

CHAPTER 200 - CRIMES AGAINST THE PERSON

HOMICIDE

<u>SECTION 200.010</u>	“Murder” defined.
<u>SECTION 200.020</u>	Malice: Express and implied defined.
<u>SECTION 200.035</u>	Circumstances mitigating first degree murder.
<u>SECTION 200.040</u>	“Manslaughter” defined.
<u>SECTION 200.050</u>	“Voluntary manslaughter” defined.
<u>SECTION 200.060</u>	When killing punished as murder.
<u>SECTION 200.070</u>	“Involuntary manslaughter” defined.
<u>SECTION 200.080</u>	Punishment for voluntary manslaughter.
<u>SECTION 200.090</u>	Punishment for involuntary manslaughter.
<u>SECTION 200.120</u>	“Justifiable homicide” defined.
<u>SECTION 200.130</u>	Bare fear insufficient to justify killing; reasonable fear required.
<u>SECTION 200.140</u>	Justifiable homicide by public officer.
<u>SECTION 200.150</u>	Justifiable or excusable homicide.
<u>SECTION 200.160</u>	Additional cases of justifiable homicide.
<u>SECTION 200.180</u>	Excusable homicide by misadventure.
<u>SECTION 200.190</u>	Justifiable or excusable homicide not punishable.
<u>SECTION 200.200</u>	Killing in self-defense.
<u>SECTION 200.210</u>	Killing of unborn quick child; penalty.
<u>SECTION 200.240</u>	Owner of animal that kills human being guilty of manslaughter under certain circumstances; penalty.
<u>SECTION 200.260</u>	Death resulting from unlawful manufacture or storage of explosives; penalty.

BODILY INJURY

<u>SECTION 200.275</u>	Justifiable infliction or threat of bodily injury not punishable.
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MAYHEM

<u>SECTION 200.280</u>	Definition; penalty.
<u>SECTION 200.290</u>	Instrument or manner of inflicting injury immaterial.
<u>SECTION 200.300</u>	Injury not resulting in permanent injury; defendant may be convicted of assault.

KIDNAPPING

<u>SECTION 200.310</u>	Degrees.
<u>SECTION 200.320</u>	Kidnapping in first degree: Penalties.
<u>SECTION 200.330</u>	Kidnapping in second degree: Penalties.
<u>SECTION 200.340</u>	Penalty for aiding or abetting.
<u>SECTION 200.350</u>	Where proceedings may be instituted; consent is not defense.
<u>SECTION 200.357</u>	Law enforcement officer required to take child into protective custody if child in danger of being removed from jurisdiction.
<u>SECTION 200.359</u>	Detention, concealment or removal of child from person having lawful custody or from jurisdiction of court: Penalties; limitation on issuance of arrest warrant; restitution; exceptions.

SEXUAL ASSAULT AND SEDUCTION

<u>SECTION 200.364</u>	Definitions.
<u>SECTION 200.366</u>	Sexual assault: Definition; penalties.

<u>SECTION 200.368</u>	Statutory sexual seduction: Penalties.
<u>SECTION 200.373</u>	Sexual assault of spouse by spouse.
<u>SECTION 200.377</u>	Victims of sexual assault: Legislative findings and declarations.
<u>SECTION 200.3771</u>	Victims of sexual assault: Confidentiality of records and reports that reveal identity; when disclosure permitted; penalty.
<u>SECTION 200.3772</u>	Victims of sexual assault: Procedure for substituting pseudonym for name on files, records and reports; actual identity confidential; when disclosure required; immunity for unintentional disclosure.
<u>SECTION 200.3773</u>	Victims of sexual assault: Public officer or employee prohibited from disclosing identity; exceptions; penalty.
<u>SECTION 200.3774</u>	Victims of sexual assault: Effect of waiver of confidentiality by victim.

ROBBERY

<u>SECTION 200.380</u>	Definition; penalty.
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ATTEMPTS TO KILL

<u>SECTION 200.390</u>	Administration of poison: Penalty.
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BATTERY WITH INTENT TO COMMIT A CRIME

<u>SECTION 200.400</u>	Definition; penalties.
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ADMINISTRATION OF DRUG TO AID COMMISSION OF CRIME

<u>SECTION 200.405</u>	Administration of drug to aid commission of Category A offense: Penalty.
<u>SECTION 200.408</u>	Administration of controlled substance to aid commission of crime of violence: Penalty; definitions.

DUELS AND CHALLENGES

<u>SECTION 200.410</u>	Death resulting from duel; penalty.
<u>SECTION 200.430</u>	Incriminating testimony; witness's privilege.
<u>SECTION 200.440</u>	Posting for not fighting; use of contemptuous language.
<u>SECTION 200.450</u>	Challenges to fight; penalties.

FALSE IMPRISONMENT

<u>SECTION 200.460</u>	Definition; penalties.
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INVOLUNTARY SERVITUDE; PURCHASE OR SALE OF PERSON

<u>SECTION 200.463</u>	Involuntary servitude; penalties.
<u>SECTION 200.464</u>	Recruiting, enticing, harboring, transporting, providing or obtaining another person to be held in involuntary servitude; benefiting from another person being held in involuntary servitude; penalty.
<u>SECTION 200.465</u>	Assuming rights of ownership over another person; purchase or sale of person; penalty.

ASSAULT AND BATTERY

<u>SECTION 200.471</u>	Assault: Definitions; penalties.
<u>SECTION 200.481</u>	Battery: Definitions; penalties.

<u>SECTION 200.485</u>	Battery which constitutes domestic violence: Penalties; referring child for counseling; restriction against dismissal, probation and suspension; definitions. [Effective July 1, 2009.]
<u>SECTION 200.490</u>	Provoking assault: Penalty.

CRIMINAL NEGLECT OF PATIENTS

<u>SECTION 200.495</u>	Definitions; penalties.
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ABUSE AND NEGLECT OF CHILDREN

<u>SECTION 200.508</u>	Abuse, neglect or endangerment of child: Penalties; definitions.
<u>SECTION 200.5081</u>	District attorney may refer person suspected of violating <u>SECTION 200.508</u> for treatment or counseling.
<u>SECTION 200.5083</u>	Mutilation of genitalia of female child: Penalties; definitions.
<u>SECTION 200.5085</u>	Use of nonmedical remedial treatment.

ABUSE, NEGLECT, EXPLOITATION OR ISOLATION OF OLDER PERSONS AND VULNERABLE PERSONS

<u>SECTION 200.5091</u>	Policy of Tribe.
<u>SECTION 200.5092</u>	Definitions.
<u>SECTION 200.50925</u>	“Reasonable cause to believe” and “as soon as reasonably practicable” defined.
<u>SECTION 200.5093</u>	Report of abuse, neglect, exploitation or isolation of older person; voluntary and mandatory reports; investigation; penalty.
<u>SECTION 200.50935</u>	Report of abuse, neglect, exploitation or isolation of vulnerable person; voluntary and mandatory reports; investigation; penalty.
<u>SECTION 200.5094</u>	Reports: Manner of making; contents.
<u>SECTION 200.5095</u>	Reports and records confidential; permissible or required disclosure; penalty.
<u>SECTION 200.50955</u>	Law enforcement agency: Required to act promptly in obtaining certain warrants.
<u>SECTION 200.5096</u>	Immunity from civil or criminal liability for reporting, investigating or submitting information.
<u>SECTION 200.5097</u>	Admissibility of evidence.
<u>SECTION 200.5098</u>	Duties of Aging Services Division of Department of Health and Human Services regarding older persons; organization and operation of teams for provision of assistance.
<u>SECTION 200.50982</u>	Disclosure of information concerning reports and investigations to other agencies or legal representative of older person or vulnerable person.
<u>SECTION 200.50984</u>	Inspection of records pertaining to older person on whose behalf investigation is conducted.
<u>SECTION 200.50986</u>	Petition for removal of guardian of older person.
<u>SECTION 200.5099</u>	Penalties.
<u>SECTION 200.50995</u>	Penalties for conspiracy.

