)

SECTION 171.166 Short title. [SECTION 171.166](#) to [171.176](#), inclusive, may be cited as the Uniform Act on Intrastate Fresh Pursuit.

SECTION 171.168 Definitions. “Fresh pursuit” as used in [SECTION 171.166](#) to [171.176](#), inclusive, shall include fresh pursuit as defined by the common law and also the pursuit of a person who has committed a **Category A offense/felony** or is reasonably suspected of having committed a **Category A offense/felony** on this Reservation, or who has committed or attempted to commit any criminal offense in this state in the presence of the arresting officer referred to in [SECTION 171.172](#) or for whom such officer holds a warrant of arrest for a criminal offense. It shall also include the pursuit of a person suspected of having committed a supposed **Category A offense/felony** on this Reservation, though no **Category A offense/felony** has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used in [SECTION 171.166](#) to [171.176](#), inclusive, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

SECTION 171.172 When officer may arrest. Any peace officer on this Reservation in fresh pursuit of a person who is reasonably believed by him to have committed a **Category A offense** on this Reservation or has committed, or attempted to commit, any criminal offense on this Reservation in the presence of such officer, or for whom such officer holds a warrant of arrest, may hold in custody such person.

SECTION 171.174 Procedure after arrest. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be as in other cases of arrest under a warrant. If the arrest is without a warrant, the prisoner shall without unnecessary delay be taken before the tribal judge if they are an Indian, or before the county wherein such an arrest was made, and such court shall admit such person to bail, if the offense is bailable, by taking security by way of recognizance for the appearance of such prisoner before the court having jurisdiction of such criminal offense.

SECTION 171.176 Limitation. [SECTION 171.172](#) shall not make unlawful an arrest which would otherwise be lawful.

CITATION FOR CATEGORY C, D, OR E OFFENSES

SECTION 171.177 When person detained must be taken before tribal judge. Except as otherwise provided in [SECTION 171.122](#) and [171.178](#), whenever any person is detained by a peace officer for any violation of tribal ordinance, which is punishable as a **Category C, D, E or offense**, he must be taken without unnecessary delay before the proper tribal judge, as specified in [SECTION 171.178](#) and [171.184](#), in the following cases:

1. When the person demands an immediate appearance before a tribal judge;
2. When the person is detained pursuant to a warrant for his arrest;
3. When the person is arrested by a peace officer; or
4. In any other event when the person is issued a citation by an authorized person and refuses to give his written promise to appear in court as provided in [SECTION 171.1773](#).

SECTION 171.1771 Issuance of citation when person detained by peace officer. Whenever any person is detained by a peace officer for any violation of Tribal law or a state law which is punishable as a **Category C, D, or E offense/misdemeanor** and he is not required to be taken before a tribal judge, the person shall, in the discretion of the peace officer, either be given a citation, or be taken without unnecessary delay before the proper judge. He shall

be taken before the tribal judge when he does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe he will disregard a written promise to appear in court.

SECTION 171.1772 Issuance of citation after arrest by private person. Whenever any person is arrested by a private person, for any violation of Tribal law or state law which is punishable as a **Category C, D, or E offense/misdemeanor**, such person arrested may be issued a citation by a peace officer in lieu of being immediately taken before a tribal judge by the peace officer if:

1. The person arrested furnishes satisfactory evidence of identity; and
2. The peace officer has reasonable grounds to believe that the person arrested will keep a written promise to appear in court.

SECTION 171.1775 Preparation of citations: Use of citation book or electronic device; maintenance of records relating to citation book or electronic device.

1. Every law enforcement agency shall provide in appropriate form misdemeanor citations containing notices to appear which must meet the requirements of [SECTION 171.177](#) to [171.1779](#), inclusive, and be:
 - (a) Issued in books; or
 - (b) Available through an electronic device used to prepare the citations.
2. The chief administrative officer of each law enforcement agency is responsible for the issuance of such books and electronic devices and shall maintain a record of each book, each electronic device and each citation contained therein issued to individual members of the law enforcement agency. The chief administrative officer shall require and retain a receipt for every book and electronic device that is issued.

SECTION 171.1776 Issued citations: Filing with court; disposition of charges by court; unlawful acts; maintenance of records.

