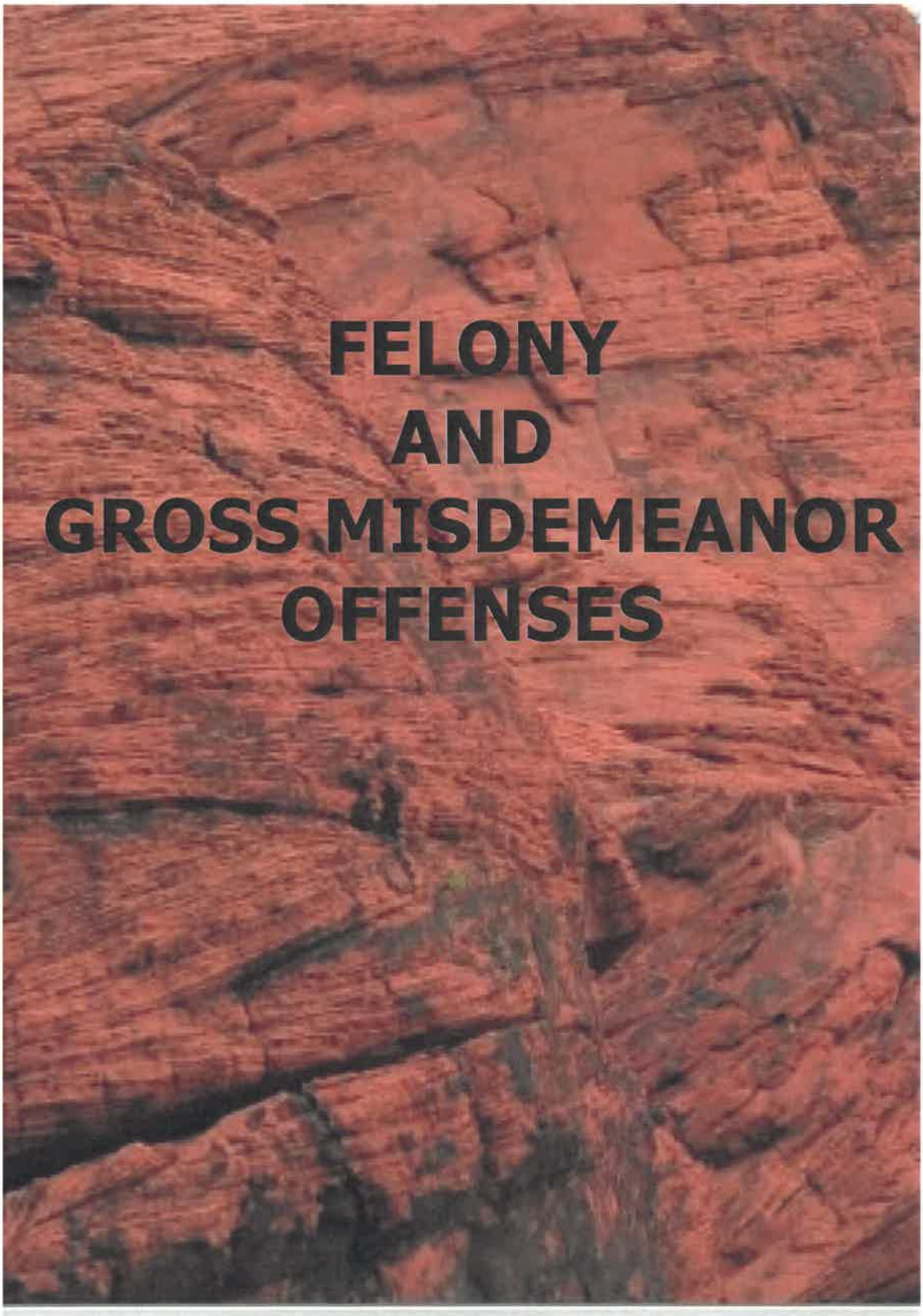
FELONY
AND
GROSS MISDEMEANOR
OFFENSES

# FELONY AND GROSS MISDEMEANOR OFFENSES

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# FELONY
# AND
# GROSS MISDEMEANOR OFFENSES

**INTRODUCTION**

All crimes listed in this section are a felony unless otherwise noted – gross misdemeanors will include the designation of (GM) – misdemeanors will include the designation of (M).

If there is no NOC listed next to the crime itself, it will be listed under "NOC and enhancements" under the first number.

**WILLFULL**

All crimes listed include the elements of **willfully and unlawfully** unless otherwise modified by statute or case law -- in those limited circumstances, the elements as modified will be listed under that specific offense.

## Use criminal enhancements when applicable

**FELONY ENHANCEMENTS: NRS CHAPTER 193**

**Note:** The addition of an enhancement to an underlying offense will change the penalty, bail and the NOC - the NOC assigned to the enhancement will replace the NOC for the underlying offense. The NOCs for the most commonly used enhancements are listed with the underlying offense by the abbreviation -

**FELONY COMMITTED ON PROPERTY OF SCHOOL, AT ACTIVITY SPONSORED BY SCHOOL OR ON SCHOOL BUS (193.161)**

"E/SCH"

1. commits a felony
2. on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus is engaged in its official duties

**FELONY COMMITTED BY ADULT WITH ASSISTANCE OF CHILD (193.162)**

"E/AC"

1. an adult (18 or older) who commits a felony
2. with the assistance of a child (under 18)

**Note:**

1. articulate how the adult committed the crime with the assistance of the child - not just that a child was present

**USE OF DEADLY WEAPON (193.165)**

"E/DW"

1. uses:
   a. a firearm
   b. any other deadly weapon **-OR-**
   c. a weapon containing or capable of emitting tear gas
2. **in the commission of a crime**

**NOTE:** The definition of tear gas does not regularly include what is commonly known as "pepper spray"

1. **193.165.6a "deadly weapon" means:**
   a. any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death
   b. any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death **-OR-**
   c. a dangerous or deadly weapon specifically described in 202.255, 202.265, 202.290, 202.320 or 202.350



*Continued on the next page...*

2. why the weapon is a "deadly weapon" to meet the enhancement must be articulated in the report

**Caution:** deadly weapon enhancement under 193.165 does not apply to the following crimes, as they are already considered and provided for in that crime's statute and are located under that heading in this book with the W/DW abbreviation:

1. battery
2. assault
3. burglary
4. home invasion

**Note:** deadly weapon is not defined for these four offenses - however the Supreme Court has suggested that a deadly weapon as it pertains to a battery, assault, burglary or home invasion may be defined as:

1. any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death **-OR-**
2. any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death

**Articulate all relevant factors and circumstances in the report**

**FELONY COMMITTED IN VIOLATION OF ORDER FOR PROTECTION OR ORDER TO RESTRICT CONDUCT (193.166)**

"E/V TPO"

1. a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.591 or subsection 5 of NRS 200.378, in violation of:

a. a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020
b. an order for protection against harassment in the workplace issued pursuant to NRS 33.270
c. a temporary or extended order for the protection of a child issued pursuant to NRS 33.400
d. an order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS
e. a temporary or extended order issued pursuant to NRS 200.591 **-OR-**
f. a temporary or extended order issued pursuant to NRS 200.378

**VICTIM 60 YEARS OF AGE OR OLDER OR VULNERABLE PERSON (193.167)**

"E/VOP"

1. any person who commits the crime of:

a. murder
b. attempted murder
c. assault
d. battery
e. kidnapping
f. robbery
g. sexual assault
h. embezzlement of, or attempting or conspiring to embezzle money or property when the value is 650+
i. obtaining, or attempting or conspiring to obtain, money or property by false pretense when the value is $650+ **-OR-**
j. larceny from the person

2. against a person:

a. who is 60 years of age or older **-OR-**
b. who is a vulnerable person under 200.5092


*Continued on the next page...*

**NOTE:**

**1. 200.5092.8 "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

2. only listed crimes can be enhanced (there is no enhancement on a grand larceny or theft charge, etc)

**COMMISSION OF A CRIME BECAUSE OF CERTAIN ACTUAL OR PERCEIVED CHARACTERISTICS OF VICTIM (193.1675)**

"E/HC"

1. any person who willfully violates any provision of NRS listed in section one of 193.1675:

   Murder, Voluntary Manslaughter, Kidnapping, Sexual Assault, Robbery, Battery with Intent to Commit Crime, False Imprisonment, Burglary, Invasion of Home, Larceny. ***For the complete listing of applicable crimes, refer to 193.1675.***

2. because the **actual or perceived** race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of the victim was different from that characteristic of the perpetrator

**FELONY COMMITTED TO PROMOTE ACTIVITIES OF CRIMINAL GANG (193.168)**

"E/CG"

1. a felony committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang

**SEXUALLY MOTIVATED**

"E/SEX"

1. commits any of the following if one of the purposes for which the suspect committed the offense was the suspect's sexual gratification:

   a. under 175.547
      i. murder
      ii. kidnapping
      iii. false imprisonment
      iv. burglary **-OR-**
      v. home invasiion

   b. under 207.193
      i. coercion (F or M)

**FELONY COMMITTED BECAUSE VICTIM IS A FIRST RESPONDER (193.1677) AB102**

1. willfully violates any provision of 200.030(Murder), 200.280(Mayhem), 200.310(Kidnapping), 200.366(Sexual Assault), 200.380(Robbery), 200.400(Battery with Intent to Commit Crime), 200.460(False Imprisonment), 200.471(Assault) which is punishable as a felony, 200.481(Battery) which is punishable as a felony, 205.0832(Theft) which is punishable as a felony, 205.220(Larceny), 205.226(GL Firearm), 205.228(GL Motor Vehicle), 205.270(Larceny penalties) or 206.150(Killing, maiming, disfiguring or poisoning animal of another person)