LIBEL

<u>SECTION 200.510</u>	Definition; penalties; truth may be given in evidence; jury to determine law and fact.
<u>SECTION 200.520</u>	Publication defined.
<u>SECTION 200.530</u>	Liability of editor or publisher.
<u>SECTION 200.540</u>	Criminal proceedings: Venue.
<u>SECTION 200.550</u>	Furnishing libelous information: Penalty.
<u>SECTION 200.560</u>	Threatening to publish libel: Penalty.

HARASSMENT AND STALKING

<u>SECTION 200.571</u>	Harassment: Definition; penalties.
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<u>SECTION 200.575</u>	Stalking: Definitions; penalties.
<u>SECTION 200.581</u>	Where offense committed.
<u>SECTION 200.591</u>	Court may impose temporary or extended order to restrict conduct of alleged perpetrator, defendant or convicted person; penalty for violation of order; dissemination of order.
<u>SECTION 200.592</u>	Petitioner for order: Deferment of costs and fees; free information concerning order; no fee for serving order.
<u>SECTION 200.594</u>	Duration of orders; dissolution or modification of temporary order.
<u>SECTION 200.597</u>	Order to be transmitted to law enforcement agencies; enforcement.
<u>SECTION 200.601</u>	Victim to be given certain information and documents concerning case; clerk to keep record of order or condition restricting conduct of defendant.

PEEPING

<u>SECTION 200.603</u>	Peering, peeping or spying through window, door or other opening of dwelling of another; penalties.
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HAZING

<u>SECTION 200.605</u>	Penalties; definition.
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INTERCEPTION AND DISCLOSURE OF WIRE AND RADIO COMMUNICATIONS OR PRIVATE CONVERSATIONS

<u>SECTION 200.610</u>	Definitions.
<u>SECTION 200.620</u>	Interception and attempted interception of wire communication prohibited; exceptions.
<u>SECTION 200.630</u>	Disclosure of existence, content or substance of wire or radio communication prohibited; exceptions.
<u>SECTION 200.640</u>	Unauthorized connection with facilities prohibited.
<u>SECTION 200.650</u>	Unauthorized, surreptitious intrusion of privacy by listening device prohibited.
<u>SECTION 200.690</u>	Penalties.

PORNOGRAPHY INVOLVING MINORS

<u>SECTION 200.700</u>	Definitions.
<u>SECTION 200.710</u>	Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance.
<u>SECTION 200.720</u>	Promotion of sexual performance of minor unlawful.
<u>SECTION 200.725</u>	Preparing, advertising or distributing materials depicting pornography involving minor unlawful; penalty.
<u>SECTION 200.730</u>	Possession of visual presentation depicting sexual conduct of person under 16 years of age unlawful; penalties.
<u>SECTION 200.735</u>	Exemption for purposes of law enforcement.
<u>SECTION 200.740</u>	Determination by court or jury of whether person was minor.
<u>SECTION 200.750</u>	Penalties.
<u>SECTION 200.760</u>	Forfeiture.

HOMICIDE

SECTION 200.010 “Murder” defined. Murder is the unlawful killing of a human being:

1. With malice aforethought, either express or implied;
2. Caused by a controlled substance which was sold, given, traded or otherwise made available to a person in violation of chapter [453](#) of SECTION; or
3. Caused by a violation of [SECTION 453.3325](#).

- The unlawful killing may be effected by any of the various means by which death may be occasioned.

SECTION 200.020 Malice: Express and implied defined.

1. Express malice is that deliberate intention unlawfully to take away the life of a fellow creature, which is manifested by external circumstances capable of proof.
2. Malice shall be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart.

SECTION 200.035 Circumstances mitigating first degree murder. Murder of the first degree may be mitigated by any of the following circumstances, even though the mitigating circumstance is not sufficient to constitute a defense or reduce the degree of the crime:

1. The defendant has no significant history of prior criminal activity.
2. The murder was committed while the defendant was under the influence of extreme mental or emotional disturbance.
3. The victim was a participant in the defendant's criminal conduct or consented to the act.
4. The defendant was an accomplice in a murder committed by another person and his participation in the murder was relatively minor.
5. The defendant acted under duress or under the domination of another person.
6. The youth of the defendant at the time of the crime.
7. Any other mitigating circumstance.

SECTION 200.040 “Manslaughter” defined.

1. Manslaughter is the unlawful killing of a human being, without malice express or implied, and without any mixture of deliberation.
2. Manslaughter must be voluntary, upon a sudden heat of passion, caused by a provocation apparently sufficient to make the passion irresistible, or involuntary, in the commission of an unlawful act, or a lawful act without due caution or circumspection.
3. Manslaughter does not include vehicular manslaughter as described in NRS 484.3775.

SECTION 200.050 “Voluntary manslaughter” defined.

1. In cases of voluntary manslaughter, there must be a serious and highly provoking injury inflicted upon the person killing, sufficient to excite an irresistible passion in a reasonable person, or an attempt by the person killed to commit a serious personal injury on the person killing.
2. Voluntary manslaughter does not include vehicular manslaughter as described in NRS 484.3775..

SECTION 200.060 When killing punished as murder. The killing must be the result of that sudden, violent impulse of passion supposed to be irresistible; for, if there should appear to have been an interval between the assault or provocation given and the killing, sufficient for the voice of reason and humanity to be heard, the killing shall be attributed to deliberate revenge and punished as murder.

SECTION 200.070 “Involuntary manslaughter” defined.

1. Except under the circumstances provided in NRS 484.348 and 484.377, involuntary manslaughter is the killing of a human being, without any intent to do so, in the commission of an unlawful act, or a lawful act which probably might produce such a consequence in an unlawful manner, but where the involuntary killing occurs in the commission of an unlawful act, which, in its consequences, naturally tends to destroy the life of a human being, or is committed in the prosecution of a felonious intent, the offense is murder.
2. Involuntary manslaughter does not include vehicular manslaughter as described in NRS 484.3775..

SECTION 200.080 Punishment for voluntary manslaughter. A person convicted of the crime of voluntary manslaughter is guilty of a **Category A offense**.

SECTION 200.090 Punishment for involuntary manslaughter. A person convicted of involuntary manslaughter is guilty of a **Category A offense**.

SECTION 200.120 “Justifiable homicide” defined. Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of habitation, property or person, against one who manifestly intends, or endeavors, by violence or surprise, to commit a **Category A offense**, or against any person or persons who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the habitation of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein.

SECTION 200.130 Bare fear insufficient to justify killing; reasonable fear required. A bare fear of any of the offenses mentioned in [SECTION 200.120](#), to prevent which the homicide is alleged to have been committed, shall not be sufficient to justify the killing. It must appear that the circumstances were sufficient to excite the fears of a reasonable person, and that the party killing really acted under the influence of those fears and not in a spirit of revenge.

SECTION 200.140 Justifiable homicide by public officer. Homicide is justifiable when committed by a public officer, or person acting under his command and in his aid, in the following cases:

1. In obedience to the judgment of a competent court.
2. When necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty.
3. When necessary:
 - (a) In retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a **Category A offense**;
 - (b) In attempting, by lawful ways or means, to apprehend or arrest a person; or
 - (c) In lawfully suppressing a riot or preserving the peace.

SECTION 200.150 Justifiable or excusable homicide. All other instances which stand upon the same footing of reason and justice as those enumerated shall be considered justifiable or excusable homicide.

SECTION 200.160 Additional cases of justifiable homicide. Homicide is also justifiable when committed:

1. In the lawful defense of the slayer, or his or her husband, wife, parent, child, brother or sister, or of any other person in his presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a **Category A offense** or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished; or
2. In the actual resistance of an attempt to commit a **Category A offense** upon the slayer, in his presence, or upon or in a dwelling, or other place of abode in which he is.

SECTION 200.180 Excusable homicide by misadventure.

1. Excusable homicide by misadventure occurs when:
 - (a) A person is doing a lawful act, without any intention of killing, yet unfortunately kills another, as where a man is at work with an ax and the head flies off and kills a bystander; or

SECTION 200.190 Justifiable or excusable homicide not punishable. The homicide appearing to be justifiable or excusable, the person indicted shall, upon his trial, be fully acquitted and discharged.

SECTION 200.200 Killing in self-defense. If a person kills another in self-defense, it must appear that:

1. The danger was so urgent and pressing that, in order to save his own life, or to prevent his receiving great bodily harm, the killing of the other was absolutely necessary; and
2. The person killed was the assailant, or that the slayer had really, and in good faith, endeavored to decline any further struggle before the mortal blow was given.