1. Every peace officer upon issuing a citation, pursuant to [SECTION 171.177](#) to [171.1779](#), inclusive, to an alleged violator of any provision of Tribal law which is punishable as a **Category C, D, or E offense** shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of such citation with a court having jurisdiction over the alleged offense.
2. A copy of a citation that is prepared electronically may be filed electronically with a court having jurisdiction over the alleged offense if the court:
 - (a) Authorizes such electronic filing;
 - (b) Has the ability to receive and store the citation electronically; and
 - (c) Has the ability to physically reproduce the citation upon request.
3. Upon the filing of the original or a copy of such citation with a court having jurisdiction over the alleged offense, such original or copy of such citation may be disposed of only by trial in such Tribal court or other official action by a Tribal judge of such court.
4. It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of a citation or copies thereof or of the record of the issuance of a citation in a manner other than as required in this section.
5. The Tribal Police chief shall require the return to him of a physical copy or electronic record of every citation issued by an officer under his supervision to an alleged offender and of all physical copies or electronic records of every citation which has been spoiled or upon which any entry has been made and not issued.
6. Such Tribal officer shall also maintain or cause to be maintained in connection with every citation issued by an officer under his supervision a record of the disposition of the charge by the court in which the original or copy of the citation was filed.

SECTION 171.1777 Issued citations: Audit of records. Every record of citations, shall be audited at least semiannually by the appropriate fiscal officer of the Tribe to which the law enforcement agency is responsible.

SECTION 171.1778 Citation filed with court deemed complaint for purpose of prosecution. If the form of citation:

1. Includes information whose truthfulness is attested as required for a complaint charging commission of the offense alleged in the citation to have been committed; or
 2. Is prepared electronically,
- ↳ then the citation when filed with a court of competent jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution.

SECTION 171.17785 Unlawful to violate written promise to appear; appearance by counsel in lieu of personal appearance; issuance of warrant upon failure to appear.

1. It is unlawful for a person to violate his written promise to appear given to a peace officer upon the issuance of a citation prepared manually or electronically, regardless of the disposition of the charge for which the citation was originally issued.
2. A person may comply with a written promise to appear in court by an appearance by counsel.
3. A warrant may issue upon a violation of a written promise to appear.

SECTION 171.1779 [SECTION 171.177](#) to [171.1779](#), inclusive, not applicable to violations of traffic laws. The provisions of [SECTION 171.177](#) to [171.1779](#), inclusive, do not apply to those situations in which a person is detained by a peace officer for any violation of chapter [484](#).

PROCEEDINGS BEFORE TRIBAL JUDGE

SECTION 171.178 Appearance before Tribal judge; release from custody by arresting officer.

1. Except as otherwise provided in subsections 5 and 6, a peace officer making an arrest under a warrant issued upon a complaint or without a warrant shall take the arrested person without unnecessary delay before the Tribal judge, or provide for a telephone hearing with the tribal judge.
2. A private person making an arrest without a warrant shall deliver the arrested person without unnecessary delay to a peace officer.
3. If an arrested person is not brought before a tribal judge within 72 hours after arrest, excluding nonjudicial days, the tribal judge shall give the arrested person a telephone hearing, or release the arrested person to appear for arraignment on the next court date at the telephone hearing the judge:
 - (a) Shall give the Tribal prosecuting attorney an opportunity to explain the circumstances leading to the delay; and
 - (b) May release the arrested person if he determines that the person was not brought before a Tribal judge without unnecessary delay.
4. When a person arrested without a warrant is brought before a Tribal judge, a complaint must be filed forthwith.
5. Except as otherwise provided in [SECTION 178.484](#) and [178.487](#) of the Nevada Revised Statutes, where the defendant can be admitted to bail without appearing personally before a Tribal judge, he must be so admitted with the least possible delay, and required to appear before a magistrate at the earliest convenient time thereafter.
6. A peace officer may immediately release from custody without any further proceedings any person he arrests without a warrant if the peace officer is satisfied that there are insufficient grounds for issuing a criminal complaint against the person arrested. Any record of the arrest of a person released pursuant to this subsection must also include a record of the release. A person so released shall be deemed not to have been arrested but only detained.

SECTION 171.194 Procedure when arrest for capital offense. The defendant, when arrested under a warrant for a **Category A offense**, must be held in custody by the Tribal police in which the complaint is filed, unless admitted to bail after an examination or upon a writ of habeas corpus.