2. **because of** the fact that the victim is a first responder

**NOTE:**

1. **"first responder"** means any peace officer, firefighter or emergency medical provider *acting in the normal course of duty*

**FELONY COMMITTED BECAUSE VICTIM IS THE SPOUSE OR CHILD OF THE FIRST RESPONDER (193.1677) AB102**

1. willfully violates any provision of 200.030(Murder), 200.280(Mayhem), 200.310(Kidnapping), 200.366(Sexual Assault), 200.380(Robbery), 200.400(Battery with Intent to Commit Crime), 200.460(False Imprisonment), 200.471(Assault) which is punishable as a felony, 200.481(Battery) which is punishable as a felony, 205.0832(Theft) which is punishable as a felony, 205.220(Larceny), 205.226(GL Firearm), 205.228(GL Motor Vehicle), 205.270(Larceny penalties) or 206.150(Killing, maiming, disfiguring or poisoning animal of another person)

2. **because of** the fact they are the spouse of a first responder or the child of any age of a first responder

# NOTES

# DEFINITIONS FOR CRIMES AGAINST THE PERSON

1. NRS 0.060 "**substantial bodily harm**" means:
   a. bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ -OR-
   b. prolonged physical pain

2. "**deadly weapon**" see Enhancements Section

3. NRS 200.481.1h "**strangulation**" means:
   a. intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck **-OR-**
   b. by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm

## What to document when investigating any "strangulation:"

at a minimum, when a victim states that he/she was "choked," "strangled," **had mouth covered, etc. - ask the victim if he/she had difficulty breathing- the report must articulate when there is a factual basis to support the strangulation element and equally when there is not**

**Ask and document all of the following that apply** (not all need to apply):

**difficulty breathing during/after * complaints of hoarse or raspy voice * pain to throat * trouble/difficulty with swallowing/talking * felt dizzy or faint * lost consciousness * victim's demeanor on arrival * the pressure used: how much pressure and how was the pressure was applied (hand around throat or an arm, etc.) * what victim felt like during/after (felt like: going to die/lose consciousness/ pass out, etc.) * how many times strangled * how long strangled * external injuries to the area in which the pressure was applied: redness, scratches, bruising * petechia * prior incidents of strangulation * prior incidents of domestic violence * statements made by suspect during strangulation * urination, defecation or vomiting ***

**NOTE:** If a victim is contacted within the previous 72 hours of a strangulation incident, they can be taken to UMC for a forensic strangulation exam. As with Sexual Assault, this would be the victim's choice to go or not go to UMC. Transportation to UMC should be done by patrol officers unless an ambulance is medically necessary. Once at UMC, patrol should check the victim in at the front desk and request that the SANE nurse be notified for a Strangulation Evaluation. Document in P1 that the exam was completed by the SANE nurse.

4. NRS 33.018 "**domestic violence**" means: **(AB 60)**
   Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child: **(Except cousins/siblings, unless they are in a custodial or guardianship relationship)**

   (a) A battery.
   (b) An assault.
   (c) Coercion pursuant to NRS 207.190.
   (d) A sexual assault.
   (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to: (1.Stalking/2.Arson/3.Trespassing/4.Larceny/5.Destruction of private property/6.Carrying a concealed weapon without a permit/7.Injuring or killing an animal/8.Burglary/9.An invasion of the home.
   (f) A false imprisonment.
   (g) Pandering

# ASSAULT/BATTERY/ATTEMPT MURDER

NRS 200.481 **BATTERY (M)**

1. use force or violence
2. against the person of another

**NOC and Felony enhancements:**

1. 50226 W/DW and R/SBH
2. 50223 W/DW
3. 50214 R/SBH
4. 54735 by strangulation
5. 54737 by strangulation w/DW
6. 58600 by strangulation E/VOP

NRS 200.400 **BATTERY WITH INTENT TO COMMIT ROBBERY, GRAND LARCENY, OR MAYHEM**

1. use force or violence
2. against the person of another
3. with the intent to commit **robbery**, grand larceny or mayhem

**NOC and enhancements:**

1. 50151
2. 50121 E/VOP
3. 61048 W/DW

NRS 200.400 **BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT**

1. use force or violence
2. against the person of another
3. with the intent to commit sexual assault

**NOC and enhancements:**

1. 50157
2. 58026 Victim less than 16
3. 54734 by strangulation
4. 58029 W/DW
5. 50155 R/SBH
6. 50158 E/VOP

NRS 200.485 **BDV - BATTERY DOMESTIC VIOLENCE (M) (10/14/2019)**

1. use force or violence
2. against the person of another
3. with whom the suspect shares a domestic relationship with pursuant to NRS 33.018

**NOC and enhancements:**

1. 61671 BDV 3rd offense within 7 years (F)
2. 60989 BDV with a prior conviction for any act constituting DV (F)
3. 57936 BDV W/DW and R/SBH (F)
4. 57935 BDV W/DW (F)
5. 61677 BDV R/SBH (F)
6. 54740 BDV by strangulation (F) **See strangulation notes above**
7. 61673 Suspect K/SHK victim was pregnant (GM) 1st offense
    a. 61675 Suspect K/SHK victim was pregnant (F) 2nd offense
    b. **See notes below for elements**

**NOTE:**

1. Does **not** apply to siblings or cousins, ***unless*** they share a custodial guardianship or relationship.
2. Does **not** apply to roommates.
3. when documenting BDV with a prior conviction, the following must be included (to the extent available) in the affidavit of arrest/warrant regarding the prior(s):
    a. court case number (or event # if absolutely not available)
    b. court name
    c. offense date
    d. conviction date

4.when submitting on a BDV with a prior conviction:

wait to submit until all priors are received otherwise the case will be returned and the declaration will likely need updated to support the enhanced charge unless circumstances warrant an inability to wait (i.e. safety of the victim) then contact the DAs office

## AB60 Section 15.4 Battery DV (Knew or Should have know the victim was pregnant)

Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:

(a) For the first offense, is guilty of a gross misdemeanor.
(b) For the second or any subsequent offense, is guilty of a felony.

**NOC:**

**61673**: First Offense (GM)
**61675**: Second or Subsequent Offenses (F)

**Notes:**

(a) Not just battery on a pregnant woman
(b) Ask the victim how the suspect knew she was pregnant
(c) Document all the factors that support the finding that the suspect should have known she was pregnant.
(d) Applies to all DV relationships, not just the father of the child.

NRS 200.010 **ATTEMPT MURDER**

1. willfully, unlawfully and with malice aforethought
2. attempt to kill another person

**NOC and enhancements:**

1. 50029
2. 50031 E/DW
3. 50030 E/SCH
4. 50036 E/SCH + E/DW
5. 50034 E/DW + E/CG
6. 50032 E/VOP
7. 50035 E/DW and E/VOP
8. 55505 E/SEX

NRS 200.280 **MAYHEM**

1. willfully, unlawfully, and maliciously:
   a. deprive a person of a member of his/her body **-OR-**
   b. disfigure or render a member of his/her body useless

**NOC and enhancements:**

1. 50044
2. 50045 E/DW
3. 50046 E/CG
4. 50048 attempt

NRS 200.471 **ASSAULT WITH A DEADLY WEAPON**

1. willfully, unlawfully, and intentionally
2. place another person
3. in reasonable apprehension of immediate bodily harm
4. with the use of a deadly weapon

**-OR-**

1. willfully and unlawfully
2. attempt to use physical force
3. against another person
4. with the use of a deadly weapon

**NOC and enhancements:**

1. 50201
2. 61576 constituting domestic violence
3. 50202 E/VOP
4. 58074 E/V TPO
5. 50203 E/CG
6. 58057 E/HC

1. willfully, unlawfully, and knowingly
2. through the use of any means of oral, written or electronic communication
3. make any threat or convey any false information
4. concerning an act of terrorism as defined under NRS 202.4415:
   a. any act that involves the use or attempted use of sabotage, coercion or violence
   b. which is intended to:
      i. cause great bodily harm or death to the general population **or**
      ii. substantial destruction, contamination or impairment of:
         1. a building or infrastructure, communications, transportation, utilities or services; **or**
         2. any natural resource or the environment
5. with the intent to:
   a. injure, intimidate or alarm any person,
      i.whether or not any person is actually injured, intimidated or alarmed thereby;
   b. cause panic or civil unrest,
      i. whether or not such panic or civil unrest actually occurs;
   c. extort or profit thereby,
      i. whether or not the extortion is actually successful or any profit actually occurs; **or**
   d. interfere with the operations of or cause economic or other damage to any person or any officer, agency, board, bureau, commission, department, division or other unit of federal, state or local government,
      i. whether or not such interference or damage actually occurs.

**NOTE: 1. prior to making an arrest under this charge, you must contact the Fusion Center to discuss the facts of your case with the on call Counter Terrorism Section Detective or Sergeant**

**2.** (most common scenario included, see NRS for all theories)

**3.** intent in making the threat must be articulated:
   a. it isn't just that the suspect said/made the threat, rather that the threat was made with an intent as enumerated in section 5 above (articulate in report)

**4.** "act of terrorism"
   a. act threatened must be that of an act of terrorism as defined - not just a threat to kill one person (see harassment)

## BURGLARY/ INVASION OF THE HOME

**AB 236 July 1, 2020**

1. Burglary was split into multiple categories, and have different elements in addition to different penalties.

2. **Only** Residential Burglary includes the intent to Obtain Money Under False Pretenses- There is no longer an intent to OMUFP when a suspect enters a business, vehicle or other structure (no pawn shop burglaries for pawing another's property, unless it's a felony amount).