SECTION 200.210 Killing of unborn quick child; penalty. A person who willfully kills an unborn quick child, by any injury committed upon the mother of the child, commits manslaughter and shall be punished for a **Category A offense**.

SECTION 200.240 Owner of animal that kills human being guilty of manslaughter under certain circumstances; penalty. If the owner or custodian of any vicious or dangerous animal, knowing its propensities, willfully or negligently allows it to go at large, and the animal while at large kills a human being not himself in fault, the owner or custodian commits manslaughter and shall be punished for a **Category A offense**.

SECTION 200.260 Death resulting from unlawful manufacture or storage of explosives; penalty. A person who makes or keeps gunpowder or any other explosive substance in a city or town in any quantity or manner prohibited by law or by ordinance of the municipality commits manslaughter if an explosion thereof occurs whereby the death of a human being is occasioned, and shall be punished for a **Category A offense**.

BODILY INJURY

SECTION 200.275 Justifiable infliction or threat of bodily injury not punishable. In addition to any other circumstances recognized as justification at common law, the infliction or threat of bodily injury is justifiable, and does not constitute mayhem, battery or assault, if done under circumstances which would justify homicide.

MAYHEM

SECTION 200.280 Definition; penalty. Mayhem consists of unlawfully depriving a human being of a member of his body, or disfiguring or rendering it useless. If a person cuts out or disables the tongue, puts out an eye, slits the nose, ear or lip, or disables any limb or member of another, or voluntarily, or of purpose, puts out an eye, that person is guilty of mayhem.

SECTION 200.290 Instrument or manner of inflicting injury immaterial. To constitute mayhem it is immaterial by what means or instrument or in what manner the injury was inflicted.

SECTION 200.300 Injury not resulting in permanent injury; defendant may be convicted of assault. Whenever upon a trial for mayhem it shall appear that the injury inflicted will not result in any permanent disfigurement of appearance, diminution of vigor, or other permanent injury, no conviction for maiming shall be had, but the defendant may be convicted of assault in any degree.

KIDNAPPING

SECTION 200.310 Degrees.

1. A person who willfully seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away a person by any means whatsoever with the intent to hold or detain, or who holds or detains, the person for ransom, or reward, or for the purpose of committing sexual assault, extortion or robbery upon or from the person, or for the purpose of killing the person or inflicting substantial bodily harm upon him, or to exact from relatives, friends, or any other person any money or valuable thing for the return or disposition of the kidnapped person, and a person who leads, takes, entices, or carries away or detains any minor with the intent to keep, imprison, or confine him from his parents, guardians, or any other person having lawful custody of the minor, or with the intent to hold the minor to unlawful service, or perpetrate upon the person of the minor any unlawful act is guilty of kidnapping .

2. A person who willfully and without authority of law seizes, inveigles, takes, carries away or kidnaps another person with the intent to keep the person secretly imprisoned within the Tribe, or for the purpose of conveying the person out of the Tribe without authority of law, or in any manner held to service or detained against his will, is guilty of kidnapping.

SECTION 200.320 Kidnapping in first degree: Penalties. A person convicted of kidnapping in the first degree is guilty of a **Category A offense** and shall be punished:

1. Where the kidnapped person suffers substantial bodily harm during the act of kidnapping or the subsequent detention and confinement or in attempted escape or escape therefrom, is guilty of a **Category A offense**.
2. Where the kidnapped person suffers no substantial bodily harm as a result of the kidnapping, is guilty of a **Category A offense**.

SECTION 200.330 Kidnapping in second degree: Penalties. A person convicted of kidnapping in the second degree is guilty of a **Category A offense**.

SECTION 200.340 Penalty for aiding or abetting.

1. A person who aids and abets kidnapping in the first degree is guilty of a **Category A offense**.
2. A person who aids and abets kidnapping in the second degree is guilty of a **Category A offense**.

SECTION 200.350 Where proceedings may be instituted; consent is not defense.

1. Any proceedings for kidnapping may be instituted either in the county where the offense was committed or in any county through or in which the person kidnapped or confined was taken or kept while under confinement or restraint.
2. Upon the trial for violation of [SECTION 200.310](#) to [200.350](#), inclusive, the consent thereto of the person kidnapped or confined shall not be a defense unless it appears satisfactorily to the jury that such person was above the age of 18 years and that his consent was not extorted by threats, duress or fraud.

SECTION 200.357 Law enforcement officer required to take child into protective custody if child in danger of being removed from jurisdiction. A law enforcement officer who is conducting an investigation or making an arrest concerning the abduction of a child shall take the child into protective custody if he reasonably believes that the child is in danger of being removed from the jurisdiction.

SECTION 200.359 Detention, concealment or removal of child from person having lawful custody or from jurisdiction of court: Penalties; limitation on issuance of arrest warrant; restitution; exceptions.

1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:
 - (a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or
 - (b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,is guilty of a **Category A offense**.
2. A parent who has joint legal custody of a child pursuant to NRS 125.465 shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to deprive the other parent of the parent and child relationship. A person who violates this subsection shall be punished as provided in subsection 1.
3. If the mother of a child has primary physical custody pursuant to subsection 2 of NRS 126.031, the father of the child shall not willfully conceal or remove the child from the physical custody of the mother. If the father of a child has primary physical custody pursuant to subsection 2 of NRS 126.031, the mother

of the child shall not willfully conceal or remove the child from the physical custody of the father. A person who violates this subsection shall be punished as provided in subsection 1.

4. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home tribe of the child, as defined in NRS 125A085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to NRS 125, 125A or 125C will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

5. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

6. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a **Category B offense** and the judge may impose such a sentence if he finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a **Category B offense**.

7. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

8. This section does not apply to a person who detains, conceals or removes a child to protect the child from the imminent danger of abuse or neglect or to protect himself from imminent physical harm, and reported the detention, concealment or removal to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing or removing the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of [SECTION 200.508](#).

(b) "Agency which provides child welfare services" has the meaning ascribed to it in [SECTION 432B.030](#).

SEXUAL ASSAULT AND SEDUCTION

SECTION 200.364 Definitions. As used in [SECTION 200.364](#) to [200.3774](#), inclusive, unless the context otherwise requires:

1. "Perpetrator" means a person who commits a sexual assault.

2. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

3. "Statutory sexual seduction" means:

(a) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio committed by a person 18 years of age or older with a person under the age of 18 years; or

(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 18 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.

4. "Victim" means a person who is subjected to a sexual assault.

SECTION 200.366 Sexual assault: Definition; penalties.

1. A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his conduct, is guilty of sexual assault.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a **Category A offense**.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 18 years is guilty of a **Category A offense**.

4. A person who commits a sexual assault against a child under the age of 18 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this Tribe, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

→ is guilty of a **Category A offense**.

5. For the purpose of this section, “other sexual offense against a child” means any act committed by an adult upon a child constituting:

(a) Incest pursuant to [SECTION 201.180](#);

(b) Lewdness with a child pursuant to [SECTION 201.230](#);

(c) Sado-masochistic abuse pursuant to [SECTION 201.262](#); or

(d) Luring a child using a computer, system or network pursuant to [SECTION 201.560](#), if punished as a **Category A offense**.

SECTION 200.368 Statutory sexual seduction: Penalties. Except under circumstances where a greater penalty is provided in [SECTION 201.540](#), a person who commits statutory sexual seduction shall be punished:

1. If he is 21 years of age or older, for a **Category A offense**.

2. If he is under the age of 21 years, for a **Category B offense**.

SECTION 200.373 Sexual assault of spouse by spouse. It is no defense to a charge of sexual assault that the perpetrator was, at the time of the assault, married to the victim, if the assault was committed by force or by the threat of force.

SECTION 200.377 Victims of sexual assault: Legislative findings and declarations. The Legislature finds and declares that:

1. This Tribe has a compelling interest in assuring that the victim of a sexual assault:

(a) Reports the assault to the appropriate authorities;

(b) Cooperates in the investigation and prosecution of the assault; and

(c) Testifies at the criminal trial of the person charged with committing the assault.

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual assault. If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual assaults.