3. "Structure" is now included in the statute - anything that is a structure that wasn't listed in the statute before may qualify (for example, a parking garage, i.e. 4 walls & a roof that holds people/property/ or provides shelter)

4. If the residential structure is vacant - it is Burglary of a Structure, see definition of "dwelling"

5. **Definitions:**
   a. **"Unlawfully enters or unlawfully remains"** means for a person to enter or remain in a dwelling, structure or motor vehicle or any part thereof, including, without limitation, under false pretenses, when the person is not licensed or privileged to do so.
      i. For the purposes of this definition, a license or privilege to enter or remain in a part of a dwelling, structure or motor vehicle that is open to the public is not a license or privilege to enter or remain in a part of the dwelling, structure or motor vehicle that is not open to the public.
      ii. **NOTE:**
         1. ***Unlawfully remaining*** occurs when a person enters a building, structure, or dwelling lawfully, meaning with a privilege or license, but then remains in that place once their privilege has been revoked, expired, or exceeded. This revocation or expiration may be either express or implied. The intent may be formed at any time during which the defendant unlawfully remains



*Continued on the next page...*

2. If a suspect was previously trespassed from the business, they have no privilege to enter that business (so if trespassed and enters with in intent to commit larceny, assault or battery, or a felony, they can be charged for Burglary).

b. **"Dwelling"** means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car, including, without limitation, any part thereof that is divided into a separately occupied unit:

i. In which any person lives; or
ii. Which is customarily used by a person for overnight accommodations.
***regardless* of whether the person is inside at the time of the offense***
iii. **NOTE:** if vacant, see structure

c. **"Motor vehicle"** means any motorized craft or device designed for the transportation of a person or property across land or water or through the air which does not qualify as a dwelling or business structure.

d. **"Business structure"** means any structure or building, the primary purpose of which is to carry on any lawful effort for a business, including, without limitation, any business with an educational, industrial, benevolent, social or political purpose, regardless of whether the business is operated for profit.

**NOTE:** if vacant, see structure

## NRS 205.060 BURGLARY

1. **Residential Burglary:**
   a. A person who
   b. By day or night
   c. Unlawfully enters or unlawfully remains
   d. In any dwelling
   e. With the intent to commit:
      i. Grand or petit larceny,
      ii. Assault or battery on a person
      iii. Any felony, **-or-**
      iv. To obtain money or property by false pretenses

      **NOC 61934** 1st offense
      **NOC 61935** 2nd offense where prior conviction is for "residential burglary" or another crime involving the unlawful entry or invasion of a ***dwelling.***

2. **Burglary of a Business:**
   a. A person who
   b. By day or night
   c. Unlawfully enters or unlawfully remains
   d. In any dwelling
   e. With the intent to commit:
      i. Grand or petit larceny,
      ii. Assault or battery on a person, **-or-**
      iii. iii. Any felony.

      **NOC 61938**



*Continued on the next page...*

3. **Burglary of a Motor Vehicle:**
    a. A person who
    b. By day or night
    c. Unlawfully enters or unlawfully remains
    d. In any motor vehicle, or any part thereof
    e. With the intent to commit:
        i. Grand or petit larceny,
        ii. Assault or battery on a person, **-or-**
        iii. iii. Any felony.

    **NOC 61944** 1st offense
    **NOC 61947** 2nd or subsequent offense

**4. Burglary of a Structure:**
    a. A person who
    b. By day or night
    c. Unlawfully enters or unlawfully remains
    d. In any structure other than a dwelling, business structure, or motor vehicle
    e. With the intent to commit:
        i. Grand or petit larceny,
        ii. Assault or battery on a person, **-or-**
        iii. iii. Any felony.

    **NOC 61950**

**NOC and enhancements:**

1. **50426** W/DW (under 205.060): (Applies to all categories of burglary)
    a. A person who commits any burglary who
    b. has in his or her possession or gains possession
    c. any firearm or deadly weapon:
        i. at any time during the commission of the crime,
        ii. at any time before leaving the dwelling, structure or motor vehicle, **-or-**
        iii. upon leaving the dwelling, structure or motor vehicle
2. E/AC
3. E/CG
4. W/DW + E/SCH
5. attempt
6. E/SEX
7. W/DW + E/SEX



*Continued on the next page...*

**NOTE:**

1. the report must articulate what enumerated intent the suspect had at the time of his/her entry - as well as which enumerated building, room, or vehicle, etc he/she entered
2. if the factual basis of the burglary also meets the elements of a home invasion - the suspect can be charged with both crimes
3. NRS 205.070 if the suspect, in the commission of a burglary or invasion of the home, commits any other crime - he/she may be prosecuted for each (i.e. larceny)
4. NRS 205.065 Inference of burglarious intent. Every person who unlawfully breaks and enters or unlawfully enters any of the provided structures may reasonably be inferred to have broken and entered or entered it with intent to commit grand or petit larceny, assault or battery on any person or a felony therein, unless the unlawful breaking and entering or unlawful entry is explained by evidence satisfactory to the jury to have been made without criminal intent

NRS 205.067 **INVASION OF THE HOME**

1. forcibly enters
2. an inhabited dwelling
3. without permission of the owner, resident, or lawful occupant
4. whether or not a person is present at the time of the entry

**NOTE:**

1. **"forcibly enters"** means the entry of an inhabited dwelling involving any act of physical force resulting in damage to the structure
2. **"Dwelling"** means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car, including, without limitation, any part thereof that is divided into a separately occupied unit:
   i. In which any person lives; or
   ii. Which is customarily used by a person for overnight accommodations.
   ***regardless* of whether the person is inside at the time of the offense***



*Continued on the next page...*

**INVASION OF THE HOME (CONTINUED)**

3. if vacant - see housebreaking
4. if the factual basis of the home invasion also meets the elements of a burglary - the suspect can be charged with both crimes
5. 205.070 if the suspect, in the commission of a burglary or invasion of the home, commits any other crime - he/she may be prosecuted for each crime (i.e. larceny)

**NOC and enhancements:**

1. 50435
2. 50437 W/DW (under 205.067)
   a. has in his/her possession or gains possession of
   b. any firearm or deadly weapon at any time during the commission of the crime or at any time before leaving the structure or upon leaving the structure
3. 50438 E/XG
4. 58072 E/V TPO
5. 50466 attempt
6. 55527 E/SEX
7. 58761 W/DW + E/VOP
8. 50448 attempt + W/DW

NRS 205.080 **POSSESSION OF BURGLARY TOOLS (GM) NOC 50441**

1. makes or has in his/her possession
2. any: engine, machine, tool, false key, picklock, bit, nippers or implement adapted, designed or commonly used for the commission of burglary, invasion of the home, larceny or other crime
3. and:
   a. under circumstances evincing an intent to use or employ the tool in the commission of a crime
   b. allow the tool to be used or employed in the commission of a crime **-OR-**
   c. knowing that the tool is intended to be used in the commission of a crime

**NOTES:**

1. not a shopping bag, purse, pants, etc
2. DOAR must articulate beyond possession alone, and must describe the intent or use from section 3 above.

NRS 205.900 **UNLAWFUL POSESSION OF HOTEL KEY (GM) NOC 50841**

1. willfully, unlawfully, and without authorization
2. possess a key or other device
3. used:
   a. by a guest in a hotel, **-OR-**
   b. by the hotel to gain entrance to a room in a hotel
4. under circumstances which demonstrate an intent to use or allow the use of the device in the commission of a crime

**NOTE:**

1. Simple possession alone is not enough, must articulate how the suspect intended to use the hotel key in the commission of a crime

## CHILD

NRS 200.508 **CHILD ABUSE, NEGLECT OR ENDANGERMENT**

1. **causes** a child less than 18 years of age to:
   a. suffer unjustifiable physical pain or mental suffering **-OR-**
   b. be placed in a situation where the child may suffer physical pain or mental suffering
2. **as a result of** one or more of the following theories of abuse or neglect:
   a. physical or mental injury of a nonaccidental nature
   b. sexual abuse
   c. sexual exploitation **-OR-**
   d. negligent treatment or maltreatment of a child

**NOC and enhancements:**

1. 55226
2. 55224 E/DW and R/SBH
3. 55222 R/SBH
4. 55528 E/DW

**NOTE:**

1. suspect is "the doer" of the conduct
2. define and articulate the theory of abuse or neglect using the definition(s) listed below and the factual basis to support it - should be using active words

**-OR-**

1. while responsible for the safety or welfare of a child
2. **permits or allows** that child to:
   a. suffer unjustifiable physical pain or mental suffering **-OR-**
   b. be placed in a situation where the child may suffer physical pain or mental suffering
3. **as a result of** one or more of the following theories of abuse or neglect:
   a. physical or mental injury of a nonaccidental nature
   b. sexual abuse
   c. sexual exploitation **-OR-**
   d. negligent treatment or maltreatment of a child


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**NOC and enhancements:**

1. 55239 (GM)
2. 55236 R/SBH

**NOTE:**

1. suspect is the one who allows the "doer to" do the conduct or fails to stop or prevent "the doer" from doing the conduct:
   a. 200.508.4b "**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
   b. 200.508.4c "**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
2. define and articulate the theory of abuse or neglect using the definition(s) listed below and the factual basis to support it - should be using passive words

**Definitions of "abuse or neglect"**

1. 200.508.4a "**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, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm
2. physical injury of a nonaccidental nature
   a. 200.508.4d "**physical injury**" means:
      i. permanent or temporary disfigurement (i.e. reddening/bruise) **-OR-**
      ii. impairment of any bodily function or organ of the body
3. negligent treatment or maltreatment of a child
   a. 432B.140 "**negligent treatment or maltreatment of a child**" occurs if
      i. because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of that person to provide them when able to do so
      ii. a child:
         1. has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic
         2. has been abandoned
         3. is without proper care, control or supervision **-OR-**
         4. lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child
4. mental injury of a nonaccidental nature
   a. 432b.070 "**mental injury**" means:
      i. an injury to the intellectual or psychological capacity or the emotional condition of a child
      ii. as evidenced by an observable and substantial impairment of the ability of the child to function within a normal range of performance or behavior


*Continued on the next page...*

5. sexual exploitation
   a. 432b.110 "**sexual exploitation**" includes forcing, allowing or encouraging a child to do one or more of the following:
      i. solicit for or engage in prostitution
      ii. **view a pornographic film** or literature **-OR-**
      iii. engage in one or more of the following, which involves the exhibition of a child's genitals or any sexual conduct with a child, as defined in NRS 200.700:
         1. filming, photographing, or recording on videotape, -OR-
         2. posing, modeling, depiction or a live performance before an audience

6. sexual abuse
   a. 432B.100 "**sexual abuse**" includes acts upon a child constituting: incest, lewdness with a child, sado-masochistic abuse, sexual assault, statutory sexual seduction, open or gross lewdness, **-OR-** mutilation of the genitalia of a female

NRS 200.310
200.320

**FIRST DEGREE KIDNAPPING OF A MINOR, NOC 50053**

1. leads, takes, entices, or carries away or detains a minor:
   a. with the intent to keep, f**or a protracted period of time or permanently,** imprison,or confine him/her from his/her parents, guardian or any other person having lawful custody
   b. with the intent to hold the minor to unlawful service **-OR-**
   c. with the intent to perpetrate upon the person of the minor any unlawful act

NRS 201.560

**LURING CHILDREN WITH INTENT TO ENGAGE IN SEXUAL CONDUCT, NOC 51081**

1. willfully and knowingly:
   a. contacts or communicates **-OR-**
   b. attempt to contact or communicate
2. with a child who is less than 16 years of age and who is at least 5 years younger than the suspect
3. with the intent to persuade, lure or transport the child away from:
   a. his/her home **-OR-**
   b. from any location known to his/her parent to a place other than where the child is located, for any purpose
4. without the express consent of the parent
5. with the intent to avoid the consent of the parent
6. with the intent to engage in sexual conduct

**NOTE:**

1. if no sexual conduct, NOC 51083 (GM)
2. "**parent**" includes parent, guardian or other person legally responsible for the child


*Continued on the next page...*

NRS 207.260 **UNLAWFUL CONTACT WITH A CHILD (GM), NOC 53174**

1. willfully and knowingly:
2. without lawful authority
3. engages in a **course of conduct**
4. with a child who is under 16 years of age and who is at least 5 years younger than the suspect
5. which would cause a reasonable child of like age to feel terrorized, frightened, intimidated or harassed
6. which actually causes the child to feel terrorized, frightened, intimidated or harassed

**NOTE:**

1. also applies to a person with a mental illness

2. a"person with mental illness" means a person who has any mental dysfunction leading to impaired ability to maintain himself or herself and to function effectively in his/her life situation without external support.

3. "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

## CONSPIRACY/ ACCOMPLICE

NRS 199.480 **CONSPIRACY**

1. an agreement
2. between two or more parties
3. for an unlawful purpose

**NOTE:**

1. conspiracy is a separate crime and is completed when the agreement is made:
   a. the crime agreed to be committed does not actually have to be committed - however the commission or attempted commission of the crime and each suspects actions and statements throughout are often the only evidence to prove the prior agreement.
2. **it is not a charge just to add when two or more people happen to do a crime together or are just with each other when the crime occurs**
3. the case law for conspiracy is complex and highly fact specific and each case requires its own considerations
4. when a conspiracy is not listed below and cannot otherwise be found, use 55982 as the default "conspiracy to commit a crime" **NOC 55982 GM**

NOCs for common conspiracy crimes listed on page 89



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**CONSIDERATIONS TO CHARGING 1 OR MORE SUSPECTS WITH THE COMPLETED CRIME**

There are a number of considerations to evaluate in determining when additional suspects are also going to be charged with the completed crime(s)

1. **suspect(s) who, pursuant to a conspiracy (as defined above), enter into a course of conduct whereby the crime is committed - example:**
   a. *two suspects agree to commit a robbery, one suspect acts as the lookout or getaway driver and another suspect actually enters the store and commits the robbery - both suspects can likely be charged with burglary and robbery*
2. **suspect(s) who knowingly aid and abet in the commission of the crime, with the intent that the crime be committed, by entering into a course of conduct whereby one suspect is advising, encouraging, counseling, commanding, hiring, or instigating its commission and another suspect actually commits it - examples:**
   a. *one suspect (A) is battering a victim and another suspect (B) is encouraging or directing (A) to use physical force upon the victim - both suspects can likely be charged with battery*
   b. *one suspect (A) is battering a victim and another suspect (B) gives (A) a weapon and encourages or directs (A) to use upon the victim, and (A) does in fact use the weapon to batter the victim - both suspects can likely be charged with battery w/ deadly weapon*
3. **there is a difference between a "getaway driver" and a "person who drives a suspect away from the scene"**
   a. **the difference is knowledge and intent**
   b. report must articulate factual basis to prove the acts, knowledge, and intent of the suspect who is aiding or abetting in the commission of the crime - example:
      i. *suspect (A) drives suspect (B) to a store, suspect (B) commits a crime inside, suspect (B) is driven away by suspect (A) -- suspect (A) may or may not be charged depending on the ability to prove suspect (A)'s knowledge and intent and the facts and circumstances of each specific event*
4. **each suspects' actions and statements before, during, and after the crime are relevant in this analysis and must be articulated in the report**
5. **be aware that statements of one suspect against another suspect (suspect (A) said the second suspect is suspect (B), etc) may be used to establish probable cause for continued investigation or an arrest or search warrant - however, is generally not admissible evidence in a courtroom**
   a. *two suspects commit a robbery, suspect (A) identifies suspect (B)- that information can be used as probable cause in the course of the continued investigation (show-up, video surveillance, etc) to obtain admissable evidence against suspect (B)*
6. **the case law for conspiracy, aiding and abetting and accomplice liability is complex and highly fact specific and each case requires its own considerations**


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**Conspiracy to commit the following is punishable as a felony:**

1. 50087 KIDNAPPING
2. 50038 MURDER
3. 50147 ROBBERY
4. 58001 SEX TRAFFICKING
5. 50131 SEX ASSAULT
6. 53563 GAMBLING GAME WITHOUT A LICENSE (NRS 463.160)
7. 51306 VIOLATE UCSA (NRS 453.401)

**Conspiracy to commit the following is punishable as a GM:**

1. 50243 BATTERY
2. 50445 BURGLARY
3. 50486 FORGERY
4. 50565 GRAND LARCENY AUTO
5. 50448 HOME INVASION
6. 55982 LARCENY
7. 51484 DISCHARGE FIREARM FROM OR WITHIN STRUCTURE OR VEHICLE
8. 55982 CONSPIRACY TO COMMIT A CRIME (use if no NOC is available for your specific crime)

## FIREARMS/ WEAPONS

NRS 202.357 **UNLAWFUL USE OF AN ELECTRONIC STUN DEVICE NOC 58595**

1. use an electronic stun device on another person
2. for any purpose other than self defense

**NOTE:**

1. 202.357.9 "**electronic stun device**" means a device that emits an electrical charge or current that is transmitted by projectile, physical contact or other means, and is designed to disable a person or animal temporarily or permanently.

NRS 202.357 **UNLAWFUL POSSESSION OF AN ELECTRONIC STUN DEVICE**

1. willfully and unlawfully:
   a. has in his/her possession **-OR-**
   b. under his/her custody or control
2. any electronic stun device
3. when the suspect:
   a. has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his/her right to bear arms **-OR-**
   b. is a fugitive from justice

**NOC 51508**

**-OR-**

1. has:
   a. in his/her possession **-OR-**
   b. under his/her custody or control
2. any electronic stun device
3. when the suspect:
   a. has been adjudicated mentally ill or has been committed to any mental health facility **-OR-**
   b. is illegally or unlawfully in the United States

**NOC 51509**



*Continued on the next page...*

**NOTE:**

1. 202.357.9 "**electronic stun device**" means a device that emits an electrical charge or current that is transmitted by projectile, physical contact or other means, and is designed to disable a person or animal temporarily or permanently.
2. 202.005 "**fugitive from justice**" - a person who has been found in this State after:
   a. being charged in **another state** with the commission of a felony and fleeing from that state to avoid prosecution for the felony **-OR-**
   b. fleeing from **another state** to avoid giving testimony in any criminal proceeding

***(articulate the suspects knowledge about their fugitive status)***

3. **Instate warrant does not make them prohibited**

NRS 202.360 **OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON**

1. owns, has in his/her possession, **-OR-**
2. under his/her custody or control
3. any firearm (loaded\unloaded\operable\inoperable)
4. and has been:
   a. convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in **18 U.S.C. § 921(a)(33)**
   b. convicted of a felony
   c. is a fugitive from justice
   d. is an **unlawful** user of, or addicted to, any controlled substance **-OR-**
   e. is otherwise prohibited by federal law from having a firearm in his/her possession or under his/her custody or control