3. A victim of a sexual assault may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual assault is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual assault.

5. The public has no overriding need to know the individual identity of the victim of a sexual assault.

6. The purpose of [SECTION 200.3771](#) to [200.3774](#), inclusive, is to protect the victims of sexual assault from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

SECTION 200.3771 Victims of sexual assault: Confidentiality of records and reports that reveal identity; when disclosure permitted; penalty.

1. Except as otherwise provided in this section, any information which is contained in:

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Tribal Records of Criminal History,

→ that reveals the identity of a victim of sexual assault is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual assault and his attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and his attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.
3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:
 - (a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;
 - (b) The disclosure will not place the victim at risk of personal harm; and
 - (c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.
4. Nothing in this section prohibits:
 - (a) Any publication or broadcast by the media concerning a sexual assault.
 - (b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:
 - (1) The organization or agency needs identifying information of victims to offer such services; and
 - (2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.
5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

SECTION 200.3772 Victims of sexual assault: Procedure for substituting pseudonym for name on files, records and reports; actual identity confidential; when disclosure required; immunity for unintentional disclosure.

1. A victim of a sexual assault may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual assault, including, without limitation, criminal intelligence and investigative reports, court records and media releases.
2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the offense. The form must be provided by the law enforcement agency.
3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:
 - (a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and
 - (b) Notify the prosecuting attorney of the pseudonym.
- The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.
4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual assault.
5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or his attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or his attorney is subject to the conditions and restrictions specified in subsection 2 of [SECTION 200.3771](#). A person who violates this subsection is guilty of a **Category B offense**.
6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual assault or the identity of the victim is at issue.
7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:
 - (a) Disclosing any information contained on the form filed by a victim of sexual assault pursuant to this section that reveals the identity of the victim; or
 - (b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

SECTION 200.3773 Victims of sexual assault: Public officer or employee prohibited from disclosing identity; exceptions; penalty.

1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual assault shall not intentionally or knowingly disclose the identifying information to any person other than:
 - (a) The defendant or his attorney;
 - (b) A person who is directly involved in the investigation, prosecution or defense of the case;
 - (c) A person specifically named in a court order issued pursuant to [SECTION 200.3771](#); or
 - (d) A nonprofit organization or public agency approved to receive the information pursuant to [SECTION 200.3771](#).
2. A person who violates the provisions of subsection 1 is guilty of a **Category B offense**.

SECTION 200.3774 Victims of sexual assault: Effect of waiver of confidentiality by victim. The provisions of [SECTION 200.3771](#), [200.3772](#) and [200.3773](#) do not apply if the victim of the sexual assault voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

ROBBERY

SECTION 200.380 Definition; penalty.

1. Robbery is the unlawful taking of personal property from the person of another, or in his presence, against his will, by means of force or violence or fear of injury, immediate or future, to his person or property, or the person or property of a member of his family, or of anyone in his company at the time of the robbery. A taking is by means of force or fear if force or fear is used to:
 - (a) Obtain or retain possession of the property;
 - (b) Prevent or overcome resistance to the taking; or
 - (c) Facilitate escape.
- The degree of force used is immaterial if it is used to compel acquiescence to the taking of or escaping with the property. A taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.
2. A person who commits robbery is guilty of a **Category A offense**.

ATTEMPTS TO KILL

SECTION 200.390 Administration of poison: Penalty. A person who willfully and maliciously administers or causes to be administered to or taken by a person, any poison, or other noxious or destructive substance or liquid, with the intention to cause the death of the person, and being thereof duly convicted, is guilty of a **Category A offense**.

BATTERY WITH INTENT TO COMMIT A CRIME

SECTION 200.400 Definition; penalties.

1. As used in this section, "battery" means any willful and unlawful use of force or violence upon the person of another.
2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny is guilty of a **Category A offense**.
3. A person who is convicted of battery with the intent to commit sexual assault shall be punished as a **Category A offense**.

ADMINISTRATION OF DRUG TO AID COMMISSION OF CRIME

SECTION 200.405 Administration of drug to aid commission of Category A offense: Penalty. Unless a greater penalty is provided in [SECTION 200.408](#), a person who administers to another person any chloroform, ether, laudanum, or any controlled substance, anesthetic, or intoxicating or emetic agent, with the intent thereby to enable or assist himself or any other person to commit a **Category A offense**, is guilty of a **Category A offense**.

SECTION 200.408 Administration of controlled substance to aid commission of crime of violence: Penalty; definitions.

1. A person who causes to be administered to another person any controlled substance without that person's knowledge and with the intent thereby to enable or assist himself or any other person to commit a crime of violence against that person or the property of that person, is guilty of a **Category A offense**.

2. As used in this section:

(a) "Controlled substance" includes flunitrazepam and gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor as defined in [SECTION 453.086](#).

(b) "Crime of violence" means:

(1) Any offense involving the use or threatened use of force or violence against the person or property of another; or

(2) Any **Category A offense** for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the **Category A offense**.

(c) "Without a person's knowledge" means the person is unaware that a substance that can alter his ability to appraise conduct or to decline participation in or communicate an unwillingness to participate in conduct has been administered to him.

DUELS AND CHALLENGES

SECTION 200.410 Death resulting from duel; penalty. If a person fights, by previous appointment or agreement, a duel with a dangerous weapon, and in so doing kills his antagonist, or any person, or inflicts such a wound that the party or parties injured die thereof, each such offender is guilty of murder in the first degree, which is a category A **Category A offense**.

SECTION 200.430 Incriminating testimony; witness's privilege. Any person who is present at the time of fighting any duel with deadly weapons, as second, aid, surgeon or spectator, or who advises or gives assistance to such a duel, is a competent witness against any person offending against any of the provisions of [SECTION 200.410](#) and may be compelled to appear and give evidence before any tribal judge, or court, in the same manner as other witnesses; but the testimony so given may not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

SECTION 200.440 Posting for not fighting; use of contemptuous language. If any person posts another, or in writing, print or orally uses any reproachable or contemptuous language to or concerning another, for not fighting a duel, or for not sending or accepting a challenge, he is guilty of a **Category B offense**.

SECTION 200.450 Challenges to fight; penalties.

1. If a person, upon previous concert and agreement, fights with any other person or gives, sends or authorizes any other person to give or send a challenge verbally or in writing to fight any other person, the person giving, sending or accepting the challenge to fight any other person shall be punished:

(a) If the fight does not involve the use of a deadly weapon, it is a **Category B offense**; or

(b) If the fight involves the use of a deadly weapon, it is a **Category A offense**.

2. A person who acts for another in giving, sending, or accepting, either verbally or in writing, a challenge to fight any other person shall be punished:
 - (a) If the fight does not involve the use of a deadly weapon, it is a **Category B offense**; or
 - (b) If the fight involves the use of a deadly weapon, it is a **Category A offense**.

FALSE IMPRISONMENT

SECTION 200.460 Definition; penalties.

1. False imprisonment is an unlawful violation of the personal liberty of another, and consists in confinement or detention without sufficient legal authority.
2. A person convicted of false imprisonment shall pay all damages sustained by the person so imprisoned, and, except as otherwise provided in this section, is guilty of a **Category B offense**.
3. Unless a greater penalty is provided pursuant to subsection 4, if the false imprisonment is committed:
 - (b) By any other person with the use of a deadly weapon,
→ the person convicted of such a false imprisonment is guilty of a **Category A offense**
4. Unless a greater penalty is provided pursuant to subsection 5, if the false imprisonment is committed by using the person so imprisoned as a shield or to avoid arrest, the person convicted of such a false imprisonment is guilty of a **Category A offense**.
5. If the false imprisonment is committed by a prisoner who is in lawful custody or confinement with the use of a deadly weapon, the person convicted of such a false imprisonment is guilty of a **Category A offense**.

INVOLUNTARY SERVITUDE; PURCHASE OR SALE OF PERSON

SECTION 200.463 Involuntary servitude; penalties.

1. A person who knowingly subjects, or attempts to subject, another person to forced labor or services by:
 - (a) Causing or threatening to cause physical harm to any person;
 - (b) Physically restraining or threatening to physically restrain any person;
 - (c) Abusing or threatening to abuse the law or legal process;
 - (d) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person;
 - (e) Extortion; or
 - (f) Causing or threatening to cause financial harm to any person,
→ is guilty of holding a person in involuntary servitude.
2. A person who is found guilty of holding a person in involuntary servitude is guilty of a **Category A offense**.

SECTION 200.464 Recruiting, enticing, harboring, transporting, providing or obtaining another person to be held in involuntary servitude; benefiting from another person being held in involuntary servitude; penalty. A person who knowingly:

1. Recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be held in involuntary servitude; or
2. Benefits, financially or by receiving anything of value, from participating in a violation of [SECTION 200.463](#),
→ is guilty of a **Category A offense**.

SECTION 200.465 Assuming rights of ownership over another person; purchase or sale of person; penalty. A person who:

1. Assumes or attempts to assume rights of ownership over another person;

2. Sells or attempts to sell a person to another;
 3. Receives money or anything of value in consideration of placing a person in the custody or under the control of another;
 4. Buys or attempts to buy a person;
 5. Except as otherwise provided, pays money or delivers anything of value to another in consideration of having a person placed in his custody or under his power or control; or
 6. Knowingly aids or assists in any manner a person who violates any provision of this section,
- is guilty of a **Category A offense**.

ASSAULT AND BATTERY

SECTION 200.471 Assault: Definitions; penalties.

1. As used in this section:
 - (a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.
 - (b) "Officer" means:
 - (1) A person who possesses some or all of the powers of a peace officer;
 - (2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;
 - (3) A member of a volunteer fire department;
 - (5) A justice of the Supreme Court, district judge, justice of the peace, tribal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or
 - (6) An employee of the Tribe or a political subdivision of the Tribe whose official duties require him to make home visits.
 - (c) "Provider of health care" means a physician, a physician assistant, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, an osteopathic physician's assistant, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist and an emergency medical technician.
 - (d) "School employee" means a licensed or unlicensed person employed by a tribe or board of trustees of a school district pursuant to NRS 391.100.
 - (e) "Sporting event" has the meaning ascribed to it in NRS 41.630.
 - (f) "Sports official" has the meaning ascribed to it in NRS 41.630.
 - (g) "Taxicab" or bus has the meaning ascribed to it in NRS 706.8816.
 - (h) "Taxicab driver" means a person who operates a taxicab.
 - (i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.
2. A person convicted of an assault shall be punished:
 - (a) If paragraph (c) or (d) of this subsection does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a **Category B offense**.
 - (b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a **Category A offense**.
 - (c) If paragraph (d) of this subsection does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a **Category B offense**, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then it is a **Category A offense**.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a **Category A offense**

SECTION 200.481 Battery: Definitions; penalties.

1. As used in this section:

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

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

(c) "Officer" means:

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

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

(3) A member of a volunteer fire department;

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

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

(6) An employee of the Tribe or a political subdivision of the Tribe whose official duties require him to make home visits.

(d) "Provider of health care" has the meaning ascribed to it in [SECTION 200.471](#).

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

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

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

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

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

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

2. Except as otherwise provided in [SECTION 200.485](#), a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in paragraph (d) or in [SECTION 197.090](#), for a **Category B offense**.

(b) If the battery is not committed with a deadly weapon, and substantial bodily harm to the victim results, for a **Category A offense** as provided in [SECTION 193.130](#).

(c) If the battery is committed:

(1) Upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his duty or upon a sports official based on the performance of his duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm; and

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

↳ it is a **Category A offense**.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official, it is a **Category B offense**.

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

- (1) No substantial bodily harm to the victim results, it is a **Category A offense**.
 - (2) Substantial bodily harm to the victim results, it is a **Category A offense**.
- (f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results, it is a **Category A offense**.
- (g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:
- (1) No substantial bodily harm to the victim results, it is a **Category A offense**.
 - (2) Substantial bodily harm to the victim results, it is a **Category A offense**.

SECTION 200.485 Battery which constitutes domestic violence: Penalties; referring child for counseling; restriction against dismissal, probation and suspension; definitions.

1. Unless a greater penalty is provided pursuant to [SECTION 200.481](#), a person convicted of a battery which constitutes domestic violence.
 - (a) For the first offense within 7 years, is guilty of a **Category C offense**.
 - (b) For the second offense within 7 years, is guilty of a **Category B offense**.
 - (c) For the third and any subsequent offense within 7 years, is guilty of a **Category A offense**.
2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence, the court shall:
 - (a) For the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence.
 - (b) For the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence.
3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, must not be read to the jury or proved at trial but must be proved at the time of sentencing.
4. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the Tribal Finance Office.
5. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs.
6. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence reimburse the agency for the costs of any services provided, to the extent of his ability to pay.
7. If a person is charged with committing a battery which constitutes domestic violence, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, a court shall not suspend the sentence of such a person.
8. As used in this section:
 - (a) "Agency which provides child welfare services" has the meaning ascribed to it in [SECTION 432B.030](#).
 - (b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of [SECTION 200.481](#).
 - (c) "Offense" includes a battery which constitutes domestic violence, or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

SECTION 200.490 Provoking assault: Penalty. Every person who shall, by word, sign or gesture, willfully provoke, or attempt to provoke, another person to commit an assault shall be punished by a fine of not more than \$500.

CRIMINAL NEGLECT OF PATIENTS

SECTION 200.495 Definitions; penalties.

1. A professional caretaker who fails to provide such service, care or supervision as is reasonable and necessary to maintain the health or safety of a patient is guilty of criminal neglect of a patient if:

- (a) The act or omission is aggravated, reckless or gross;
- (b) The act or omission is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same circumstances that it is contrary to a proper regard for danger to human life or constitutes indifference to the resulting consequences;
- (c) The consequences of the negligent act or omission could have reasonably been foreseen; and
- (d) The danger to human life was not the result of inattention, mistaken judgment or misadventure, but the natural and probable result of an aggravated reckless or grossly negligent act or omission.

2. Unless a more severe penalty is prescribed by law for the act or omission which brings about the neglect, a person who commits criminal neglect of a patient:

- (a) If the neglect results in death, is guilty of a **Category A offense**.
- (b) If the neglect results in substantial bodily harm, is guilty of a **Category A offense**.
- (c) If the neglect does not result in death or substantial bodily harm, is guilty of a **Category B offense**.

3. For the purposes of this section, a patient is not neglected for the sole reason that:

(a) According to his desire, he is being furnished with treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination. Subsection 1 does not authorize or require any medical care or treatment over the implied or express objection of such a patient.

(b) Life-sustaining treatment was withheld or withdrawn in accordance with a valid declaration by the patient or his attorney-in-fact pursuant to NRS 449.810.

4. Upon the conviction of a person for a violation of the provisions of subsection 1, the Attorney General shall give notice of the conviction to the licensing boards which:

- (a) Licensed the facility in which the criminal neglect occurred; and
- (b) If applicable, licensed the person so convicted.

5. As used in this section:

- (a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.
- (b) "Patient" means a person who resides or receives health care in a medical facility.
- (c) "Professional caretaker" means a person who:
 - (1) Holds a license, registration or permit issued pursuant to title 54 or chapter 449 of the NRS;
 - (2) Is employed by, an agent of or under contract to perform services for, a medical facility; and
 - (3) Has responsibility to provide care to patients.

→ The term does not include a person who is not involved in the day-to-day operation or management of a medical facility unless that person has actual knowledge of the criminal neglect of a patient and takes no action to cure such neglect.

ABUSE AND NEGLECT OF CHILDREN

SECTION 200.508 Abuse, neglect or endangerment of child: Penalties; definitions.

1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a **Category A offense**.

(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a **Category A offense**.

(b) If substantial bodily or mental harm does not result to the child is guilty of a **Category A offense**.

2. A person who is responsible for the safety or welfare of a child and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect is guilty of a **Category A offense**.

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a **Category B offense**; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a **Category A offense**.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that he delivers or allows the delivery of a child to a provider of emergency services pursuant to [SECTION 432B.630](#).

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and [SECTION 432B.070](#), [432B.100](#), [432B.110](#), [432B.140](#) and [432B.150](#), under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

- (1) Permanent or temporary disfigurement; or
- (2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his normal range of performance or behavior.