**NOC 51460**

**-OR-**

1. owns, has in his/her possession, -OR- under his/her custody or control
2. any firearm (loaded\unloaded\operable\inoperable)
3. and has been:
   a. adjudicated as mentally ill -OR- has been committed to any mental health facility by a court of this state, or any other state, or the US
   b. by a court of this State, any other State, or the US:
      i. has entered a plea of guilty but mentally ill
      ii. has been found guilty but mentally ill
      iii. has been acquitted by reason of insanity -OR-
   c. is illegally or unlawfully in the US

**NOC 51462**

**NOTE:**

1. 202.253 "**firearm**" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.
   a. BB gun/pneumatic weapon-**NOT** a firearm-do not charge
2. ask the suspect if he/she knew they could not possess a firearm-articulate in the report or articulate how they should have known of prohibited status



*Continued on the next page...*

3. "**domestic violence conviction**" - articulate what evidence supports that the relationship in the suspect's prior meets the federal definition (which is narrower than NV and most other states) -- document any statements (suspect said they were married, had a child, etc) or other relevant facts - including the name and contact information of witnesses who can so testify:

    a. federal definition in 18 U.S.C. § 921(a)(33) only includes the following relationships:
        i. current or former spouse, parent, or guardian of the victim
        ii. a person with whom the victim shares a child in common
        iii. a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian **-OR-**
        iv. by a person similarly situated to a spouse, parent, or guardian of the victim
    b. report must articulate:
        i. what evidence supports that the relationship in the suspect's prior meets the federal definition (does not include all Nevada "domestic violence relationships")
        ii. prior conviction offense and conviction date, court case number or event number
        iii. any other relevant information to prove the prior relationship in court that is currently available, including the suspect's statements now or at the time of the prior

4. 202.005 "**fugitive from justice**" - a person who has been found in this State after:
    a. being charged in **another state** with the commission of a felony and fleeing from that state to avoid prosecution for the felony **-OR-**
    b. fleeing from **another state** to avoid giving testimony in any criminal proceeding

***(articulate the suspects knowledge about their fugitive status)***

****Instate warrant does not make them prohibited****

5. "**mentally ill**" adjudication or commitment required, legal 2000 insufficient, medical records will be required, etc

5. "**unlawful user/addict**"
    a. not defined in the statute - however our statute mirrors federal law and the following would be considered persuasive authority in court - "all [federal courts] require a temporal nexus between regular drug use and the firearm possession"
    b. articulate all of the following relevant factors that apply:
        i. suspect's statements as to current use, recent use, possession, and/or criminal drug history
        ii. suspect's arrest and conviction history for use/possession/paraphernalia - indicating what is recent and/or how far back the history goes
        iii. blood/urine test results to establish current use via consent or warrant
        iv. observations/physical signs of use/impairment
        v. documentation that use is "**unlawful**" **-OR-** (i.e. special considerations for marijuana legalization)
        vi. unlawful possession of the controlled substance and likely paraphernalia contemporaneous with the firearm possession (will almost always be required)

NRS 202.350 **CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON NOC 51459 (10/14/2019)**

1. carries upon his/her person
2. concealed in such a manner as not to be discernible by ordinary observation
3. a dangerous or deadly weapon including but not limited to:

| | |
|---|---|
| a. firearm | f. sand-club |
| b. pneumatic gun | g. sandbag |
| c. blackjack | h. metal knuckles |
| d. slungshot | i. explosive substance -OR- |
| e. billy | j. any other dangerous or deadly weapon* |

**NOTES:**

1. "**any other dangerous or deadly weapon**"
   a. can be anything **IF** it meets definition of a dangerous or deadly weapon-which requires articulation
   b. since the legislature in 2015 specifically removed dirks, daggers and switchblades – likely cannot simply charge CCW and only allege that the weapon was a knife, a switchblade, or a dirk/dagger and nothing more - articulate how to prove it is being carried as a dangerous or deadly weapon beyond "the nature of the instrument itself" under that particular factual scenario - (factors from ***Knight*** may be relevant to this analysis, see below)
   c. not defined under the statute - however this definition from **193.165** has been found to be persuasive authority in other scenarios and will likely be here as well:
      i. "under the circumstances in which it is used, attempted to be used, or threatened to be used, it is readily capable of causing substantial bodily harm or death"
      ii. articulate all relevant factors present that leads to the conclusion that this weapon was concealed as a dangerous or deadly weapon.

2. "**instruments of everyday use**" that otherwise are lawful to possess and conceal carry may be unlawful to conceal carry under this section's prohibition of CCW of a dangerous or deadly weapon (i.e. a screwdriver or hammer) -- the case of ***Knight v. State*** provides additional guidance – "***the determination of whether in a particular case such an instrument is 'dangerous or deadly' would depend on a variety of factors***" that must be articulated in the report - including:
   a. the nature of the instrument itself
   b. the circumstances under which it is carried, including time, place, and factual situation in which the suspect is found in possession
      i. describe the suspect's actions: aggressive or the suspect's use/threatened use of the instrument, etc
   c. the manner in which it is carried
   d. the particular person carrying it **-OR-**
   e. any other factors, including the possible peaceful uses which the suspect may have for the instrument

3. **"pneumatic gun"** means any implement designed as a gun that may expel a ball bearing or a pellet by action of pneumatic pressure - the term includes, without limitation, a paintball gun that expels plastic balls filled with paint for the purpose of marking the point of impact

NRS 202.350 **CARRYING CONCEALED MACHETE (GM) NOC 51457**

1. carries upon his/her person
2. concealed in such a manner as not to be discernible by ordinary observation
3. a machete

**NOTE:**

1. **only a machete** - cannot charge any other weapon or instrument under CCW (GM)
2. dirks and daggers were removed from this subsection - see CCW "other deadly weapon" above for applicability with certain factors

NRS 202.350 **POSSESSION OF DANGEROUS WEAPON (GM) NOC 51454**

1. possess, lends, manufactures or causes to be manufactured, keeps, -OR- offers or exposes for sale
2. any instrument or weapon of the kind commonly known as a:
   a. blackjack
   b. slungshot
   c. billy
   d. sand-club
   e. sandbag **-OR-**
   f. metal knuckles

**NOTE:**

1. **only** these specific weapons- do not book for any other weapon
2. if above listed weapon is concealed - carrying concealed weapon is likely proper charge
3. switchblades/dirks/daggers were removed and are lawful to possess under this subsection – see CCW "other deadly weapon" above if concealed for possible of applicability

NRS 202.350 **POSSESSION OF NUNCHAKU/TREFOIL (GM) NOC 58405**

1. possess, lends, manufactures or causes to be manufactured, keeps, or offers or exposes for sale
2. **with the intent** to inflict harm upon the person of another
3. possession or use of a nunchaku or trefoil

**NOTE:**

1. "**nunchaku**" means an instrument consisting of two or more sticks, clubs, bars or rods connected by a rope, cord, wire or chain used as a weapon

2. "**trefoil**" means an instrument consisting of a metal plate having three or more radiating points with sharp edges, designed in the shape of a star, cross or other geometric figure and used as a weapon for throwing

3. **DOAR** must articulate cause to believe the intent to inflict harm under #2 above

NRS 202.265 **POSSESSION OF DANGEROUS WEAPON ON SCHOOL/DAY CARE PROPERTY/IN VEHICLE (GM) NOC 51432**

1. while:
   a. on the property of the Nevada system of higher education
   b. on the property or in the vehicle of a private or public school
   **-OR-**
   c. on the property or in the vehicle of a childcare facility



*Continued on the next page...*

2. carry or possess:
   a. an explosive or incendiary device
   b. a dirk, dagger or switchblade knife
   c. a nunchaku or trefoil
   d. a blackjack or billy club or metal knuckles
   e. a pneumatic gun
   f. a pistol, revolver or other firearm **-OR-**
   g. any device used to mark any part of a person with paint or any other substance

**NOTE:**

1. switchblades/dirks/daggers are still listed and are prohibited under this statute from possession on school property

NRS 202.350 **POSSESSION OF A SILENCER/MACHINE GUN NOC 51456**

1. uses, possesses, lends, gives, offers or exposes for sale, sells, manufactures or causes to be manufactured, or imports into the State
2. any:
   a. machine gun **-OR-**
   b. silencer

**NOTE:**

1. **machine gun:** any weapon which shoots, is designed to shoot, or can be readily restored to shoot more than 1 shot, without manual reloading, by a single function of the trigger

NRS 202.275 **POSSESSION OF SHORT-BARRELED SHOTGUN NOC 51435**

1. unlawfully and willfully or knowingly
2. possesses, manufactures, or disposes of a short-barreled shotgun, defined as:
   a. one or more barrels are less than 18 inches in length **-OR-**
   b. any weapon made from a shotgun (whether by alteration, modification or other means) with an overall length of less than 26 inches

**NOTE:**

1. document the actual length of both the barrel and the overall length in the report

NRS 202.275 **POSSESSION OF SHORT-BARRELED RIFLE NOC 51435**

1. unlawfully and willfully or knowingly
2. possesses, manufactures, or disposes of a short-barreled rifle, defined as:
   a. one or more barrels are less than 16 inches in length **-OR-**
   b. any weapon made from a rifle (whether by alteration, modification or other means) with an overall length of less than 26 inches

**NOTE:**

1. document the actual length of both the barrel and the overall length in the report

NRS 202.277 **POSSESSION OF FIREARM WITH ALTERED OR OBLITERATED SERIAL NUMBER NOC 51438**

1. willfully, unlawfully, and knowingly
2. possess a firearm
3. on which a serial number has been intentionally changed, altered, removed or obliterated