SECTION 200.5081 Tribal Prosecuting Attorney may refer person suspected of violating [SECTION 200.508](#) for treatment or counseling.

1. A Tribal Prosecuting Attorney may, if the circumstances indicate that treatment or counseling is needed, refer a person who is suspected of violating a provision of [SECTION 200.508](#) to an appropriate public or private agency for treatment or counseling. The Tribal Prosecuting Attorney shall obtain the consent of the agency to which he intends to refer the person before doing so.

2. Nothing in this section limits the discretion of the Tribal Prosecuting Attorney to undertake prosecution of a person who has been referred for treatment or counseling pursuant to subsection 1.

SECTION 200.5083 Mutilation of genitalia of female child: Penalties; definitions.

1. A person who willfully:

(a) Mutilates, or aids, abets, encourages or participates in the mutilation of the genitalia of a female child; or

(b) Removes a female child from this Reservation for the purpose of mutilating the genitalia of the child, is guilty of a **Category A offense**.

2. It is not a defense that:

(a) The person engaging in the conduct prohibited by subsection 1 believes that the conduct is necessary or appropriate as a matter of custom, ritual or standard practice; or

(b) The child, the parent or legal guardian of the child, or another person legally responsible for the child has consented to the conduct prohibited by subsection 1.

3. As used in this section:

(a) "Child" means a person who is under 18 years of age.

(b) "Mutilates the genitalia of a female child" means the removal or infibulation in whole or in part of the clitoris, vulva, labia major or labia minor for nonmedical purposes.

SECTION 200.5085 Use of nonmedical remedial treatment. A child is not abused or neglected, nor is his health or welfare harmed or threatened for the sole reason that his parent or guardian, in good faith, selects and depends upon nonmedical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this Tribe in lieu of medical treatment.

ABUSE, NEGLECT, EXPLOITATION OR ISOLATION OF OLDER PERSONS AND VULNERABLE PERSONS

SECTION 200.5091 Policy of Tribe. It is the policy of this Tribe to provide for the cooperation of law enforcement officials, courts of competent jurisdiction and all appropriate tribal agencies providing human services in identifying the abuse, neglect, exploitation and isolation of older persons and vulnerable persons through the complete reporting of abuse, neglect, exploitation and isolation of older persons and vulnerable persons.

SECTION 200.5092 Definitions. As used in [SECTION 200.5091](#) to [200.5095](#), inclusive, unless the context otherwise requires:

1. "Abuse" means willful and unjustified:
 - (a) Infliction of pain, injury or mental anguish on an older person or a vulnerable person; or
 - (b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person.
2. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:
 - (a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his money, assets or property; or
 - (b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his money, assets or property.

→ As used in this subsection, "undue influence" does not include the normal influence that one member of a family has over another.
3. "Isolation" means willfully, maliciously and intentionally preventing an older person or a vulnerable person from having contact with another person by:
 - (a) Intentionally preventing the older person or vulnerable person from receiving his visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor; or
 - (b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person.

→ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.
4. "Neglect" means the failure of:
 - (a) A person who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person; or
 - (b) An older person or a vulnerable person to provide for his own needs because of inability to do so.
5. "Older person" means a person who is 60 years of age or older.
6. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation and isolation of older persons. The services may include investigation, evaluation, counseling, arrangement and referral for other services and assistance.

7. "Vulnerable person" means a person 18 years of age or older who:
 - (a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or
 - (b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

SECTION 200.50925 "Reasonable cause to believe" and "as soon as reasonably practicable" defined.

For the purposes of [SECTION 200.5091](#) to [200.50995](#), inclusive, a person:

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.
2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

SECTION 200.5093 Report of abuse, neglect, exploitation or isolation of older person; voluntary and mandatory reports; investigation; penalty.

1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

- (a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:
 - (1) The local office of the Ely Shoshone Social Services;
 - (2) A police department or sheriff's office;
 - (3) The county's office for protective services, if one exists in the county where the suspected action occurred; or
 - (a) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. A report must be made pursuant to subsection 1 by the following persons:

- (a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this Tribe, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

- (b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

- (c) A coroner.

- (d) Every person who maintains or is employed by an agency to provide personal care services in the home.

- (e) Every person who maintains or is employed by an agency to provide nursing in the home.

- (f) Any employee of a law enforcement agency or a Tribal office for protective services or an adult or juvenile probation officer.

- (g) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

- (h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

- (j) Every social worker.

- (j) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, or the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of [SECTION 200.5094](#), when possible.

7. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, may provide protective services to the older person if he is able and willing to accept them.

8. A person who knowingly and willfully violates any of the provisions of this section is guilty of a **Category B offense**.

SECTION 200.50935 Report of abuse, neglect, exploitation or isolation of vulnerable person; voluntary and mandatory reports; investigation; penalty.

1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(f) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(g) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(h) Every social worker.

(i) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of [SECTION 200.5094](#), when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a **Category B offense**.

SECTION 200.5094 Reports: Manner of making; contents.

1. A person may make a report pursuant to [SECTION 200.5093](#) or [200.50935](#) by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, when possible:

- (a) The name and address of the older person or vulnerable person;
- (b) The name and address of the person responsible for his care, if there is one;
- (c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited or isolated the older person or vulnerable person;
- (d) The nature and extent of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;
- (e) Any evidence of previous injuries; and
- (f) The basis of the reporter's belief that the older person or vulnerable person has been abused, neglected, exploited or isolated.

SECTION 200.5095 Reports and records confidential; permissible or required disclosure; penalty.

1. Reports made pursuant to [SECTION 200.5093](#), [200.50935](#) and [200.5094](#), and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
 - (b) Pursuant to [SECTION 200.50982](#); or
 - (c) To persons or agencies enumerated in subsection 3,
- ↳ is guilty of a **Category B offense**.
3. Except as otherwise provided in subsection 2 and [SECTION 200.50982](#), data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:
- (a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;
 - (b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;
 - (c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;
 - (d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;
 - (e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;
 - (f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;
 - (g) Any comparable authorized person or agency in another jurisdiction;
 - (h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation or isolation;
 - (i) If the older person or vulnerable person is deceased, the executor or administrator of his estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation

of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of the NRS, information contained in the report must be submitted to the board that issued the license.

SECTION 200.50955 Law enforcement agency: Required to act promptly in obtaining certain warrants. A law enforcement agency shall promptly seek to obtain a warrant for the arrest of any person the agency has probable cause to believe is criminally responsible for the abuse, neglect, exploitation or isolation of an older person or a vulnerable person.

SECTION 200.5096 Immunity from civil or criminal liability for reporting, investigating or submitting information. Immunity from civil or criminal liability extends to every person who, pursuant to [SECTION 200.5091](#) to [200.50995](#), inclusive, in good faith:

1. Participates in the making of a report;
2. Causes or conducts an investigation of alleged abuse, neglect, exploitation or isolation of an older person or a vulnerable person; or
3. Submits information contained in a report to a licensing board pursuant to subsection 4 of [SECTION 200.5095](#).

SECTION 200.5097 Admissibility of evidence. In any proceeding resulting from a report made or action taken pursuant to [SECTION 200.5091](#) to [200.50995](#), inclusive, or in any other proceeding, the report or its contents or any other fact related thereto or to the condition of the older person or vulnerable person who is the subject of the report may not be excluded on the ground that the matter would otherwise be privileged against disclosure under chapter 49 of the NRS.

SECTION 200.50982 Disclosure of information concerning reports and investigations to other agencies or legal representative of older person or vulnerable person. The provisions of [SECTION 200.5091](#) to [200.50995](#), inclusive, do not prohibit an agency which is investigating a report of abuse, neglect, exploitation or isolation, or which provides protective services, from disclosing data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person to other federal, tribe or local agencies or the legal representatives of the older person or vulnerable person on whose behalf the investigation is being conducted if:

1. The agency making the disclosure determines that the disclosure is in the best interest of the older person or vulnerable person; and
2. Proper safeguards are taken to ensure the confidentiality of the information.

SECTION 200.50986 Petition for removal of guardian of older person. The tribal social services may petition a court in accordance with NRS 159.185, 159.1853 or 159.1905 for the removal of the guardian of an older person, or the termination or modification of that guardianship, if, based on its investigation it has reasonable cause to believe that the guardian is abusing, neglecting, exploiting or isolating the older person in violation of [SECTION 200.5091](#) to [200.50995](#), inclusive.