NRS 202.287 **DISCHARGING FIREARM FROM/OR WITHIN A STRUCTURE OR VEHICLE NOC 51445**

1. willfully, unlawfully, and maliciously or wantonly
2. while in, on, or under a structure or vehicle
3. causes to be discharged a firearm:
   a. from the structure **-OR-**
   b. vehicle
4. while being within an area designated by city or county ordinance as a populated area for the purpose of prohibiting the discharge of weapons

**NOTE:**

1. **can charge one count per shot**
2. statute does not apply to a suspect who discharges a firearm in a lawful manner and in the course of a lawful business, event or activity
3. document that the location is within the area designated by an ordinance as populated for the prohibition of discharging weapons
4. **CCO 12.04.240** – "populated area" is the same area described in **12.04.230** (Discharging into unsafe locations)
5. **only a firearm, not a pneumatic weapon or BB gun**

NRS 202.285 **DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE OR VEHICLE NOC 51442**

1. willfully, unlawfully, and maliciously
2. discharge a firearm:
   a. at any occupied structure or vehicle **-OR-**
   b. into any occupied structure or vehicle

**NOTE:**

1. **can charge one count per shot**
2. "**occupied**" means not having been abandoned
3. **only a firearm, not a pneumatic weapon or BB gun**

NRS 202.290 **DISCHARGING WEAPON WHERE PERSON MIGHT BE ENDANGERED (GM) NOC 51448**

1. discharges any firearm, air gun, or other weapon
2. in:
   a. a public place **-OR-**
   b. any place where a person might be endangered thereby
3. although an injury does not result

**NOTE: can be a firearm, BB gun, pneumatic, or other weapon**

NRS 202.290 **THROWING A DEADLY MISSLE (GM) NOC 51448**

1. throws any deadly missile
2. in a public place **-OR-** any place where a person might be endangered thereby
3. although an injury does not result

NRS 202.290 **AIMING A FIREARM AT A HUMAN BEING (GM) NOC 51447**

1. aims any gun, pistol, revolver, or other firearm
2. at or toward any person
3. whether loaded or not

**NOTE:**

1. if the conduct is done with the intent to place the other person in reasonable apprehension of immediate bodily harm, the proper charge will likely be **assault with a deadly weapon**

NRS 202.840 **BOMB THREAT NOC 51551**

1. through the use of the mail, written note, telephone, telegraph, radio broadcast or other means of communication:
   a. makes any threat **-OR-**
   b. maliciously conveys false information knowing it to be false,
2. concerning an attempt or alleged attempt being made, or to be made:
   a. to kill, injure or intimidate any person **-OR-**
   b. unlawfully to damage or destroy any building, vehicle, aircraft or other real or personal property
3. by means of any explosive, bomb, spring trap or mechanism known or commonly thought to be dangerous to human life, limb or safety

## GAMBLING

NRS 465.083 **CHEATING AT GAMBLING NOC 57921**

1. any person who unlawfully
2. cheated
3. at any gambling game

NRS 465.070 **COMMIT OR ATTEMPT TO COMMIT FRADULENT ACT IN A GAMING ESTABLISHMENT NOC 57923**

1. any person who alters or misrepresents the outcome of a game or event on which wagers have been made
2. places, increase or decrease the amount wagered after acquiring knowledge of the outcome of the game or event
3. claims or attempts to claim monies from a gambling game with intent to defraud

NRS 465.085 **MANUFACTURE CHEAT DEVICE NOC 57920**

1. unlawful to manufacture, sell, or distribute any cards, chips, dice, game or device which is intended to be used to violate chapter 465 of the NRS.

NRS 465.080 **UNLAWFUL POSSESSION OR USE OF CHEAT DEVICE NOC 57914**

1. any person who uses any counterfeit chips, tokens, coins or instruments

**OR:**

2. possession of such device
3. with intent to use it to cheat or commit fraudulent act
4. while on premises of licensed gaming establishment

NRS 465.075 **POSSESSION OR USE OF CHEATING DEVICE NOC 57913**

1. any person who uses or possesses with intent to use, any device to assist in projecting the outcome of the game
2. in keeping track of cards played
3. in analyzing the probability of the occurrence of an event relating to the game, or
4. in analyzing the strategy for playing or betting to be used in the game.

## LARCENY/ PROPERTY

1. Values changed for all larceny/ property crimes as of **July 1, 2020 (AB 236)**. All crimes with a value element have 5 categories:
   a. under $1,200 (M)
   b. $1,200-$5,000
   c. $5,000-$25,000
   d. $25,000-$100,000
   e. over $100,000
2. These offenses no longer have a value element:

   Grand Larceny Auto, Possession of Stolen Vehicle, and Larceny From Person

**Document the following information available in the DOAR when dealing with larceny or possession of stolen property:**

1. description of the property (desc. of items, make, model, plate# of vehicle, serial#, etc.)
2. value of the property – any reasonable source or owner's reasonable estimate
3. owner's name (and contact information on the witness list)
4. event number property reported stolen from (include a copy if possible)
5. suspect's statements tending to show he/she stole it or knew it was stolen-or articulation of why the suspect should have known it was stolen
6. any available connecting reports (include a copy if possible)

NRS 205.220 **GRAND LARCENY**

1. willfully, unlawfully and intentionally
2. with intent to deprive the owner permanently thereof
3. steals, takes and:
   a. carries away
   b. leads away **-OR-**
   c. drives away
4. personal goods or property of another
5. valued at:

   a. **NOC 50535** less than $1,200 (M as Petit Larceny)
   b. **NOC 62130** more than$1,200 but less than $5,000
   c. **NOC 62133** more than $5,000 but less than $25,000
   d. **NOC 62136** more than $25,000 but less than $100,000 **-OR-**
   e. **NOC 62138** more than $100,000

**NOTE:** 1. **cannot use victim over 60 enhancement**

NRS 205.226 **GRAND LARCENY OF FIREARM NOC 50526**

1. willfully, unlawfully and intentionally
2. with intent to deprive the owner permanently thereof
3. steals, takes and carries away
4. a firearm

NRS 205.228 **GRAND LARCENY AUTO NOC 62125**

1. willfully, unlawfully and intentionally
2. with intent to deprive the owner permanently thereof
3. steals, takes and:
   a. carries away
   b. drives away -OR-
   c. otherwise removes
4. a motor vehicle

**NOTE:** i. No longer has value elements (AB 236 July 1, 2020)
ii. Must be a motorized or self-propelled vehicle (not a trailer)

NRS 205.2715 **UNLAWFUL TAKING OF VEHICLE (GM) NOC 50567**

1. takes and carries or drives away
2. the vehicle of another
3. without the intent to permanently deprive the owner thereof
4. without the consent of the owner

**NOTE:** Must be a motorized or self-propelled vehicle (not a trailer)

NRS 205.270 **LARCENY FROM THE PERSON NOC 61981**

1. takes property
2. from the person of another
3. without that person's consent
4. with the intent to steal or appropriate to his/her own use
5. under circumstances not amounting to robbery

**Enhancements:**

1. **NOC XXXXX** E/VOP

**NOTE:** No longer has value elements (AB 236 July 1, 2020)

NRS 205.275 **POSSESSION OF STOLEN PROPERTY**

1. possess the property of another:
   a. knowing that it is stolen property **-OR-**
   b. under such circumstances as should have caused a reasonable person to know that it is stolen property
2. for his/her own gain or to prevent the owner from again possessing the owner's property


*Continued on the next page...*

3. and the property is:

   a. **NOC 61994** a Firearm **-OR-**
      **Valued at:**
   b. **NOC 61985** less than $1,200 (M as Petit Larceny)
   c. **NOC 61988** more than$1,200 but less than $5,000
   d. **NOC 61991** more than $5,000 but less than $25,000
   e. **NOC 61994** more than $25,000 but less than $100,000
   f. **NOC 61996** more than $100,000

**NOTE:** 1. 205.275.7 "**stolen property**" as used in this statute means property that has been taken from its owner by larceny, robbery, burglary, embezzlement (including embezzled vehicles), theft or any other offense that is a crime against property

NRS 205.273 **POSSESSION OF STOLEN VEHICLE NOC 61984**

1. has in his/her possession
2. a motor vehicle
3. which the suspect knows or has reason to believe has been stolen

**NOTE:** 1. No longer has value elements (AB 236 July 1, 2020)

2. Articulate the circumstances of how the suspect knows or has reason to believe the vehicle is stolen: statements made, broken windows, igntion damage, keys to the vehicle, etc.

3. Must be a motorized or self-propelled vehicle (not a trailer)

## NARCOTICS

**For verification of current scheduling of any controlled substance see Nevada Administrative Code Chapter 453. https://www.leg.state.nv.us/NAC/NAC-453**

***Under the influence of a controlled substance is now a misdemeanor, see blue section page 55. (AB 236 July 1, 2020)***

NRS 453.336 **POSSESSION OF CONTROLLED SUBSTANCE (AB 236 July 1, 2020)**

1. willfully, unlawfully, and knowingly or intentionally
2. possess a controlled substance
3. **and** the controlled substance is:
   a. Schedule I/II weighing:
      **NOC 62073** less than 14 grams (PCS I/II)
      **NOC 62079** 14 grams - 28 grams (PCS low I/II)
      **NOC 62082** 28 grams - 42 grams (PCS mid I/II)
      **NOC 62084** 42 grams - 100 grams (PCS high I/II)

**-OR-** b. Schedule III, IV, or V weighing:
   **NOC 62086** less than 28 grams (PCS III, IV, V)
   **NOC 62092** 28 grams - 200 grams (PCS low III, IV, V)
   **NOC 62095** over 200 grams (PCS mid III, IV, V)

**-OR-** c. **NOC 51135** Gamma-hydroxybutyrate / Flunitrazepam

**-OR-** d. **NOC 62073** Marijuana (over an ounce up to 50 pounds)

**-OR-** e. **NOC 62073** THC / Concentrated Cannabis (3.5 grams up to 1 pound)

**AN-023-20**

**UPDATE: AN-020-20:** ODV 908 & NARK 2005 are no longer approved for use. Suspected marijuana items should be submitted to the Forensic Laboratory.

**NOTE:** 1. If Schedule I/II and over 100 grams, see Trafficking CS

2. unless the substance was obtained directly from or pursuant to a prescription or order of a physician, etc, while acting in the course of his/her professional practice

3. **ask and articulate in the report what the suspect purports the substance to be**

NRS 453.337
453.338

**POSSESSION OF CONTROLLED SUBSTANCE WITH INTENT TO SELL**

1. possess a controlled substance
2. for the purpose of sale
3. and the controlled substance is a:
   a. **NOC 51141** schedule I or II -NRS 453.337 **-OR-**
   b. **NOC 51150** schedule III, IV or V -NRS 453.338

NRS 453.321

**SALE OR TRANSPORT OF CONTROLLED SUBSTANCE**

1. willfully and unlawfully:
   a. import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance
   b. manufacture or compound a counterfeit substance **-OR-**
   c. offer or attempt to do any of these acts
2. and the controlled substance is a:
   a. **NOC 62067** schedule I or II **-OR-**
   b. **NOC 62070** schedule III, IV or V

**NOTE:**

1. case law requires the existence of an actual controlled substance
2. therefore it does not include imitation or fake street drugs/illicit drugs
3. 453.332 "**imitation controlled substance**" means a substance, not a controlled substance, which:
   a. in the form distributed is shaped, marked or colored so as to lead a reasonable person to believe it is a controlled substance **-OR-**
   b. is represented to be a controlled substance – determined by:
      i. statements made by the suspect regarding the nature of the substance, its use or effect
      ii. statements made by the suspect regarding the recipient's ability to resell the substance at a substantially higher price than is customary for the substance **-OR-**
      iii. whether the substance is packaged in a manner normally used for illicit controlled substances
4. "**counterfeit substance**" does not include imitation or illicit controlled substances – it means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance
5. if substance is an "**imitation**" controlled substance, see misdemeanor section for possession and possession with intent to sell an imitation controlled substance

**Under the Influence of Controlled Substance** is now a misdemeanor per AB 236, see page 55

NRS 453.339 **TRAFFICKING IN CONTROLLED SUBSTANCE - MARIJUANA**

1. willfully, unlawfully, and knowingly or intentionally
2. (one of the following):
   a. actually or constructively possesses **-OR-**
   b. sells, manufactures, delivers, or brings into this State
3. **marijuana**
4. weighing:
   a. **NOC 51162** 50 – 999 pounds
   b. **NOC 51164** 1000 – 4999 pounds **-OR-**
   c. **NOC 51166** 5000+ pounds

**NOTE: Applies to marijuana only, not THC or concentrated cannabis**

**UPDATE: AN-020-20:** ODV 908 & NARK 2005 are no longer approved for use. Suspected marijuana items should be submitted to the Forensic Laboratory.

NRS 453.339 **TRAFFICKING IN CONTROLLED SUBSTANCE – CONCENTRATED CANNABIS**

1. willfully, unlawfully, and knowingly or intentionally
2. (one of the following):
   a. actually or constructively possesses **-OR-**
   b. sells, manufactures, delivers, or brings into this State
3. **concentrated cannabis**
4. weighing:
   a. **NOC 51162** 1-19 pounds
   b. **NOC 51164** 20-99 pounds **-OR-**
   c. **NOC 51166** 100+ pounds

**NOTE: Applies to THC**

NRS 453.3385 **TRAFFICKING IN CONTROLLED SUBSTANCE – SCHEDULE I/ II DRUGS (AB 236 July 1, 2020)**

1. willfully, unlawfully, and knowingly or intentionally
2. (one of the following):
   a. actually or constructively possesses **-OR-**
   b. sells, manufactures, delivers, or brings into this State
3. any schedule I controlled substance (except MJ/CC)
4. weighing:
   a. **NOC 62097** 100 grams - 400 grams (low level TCS)
   b. **NOC 62099** over 400 grams (high level TCS)

**NOTE:**
**1. Weights apply to Schedule I or II**
**2. There is no TCS for Schedule III, IV, or V. See PCS**
**3. Does not apply to Marijuana or THC, see above.**

# SEX CRIMES

NRS 200.366 **SEXUAL ASSAULT**

1. subject another person
2. to sexual penetration
3. either:
   a. against the victim's will **-OR-**
   b. under circumstances in which the suspect knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct

**-OR-**

1. forces another person:
2. to make a sexual penetration on:
   a. himself or herself
   b. another person **-OR-**
   c. a beast
3. either:
   a. against the victim's will **-OR-**
   b. under circumstances in which the suspect knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct

**NOCS**

1. 50095 victim over 16/adult
2. 61755 constituting DV
3. 50106 victim 14 or 15 years of age
4. V<14 (see SA V under 14 below for different elements)

**Enhancements:**

1. 50099 E/VOP
2. 50097 E/DW
3. 50096 R/SBH
4. 50098 E/DW R/SBH
5. 61756 E/DW CONSTITUTING DV

NRS 200.366 **SEXUAL ASSAULT WITH A MINOR UNDER 14**
**NOC 50105**

1. commit a sexual penetration
2. upon a child under the age of 14 years

**-OR-**

1. cause a child under the age of 14 years
2. to make a sexual penetration on:
   a. himself or herself
   b. another person **-OR-**
   c. a beast

**NOTE:**

1. **"without consent"** language was removed as an element effective October 1, 2015 - if the crime is alleged to occur before this date, the report must articulate how this was without consent using the elements listed above under sexual assault and the NOC of 50106

NRS 200.368 **STATUTORY SEXUAL SEDUCTION**

1. engage in:
   a. sexual intercourse
   b. anal intercourse **-OR-**
   c. an act of sexual penetration
2. on or with a person who is 14 or 15 years of age
3. when the person is at least 4 years younger than the suspect
4. when the suspect is:
   a. **NOC 60323** over 21 **-OR-**
   b. **NOC 50116** under 21 **(GM)**

**NOTE:**

1. for crimes committed on or after 10/1/15
2. consent is not a defense - however there is evidence to support that the suspect knew or should have known the sexual act was **without** the consent of the victim - see sexual assault under 16
3. if the victim was **under 14, this crime does not apply** - see SA Victim under 14

NRS 201.210 **OPEN OR GROSS LEWDNESS**

1. commit an act of open or gross lewdness:
   a. **NOC 50971** 1st offense (GM) **-OR-**
   b. **NOC 50972** 2+ offense **prior can be any sex offense as defined in NRS 179D.097**
   c. **NOC 60689 in the presence of:**
      i. **a child under 18**
      ii. **a vulnerable person**

**NOTE:**

1. suspect must be over 18
2. includes acts which are committed in a private place, but which are nevertheless committed in an open as opposed to a secret manner
3. includes acts which are not observed but rather acts of intentional public sexual conduct or exposure
4. "**act**" required is more than simple exposure (see indecent exposure for proper charge) and requires the touching, rubbing, fondling, groping, masturbating one's self or another, etc)

NRS 201.220 **INDECENT EXPOSURE**

1. willfully, unlawfully, and intentionally
2. make any open and or obscene
3. exposure of his/her person or the person of another:
   a. **NOC 50973** 1st offense **-OR-**
   b. **NOC 50974** 2+ offense
   **prior can be any sex offense as defined in NRS 179D.097**
   c. **NOC 60685 in the presence of:**
      i. **a child under 18**
      ii. **a vulnerable person**

**NOTE:**

1. "**person**" means genitals or anus, the exposure of which is open and indecent or obscene
   a. the exposure need not be visually observed
   b. the display of one's "buttocks" alone is insufficient (must be anus)
2. suspect must be over 18

NRS 201.230 **LEWDNESS WITH A CHILD UNDER THE AGE OF [14/16]**

1. willfully, unlawfully, and lewdly
2. while over the age of 18
3. commits any lewd or lascivious act (**other than sexual assault**)
4. upon or with
5. the body or any part or member thereof
6. the age of the child is:
   a. **NOC 60336** 14 or 15 years of age **-OR-**
   b. **NOC 50975** under 14 years of age
7. with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the suspect or of the child

**NOTE:**

1. If suspect is under the age of 18 and the victim is under the age of 14 - the suspect commits a delinquent act (for crimes as of 10/1/15)

# PERSON CRIMES

NRS 200.575 **FELONY STALKING**

1. unlawfully and willfully or maliciously
2. engages in a course of conduct directed towards a victim
3. that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member,
4. that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member
5. **and:**
   a. **NOC 50333** in conjunction there with threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm is aggravated stalking
   b. **NOC 50335** with the use of an Internet or network site, electronic mail, text messaging 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 **-OR-**
   c. **NOC 61684 (GM)** victim is under the age of 16, and the suspect is 5 or more years older than the victim

**NOTE:**

1. "**course of conduct**" means a pattern of conduct which consists of two or more of acts over a period of time that evidences a continuity of purpose directed at a specific person.
   a. course of conduct must be articulated - document the event number, date, and factual basis of each event that forms the course of the conduct in the report
2. with anything submitted over an electronic medium (emails, texts, etc.) - articulate (for charging purposes) evidence to show that it was in fact this suspect who sent the messages