SECTION 200.50995 Penalties for conspiracy to commit abuse. A person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person as prohibited by [SECTION 200.5099](#) shall be punished:

1. For the first offense, fit is a **Category B offense**.
2. For the second and all subsequent offenses, it is a **Category A offense**.

- Each person found guilty of such a conspiracy is jointly and severally liable for the restitution ordered by the court pursuant to [SECTION 200.5099](#) with each other person found guilty of the conspiracy.

LIBEL

SECTION 200.510 Definition; penalties; truth may be given in evidence; jury to determine law and fact.

1. A libel is a malicious defamation, expressed by printing, writing, signs, pictures or the like, tending to blacken the memory of the dead, or to impeach the honesty, integrity, virtue, or reputation, or to publish the natural defects of a living person or persons, or community of persons, or association of persons, and thereby to expose them to public hatred, contempt or ridicule.
2. Every person, whether the writer or publisher, convicted of the offense is guilty of a **Category B offense**.
3. In all prosecutions for libel the truth may be given in evidence to the judge or jury, and, if it shall appear to the judge or jury that the matter charged as libelous is true and was published for good motive and for justifiable ends, the party shall be acquitted, and the judge or jury shall have the right to determine the law and the fact.

SECTION 200.520 Publication defined. Any method by which matter charged as libelous may be communicated to another shall be deemed a publication thereof.

SECTION 200.530 Liability of editor or publisher. Every editor or proprietor of a book, newspaper or serial, and every manager of a copartnership or corporation by which any book, newspaper or serial is issued, is chargeable with the publication of any matter contained in any such book, newspaper or serial, but in every prosecution for libel the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes by another who had no authority from him to make such publication, and was retracted by him as soon as known with an equal degree of publicity.

SECTION 200.550 Furnishing libelous information: Penalty. Every person who shall willfully tribe, deliver or transmit by any means whatever to any manager, editor, publisher, reporter or other employee of a publisher of any newspaper, magazine, publication, periodical or serial any statement concerning any person or corporation which, if published therein, would be a libel shall be guilty of a **Category B offense**.

SECTION 200.560 Threatening to publish libel: Penalty. Every person who shall threaten another with the publication of a libel concerning the latter, or his spouse, parent, child or other member of his family, and every person who offers to prevent the publication of a libel upon another person upon condition of the payment of, or with intent to extort, money or other valuable consideration from any person, shall be guilty of a **Category B offense**.

HARASSMENT AND STALKING

SECTION 200.571 Harassment: Definition; penalties.

1. A person is guilty of harassment if:
 - (a) Without lawful authority, the person knowingly threatens:
 - (1) To cause bodily injury in the future to the person threatened or to any other person;
 - (2) To cause physical damage to the property of another person;
 - (3) To subject the person threatened or any other person to physical confinement or restraint; or
 - (4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; and

(b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.

2. A person who is guilty of harassment:

(a) For the first offense, is guilty of a **Category C offense**.

(b) For the second or any subsequent offense, is guilty of a **Category B offense**.

SECTION 200.575 Stalking: Definitions; penalties.

1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed, commits the crime of stalking. Except where the provisions of subsection 2 or 3 are applicable, a person who commits the crime of stalking:

(a) For the first offense, is guilty of a **Category C offense**.

(b) For any subsequent offense, is guilty of a **Category B offense**.

2. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished for a **Category A offense**.

3. A person who commits the crime of stalking with the use of an Internet or network site or electronic mail or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a **Category A offense**.

4. Except as otherwise provided in subsection 2 of [SECTION 200.571](#), a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

5. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

6. As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.

(b) "Internet or network site" has the meaning ascribed to it in [SECTION 205.4744](#).

(c) "Network" has the meaning ascribed to it in [SECTION 205.4745](#).

(d) "Provider of Internet service" has the meaning ascribed to it in [SECTION 205.4758](#).

(e) "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, cameraman or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

SECTION 200.581 Where offense committed. Harassment, stalking or aggravated stalking shall be deemed to have been committed where the conduct occurred or where the person who was affected by the conduct was located at the time that the conduct occurred.

SECTION 200.591 Court may impose temporary or extended order to restrict conduct of alleged perpetrator, defendant or convicted person; penalty for violation of order; dissemination of order.

1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him by another person may petition

any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the TRIBE Rules of Civil Procedure; and

(b) A hearing is held on the petition.

4. If an extended order is issued by a Justice Court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a **Category B offense**.

(b) An extended order is guilty of a **Category A offense**.

6. Any court order issued pursuant to this section must:

(a) Be in writing;

(b) Be personally served on the person to whom it is directed; and

(c) Contain the warning that violation of the order:

(1) Subjects the person to immediate arrest.

(2) Is a **Category B offense** if the order is a temporary order.

(3) Is a **Category A offense** if the order is an extended order.

SECTION 200.592 Petitioner for order: Deferment of costs and fees; free information concerning order; no fee for serving order.

1. The payment of all costs and official fees must be deferred for any person who petitions a court for a temporary or extended order pursuant to [SECTION 200.591](#). After any hearing and not later than final disposition of such an application or order, the court shall assess the costs and fees against the adverse party, except that the court may reduce them or waive them, as justice may require.

2. The clerk of the court shall provide a person who petitions the court for a temporary or extended order pursuant to [SECTION 200.591](#) and the adverse party, free of cost, with information about the:

(a) Availability of temporary and extended orders pursuant to [SECTION 200.591](#);

(b) Procedure for filing an application for such an order; and

(c) Right to proceed without legal counsel.

3. A person who obtains an order pursuant to [SECTION 200.591](#) must not be charged any fee to have the order served.

SECTION 200.594 Duration of orders; dissolution or modification of temporary order.

1. A temporary order issued pursuant to [SECTION 200.591](#) expires within such time, not to exceed 30 days, as the court fixes. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.
2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.
3. An extended order expires within such time, not to exceed 1 year, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for no more than 1 year.

SECTION 200.597 Order to be transmitted to law enforcement agencies; enforcement.

1. Each court that issues an order pursuant to [SECTION 200.591](#) shall transmit, as soon as practicable, a copy of the order to all law enforcement agencies within its jurisdiction. The copy must include a notation of the date on which the order was personally served upon the person to whom it is directed.
2. A peace officer, without a warrant, may arrest and take into custody a person when the peace officer has probable cause to believe that:
 - (a) An order has been issued pursuant to [SECTION 200.591](#) to the person to be arrested;
 - (b) The person to be arrested has been served with a copy of the order; and
 - (c) The person to be arrested is acting in violation of the order.
3. Any law enforcement agency in this Tribe may enforce a court order issued pursuant to [SECTION 200.591](#).

SECTION 200.601 Victim to be given certain information and documents concerning case; clerk to keep record of order or condition restricting conduct of defendant.

1. The prosecuting attorney in any trial brought against a person on a charge of harassment, stalking or aggravated stalking shall inform the alleged victim of the final disposition of the case.
2. If the defendant is found guilty and the court issues an order or provides a condition of his sentence restricting the ability of the defendant to have contact with the victim or witnesses, the clerk of the court shall:
 - (a) Keep a record of the order or condition of the sentence; and
 - (b) Provide a certified copy of the order or condition of the sentence to the victim and other persons named in the order.

PEEPING**SECTION 200.603 Peering, peeping or spying through window, door or other opening of dwelling of another; penalties.**

1. A person shall not knowingly enter upon the property or premises of another or upon the property or premises owned by him and leased or rented to another with the intent to surreptitiously conceal himself on the property or premises and peer, peep or spy through a window, door or other opening of a building or structure that is used as a dwelling on the property or premises.
2. A person who violates subsection 1 is guilty of:
 - (a) If the person is in possession of a deadly weapon at the time of the violation, it is a **Category A offense**.
 - (b) If the person is not in possession of a deadly weapon at the time of the violation, but is in possession of a photographic or digital camera, video camera or other device capable of recording images or sound at the time of the violation, a **Category B offense**.
 - (c) If the person is not in possession of a deadly weapon or a photographic or digital camera, video camera or other device capable of recording images or sound at the time of the violation, it is a **Category B offense**.
3. This section does not apply to:
 - (a) A law enforcement officer conducting a criminal investigation or surveillance;

- (b) A housing department employee, building inspector, building official or other similar authority employed by a governmental body while performing his duties; or
- (c) An employee of a public utility while performing his duties.