NRS 207.190 **COERCION WITH PHYSICAL FORCE OR IMMEDIATE THREAT OF PHYSICAL FORCE**

1. with the intent to compel another to do or abstain from doing an act which the other person has a right to do or abstain from doing:
   a. use violence or inflict injury upon the other person or any of the other person's family, or upon the other person's property, or threaten such violence or injury
   b. deprive the person of any tool, implement or clothing, or hinder the person in the use thereof -**OR**-
   c. attempt to intimidate the person by threats or force
2. where physical force or the immediate threat of physical force is used

**NOC and enhancements:**

1. **53159**
2. **61752** constituting DV
3. **61753** E/DW constituting DV
4. **55532** sexually motivated
5. **53160** E/DW

NRS 200.310

200.320

**FIRST DEGREE KIDNAPPING**

1. seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away
2. a person
3. by any means whatsoever
4. with the intent to hold or detain, or who holds or detains, the person:
   a. for ransom or reward
   b. for the purpose of committing sexual assault, extortion or robbery upon or from the person
   c. for the purpose of killing the person or inflicting substantial bodily harm upon the person -**OR**-
   d. to exact from relatives, friends, or any other person any money or valuable thing for the return or disposition of the victim

**NOTE:**

1. if victim is a minor - see first degree kidnapping of a minor

**NOC and enhancements:**

1. **50051**
2. **50056** E/DW and R/SBH
3. **50055** E/DW
4. **50052** R/SBH
5. **50061** E/CG
6. **50065** E/DW + E/CG
7. **58067** E/DW + E/VOP
8. **50059** E/VOP
9. **58066** Viol PO
10. **55507** E/SEX
11. **50085** attempt **50086**
12. attempt + E/DW

NRS 200.310

200.330

**SECOND DEGREE KIDNAPPING**

1. willfully and without authority of law
2. seizes, inveigles, takes, carries away or kidnaps another person:
   a. with the intent to keep the person secretly imprisoned within the State
   b. for the purpose of conveying the person out of the State without authority of law
   c. in any manner holding to service -**OR**-
   d. detain that person against his/her will

**NOC and enhancements:**

1. **50075**
2. **50076** E/DW
3. **50077** E/VOP
4. **50088** attempt

NRS 200.380 **ROBBERY (SB137 Oct1, 2019)**

1. unlawful taking of personal property
2. from the person of another -**OR**- in the person's presence
3. against his/her will
4. by means of force or violence or fear of injury, immediate or future, to:
   a. his/her person
   b. the person of a member of his/her family -**OR**-
   c. of anyone in his/her company at the time of the robbery
5. 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

**NOC and enhancements:**

1. **50137**
2. **50138** E/DW
3. **50139** E/VOP
4. **50143** E/DW + E/VOP
5. **50142** E/CG
6. **58537** ast child
7. **50144** attempt
8. **50145** attempt + E/DW

**NOTE:**

1. since robbery is a crime against the person - the suspect can be charged for one count per victim of the robbery

## POLICE OFFICERS/PROTECTED PERSONS

NRS 199.300 **INTIMIDATING PUBLIC OFFICER (GM) NOC 52995**

1. directly or indirectly
2. address any threat or intimidation to a public officer
3. with the intent to induce such a person contrary to his/her duty to do, make, omit or delay any act, decision or determination
4. if the threat or intimidation communicates the intent, either immediately or in the future:
   a. to cause bodily injury to any person
   b. to cause physical damage to the property of any person other than the person addressing the threat or intimidation
   c. to subject any person other than the person addressing the threat or intimidation to physical confinement or restraint **-OR-**


*Continued on the next page...*

d. to do any other act which is not otherwise authorized by law and is intended to harm substantially any person other than the person addressing the threat or intimidation with respect to the person's health, safety, business, financial condition or personal relationships

**NOC and enhancements:**

1. **52995 (GM)**
2. **52993** if physical force or immediate threat of physical force is used in the course of the intimidation or the making of the threat - **(F)**

NRS 200.481 **BATTERY ON A PROTECTED PERSON (GM) NOC 50221**

1. use of force or violence upon the person of
2. an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his/her duty or upon a sports official based on the performance of his/her 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

**NOTE:**

1. categories defined in NRS 200.481 - why the victim is protected or what category the victim falls under must be articulated

## PROPERTY CRIMES

NRS 205.0813 **HOUSEBREAKING (GM) NOC 58736**

1. forcibly enters an uninhabited dwelling **-OR-** vacant dwelling
2. knows or has reason to believe that such entry is without permission of the owner
3. with the intent to take up residence or provide a residence to another therein

**NOTE:**

1. NRS 205.081 "**dwelling**" means a structure or part thereof that is designed or intended for occupancy as a residence or sleeping place
2. intent to "**take up residence**" will require articulation of factual basis to support it - statute was created to addressed squatters/fraudulent leases
3. NRS 205.0813.4 for this section only "**forcibly enter**" means any entry involving:
   a. any act of physical force resulting in damage to the structure **-OR-**
   b. the changing or manipulation of a lock to gain access
4. if suspect has a previous housebreaking conviction, the second offense is a felony **NOC 58737**

NRS 205.0817 **UNLAWFUL OCCUPANCY (GM) NOC 58734**

1. takes up residence:
   a. in an uninhabited dwelling **-OR-**
   b. vacant dwelling
2. knows or has reason to believe that such residency is without the permission of the owner

**NOTE:**

1. NRS 205.081 "**dwelling**" means a structure or part thereof that is designed or intended for occupancy as a residence or sleeping place
2. intent to "**take up residence**" will require articulation of factual basis to support it - statute was created to addressed squatters/fraudulent leases

NRS 205.082 **UNLAWFUL REENTRY (GM) NOC 58733**

1. after the owner has recovered possession of the property pursuant to NRS 40.412 or 40.414
2. reenter that property
3. without authorization of the court or permission of the owner

NRS 206.125 **DAMAGE PROPERTY USED FOR SPECIFIC PURPOSE (GM) NOC 55030**

1. a person who knowingly vandalizes, places graffiti on, defaces or otherwise damages:
   a. any church, synagogue or other building, structure or place used for religious worship or other religious purpose
   b. any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead
   c. any school, educational facility, transportation facility, public transportation vehicle or community center
   d. the grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraph a, b, or c **-OR-**
   e. any personal property contained in any institution, facility, building, structure or place described in paragraph a, b, or c

**NOTE:**

1. the conduct may also violate the following statutes: MDPP under 206.310, Injury to a Vehicle under 205.274, or placing graffiti under 206.330 - consider as a secondary charge if applicable
2. this statute has no value attached - if value of damages is over $5000 - the conduct may be a felony under the charges mentioned above:
   a. MALICIOUS DESTRUCTION OF PROPERTY (206.310, 193.155 **NOC 58079**)
   b. BREAK, INJURE OR TAMPER WITH MOTOR VEHICLE (205.274, 193.155 **NOC 57916**)
   c. PLACING GRAFFITI ON OR OTHERWISE DEFACING PROPERTY (206.330 **NOC 50911**)

NRS 206.310 **DESTROY OR INJURE REAL OR PERSONAL PROPERTY OF ANOTHER**

1. unlawfully and willfully or maliciously
2. destroy or injure
3. any real or personal property of another
4. for the destruction or injury of which no special punishment is otherwise specifically prescribed
5. where the damage is:
   a. **NOC 60319** $5000 or more
   b. **NOC 50905** $250 or more but less than $5000 (GM)
   c. **NOC 50904** $25 or more but less than $250 (M) -**OR**-
   d. **NOC 50903** less than $25 50903 (M)

**NOTE:**

1. obtain an estimate by the best available means – even owner estimate
2. may still require follow up to obtain documentation of actual amount of damages
3. document in the report description of property damaged

NRS 205.274
193.155 **BREAK, INJURE OR TAMPER WITH MOTOR VEHICLE**

1. individually or in association with one or more persons:
   a. break, injure, tamper with, or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying the vehicle -OR-
   b. who in any manner willfully or maliciously interfere with or prevent the running or operation of a vehicle
2. where the damage:
   a. **NOC 57916** results in impairment of public communication, transportation or police and fire protection
   b. **NOC 57916** is $5000 or more
   c. **NOC 58514** is $250 or more but less than $5000 (GM)
   d. **NOC 50574** is $25 or more but less than $250 (M) **-OR-**

**NOTE:**

1. obtain an estimate by the best available means (owner's verbal estimate, common knowledge, actual estimate
2. may require follow up to obtain documentation of actual amount of damages at a later date
3. document in the report description of property damaged

NRS 206.330 **PLACING GRAFFITI ON OR OTHERWISE DEFACING PROPERTY**

1. places graffiti on or otherwise defaces the public or private property, real or personal, of another
2. without the permission of the owner


*Continued on the next page...*

3. where the value of the loss is:
   a. **NOC 50909** less than $250 (M)
   b. **NOC 50910** $250 but less than $5000 (GM)
   c. **NOC 50911** $5000 or more
   d. **NOC 50911** results in the impairment of public communication, transportation or police and fire protection **-OR-**
   e. **NOC 56644** where the offense is committed on any protected site in this State

**NOTE:**

1. obtain an estimate by the best available means - case may have to be followed up with by a detective to obtain actual amount of damages
2. ensure ICR is completed with citation/arrest
3. state where graffiti was applied and how it was done - what instrument was used and a description of it
4. photograph the damage and graffiti
5. documentation of who owns the property and name and contact of representative if business or government property
6. 206.330.3 - the suspect commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses must be aggregated for the purpose of determining the penalty - but only if the value of the loss when aggregated is $500 or more
7. 206.330.10 "**value of the loss**" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item

# NOTES/UPDATES