HAZING

SECTION 200.605 Penalties; definition.

1. A person who engages in hazing is guilty of:
 - (a) A **Category B offense**, if no substantial bodily harm results.
 - (b) A **Category A offense**, if substantial bodily harm results.
2. Consent of a victim of hazing is not a valid defense to a prosecution conducted pursuant to this section.
3. For the purposes of this section, an activity shall be deemed to be "forced" if initiation into or affiliation with a student organization, academic association or athletic team is directly or indirectly conditioned upon participation in the activity.
4. As used in this section, "hazing" means an activity in which a person intentionally or recklessly endangers the physical health of another person for the purpose of initiation into or affiliation with a student organization, academic association or athletic team at a high school, college or university in this tribe. The term:
 - (a) Includes, without limitation, any physical brutality or brutal treatment, including, without limitation, whipping, beating, branding, forced calisthenics, exposure to the elements or forced consumption of food, liquor, drugs or other substances.
 - (b) Does not include any athletic, curricular, extracurricular or quasi-military practice, conditioning or competition that is sponsored or approved by the high school, college or university.

INTERCEPTION AND DISCLOSURE OF WIRE AND RADIO COMMUNICATIONS OR PRIVATE CONVERSATIONS

SECTION 200.610 Definitions. As used in [SECTION 200.610 to 200.690](#), inclusive:

1. "Person" includes public officials and law enforcement officers of the Tribe and of a county or municipality or other political subdivision of the Tribe.
2. "Wire communication" means the transmission of writing, signs, signals, pictures and sounds of all kinds by wire, cable, or other similar connection between the points of origin and reception of such transmission, including all facilities and services incidental to such transmission, which facilities and services include, among other things, the receipt, forwarding and delivering of communications.
3. "Radio communication" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by radio or other wireless methods, including all facilities and services incidental to such transmission, which facilities and services include, among other things, the receipt, forwarding and delivering of communications. The term does not include the transmission of writing, signs, signals, pictures and sounds broadcast by amateurs or public or municipal agencies of the Tribe, or by others for the use of the general public.

SECTION 200.620 Interception and attempted interception of wire communication prohibited; exceptions.

1. It is unlawful for any person to intercept or attempt to intercept any wire communication unless:
 - (a) The interception or attempted interception is made with the prior consent of one of the parties to the communication; and
 - (b) An emergency situation exists and it is impractical to obtain a court order as required by NRS 179.410 to 179.515, inclusive, before the interception, in which event the interception is subject to the requirements of subsection 3. If the application for ratification is denied, any use or disclosure of the information so intercepted is unlawful, and the person who made the interception shall notify the sender and the receiver of the communication that:
 - (1) The communication was intercepted; and
 - (2) Upon application to the court, ratification of the interception was denied.

2. This section does not apply to any person, or to the officers, employees or agents of any person, engaged in the business of providing service and facilities for wire communication where the interception or attempted interception is to construct, maintain, conduct or operate the service or facilities of that person.
3. Any person who has made an interception in an emergency situation as provided in paragraph (b) of subsection 1 shall, within 72 hours of the interception, make a written application to a tribal judge for ratification of the interception. The interception must not be ratified unless the applicant shows that:
 - (a) An emergency situation existed and it was impractical to obtain a court order before the interception; and
 - (b) Except for the absence of a court order, the interception met the requirements of NRS 179.410 to 179.515, inclusive.
4. The tribes criminal code does not prohibit the recording, and does not prohibit the reception in evidence, of conversations on wire communications installed in the office of an official law enforcement or fire-fighting agency, or a public utility.

SECTION 200.630 Disclosure of existence, content or substance of wire or radio communication prohibited; exceptions.

1. Except as otherwise provided a person shall not disclose the existence, content, substance, purport, effect or meaning of any wire or radio communication to any person unless authorized to do so by either the sender or receiver.
2. This section does not apply to any person, or the officers, employees or agents of any person, engaged in furnishing service or facilities for wire or radio communication where the disclosure is made:
 - (a) For the purpose of construction, maintenance, conduct or operation of the service or facilities of such a person;
 - (b) To the intended receiver, his agent or attorney;
 - (c) In response to a subpoena issued by a court of competent jurisdiction; or
 - (d) On written demand of other lawful authority.

SECTION 200.640 Unauthorized connection with facilities prohibited. Except as otherwise provided, a person shall not make any connection, either physically or by induction, with the wire or radio communication facilities of any person engaged in the business of providing service and facilities for communication unless the connection is authorized by the person providing the service and facilities.

SECTION 200.650 Unauthorized, surreptitious intrusion of privacy by listening device prohibited. Except as otherwise provided, a person shall not intrude upon the privacy of other persons by surreptitiously listening to, monitoring or recording, or attempting to listen to, monitor or record, by means of any mechanical, electronic or other listening device, any private conversation engaged in by the other persons, or disclose the existence, content, substance, purport, effect or meaning of any conversation so listened to, monitored or recorded, unless authorized to do so by one of the persons engaging in the conversation.

PORNOGRAPHY INVOLVING MINORS

SECTION 200.700 Definitions. As used in [SECTION 200.700](#) to [200.760](#), inclusive, unless the context otherwise provides:

1. “Performance” means any play, film, photograph, computer-generated image, electronic representation, dance or other visual presentation.
2. “Promote” means to produce, direct, procure, manufacture, sell, give, lend, publish, distribute, exhibit, advertise or possess for the purpose of distribution.
3. “Sexual conduct” means sexual intercourse, lewd exhibition of the genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any part of a person’s body or of any object manipulated or inserted by a person into the genital or anal opening of the body of another.

4. "Sexual portrayal" means the depiction of a person in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political or scientific value.

SECTION 200.710 Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance.

1. A person who knowingly uses, encourages, entices or permits a minor to simulate or engage in or assist others to simulate or engage in sexual conduct to produce a performance is guilty of a **Category A offense**.

2. A person who knowingly uses, encourages, entices, coerces or permits a minor to be the subject of a sexual portrayal in a performance is guilty of a **Category A offense**, regardless of whether the minor is aware that the sexual portrayal is part of a performance.

SECTION 200.720 Promotion of sexual performance of minor unlawful. A person who knowingly promotes a performance of a minor:

1. Where the minor engages in or simulates, or assists others to engage in or simulate, sexual conduct; or
2. Where the minor is the subject of a sexual portrayal,
↳ is guilty of a **Category A offense**.

SECTION 200.725 Preparing, advertising or distributing materials depicting pornography involving minor unlawful; penalty. A person who knowingly prepares, advertises or distributes any item or material that depicts a minor engaging in, or simulating, or assisting others to engage in or simulate, sexual conduct is guilty of a **Category A offense**.

SECTION 200.730 Possession of visual presentation depicting sexual conduct of person under 16 years of age unlawful; penalties. A person who knowingly and willfully has in his possession for any purpose any film, photograph or other visual presentation depicting a person under the age of 18 years as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct is guilty of a **Category A offense**.

SECTION 200.735 Exemption for purposes of law enforcement. The provisions of [SECTION 200.710](#) to [200.730](#), inclusive, do not apply to law enforcement personnel during the investigation or prosecution of a violation of the provisions of [SECTION 200.710](#) to [200.730](#), inclusive.

SECTION 200.740 Determination by court or jury of whether person was minor. For the purposes of [SECTION 200.710](#), to 200.735, inclusive, to determine whether a person was a minor, the court or jury may:

1. Inspect the person in question;
2. View the performance;
3. Consider the opinion of a witness to the performance regarding the person's age;
4. Consider the opinion of a medical expert who viewed the performance; or
5. Use any other method authorized by the rules of evidence at common law.

SECTION 200.760 Forfeiture. All assets derived from or relating to any violation of [SECTION 200.366](#), [200.710](#) to [200.730](#), inclusive, or [201.230](#) are subject to forfeiture. A proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.119, inclusive.