



# Las Vegas Police Protective Association Metro, Inc.



To: Officer Jacob Henry  
From: David Roger, General Counsel *DR*  
Re: Criminal Offenses involving Possession of Knives  
Date: April 16, 2014

You have asked for an opinion whether possession of a steak knife is a crime. This memo will address your issue and other relevant ordinances and statutes referencing possession of knives.

## NEVADA STATUTES

### NRS 202.350 CCW- KNIVES

NRS 202.350(1)(d) provides it is illegal for a person to carry concealed on his or her person:

- (1) Explosive substance, other than ammunition or any components thereof;
- (2) Dirk, dagger or machete;
- (3) Pistol, revolver or other firearm, or other dangerous or deadly weapon; or
- (4) Knife which is made an integral part of a belt buckle.

A dagger is a "short weapon used for thrusting and stabbing and that stabbing is using a pointed weapon to wound or kill." *Huebner v. State*, 103 Nev. 29, 731 P.2d 1330 (1987). A dirk is a "long straight-bladed dagger." *Id.*

A steak knife may be a “dangerous or deadly weapon.” The court in *Knight v. State*, 116 Nev. 140,147, 993 P.2d 67, 72 (2000) explained whether a knife is a dangerous weapon depends on:

“[T]he nature of the instrument, the circumstances under which it is carried, including time, place, and situation in which defendant is found in possession, the manner in which it is carried, the particular person carrying it, and perhaps other factors such as possible peaceful uses therefor which the possessor might have.”

Id.

For example, a knife used as an eating utensil, by a homeless person, is not a dangerous weapon. However, if the vagrant used the knife to threaten a person and concealed the knife on his person, the instrument would be deemed a dangerous weapon.

Violation of this statute is a gross misdemeanor.

#### NRS 202.265 POSSESSION OF DANGEROUS WEAPON ON SCHOOL GROUNDS OR CHILD CARE FACILITY

NRS 202.265(1) states:

Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:

- (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 pistol, revolver or other firearm; or
- (f) Any device used to mark any part of a person with paint or any other substance.

This statute does not include dangerous weapons as a prohibited instrument.

NRS 202.320 DRAWING A DEADLY WEAPON IN A THREATENING MANNER

NRS 202.320(1) states:

Unless a greater penalty is provided in NRS 202.287, a person having, carrying or procuring from another person any dirk, dirk-knife, sword, sword cane, pistol, gun or other deadly weapon, who, in the presence of two or more persons, draws or exhibits any of such deadly weapons in a rude, angry or threatening manner not in necessary self-defense, or who in any manner unlawfully uses that weapon in any fight or quarrel, is guilty of a misdemeanor.

While the Knight decision is limited to the interpretation of NRS 202.350, it is very likely that a knife would be considered a deadly weapon for purposes of this statute.

COUNTY ORDINANCE

Clark County Code 12.04.180 provides:

It is unlawful, within the unincorporated area of Clark County, for any person to carry upon his person a concealed weapon of any description, including a knife with a blade of three inches or

more, a gun, pistol revolver or other firearm, capable of being concealed, without first having received written permission therefor from the sheriff.

This ordinance makes it a misdemeanor to carry any knife, with a blade three inches or more, concealed on one's person.

LAS VEGAS CITY ORDINANCE 10.70.20 LOITERING WHILE CARRYING CONCEALED:

LV CITY ORDINANCE 10.70.20 states:

(A) It is unlawful for any person, while carrying concealed upon his person any dangerous or deadly weapon to loaf or loiter upon any public street, sidewalk or alley or to wander about from place to place with no lawful business thereby to perform, or to hide, lurk or loiter upon or about the premises of another.

(B) It shall be unlawful for any person who has concealed upon his person any dangerous or deadly weapon to loiter about any place where intoxicating liquors are sold or any other place of public resort.

This ordinance prohibits loitering almost anywhere in the City of Las Vegas while in possession of a concealed dangerous or deadly weapon. The ordinance adopts the definition of dangerous weapon used in the state statute and in the county ordinance.

LV City ordinance also defines dangerous or deadly weapons as:

(A) Any dirk or dagger;

(B) Any knife with a blade three inches or more in length;

(C) Any snap-blade or spring-blade knife, regardless of length of the blade;

(D) Any ice pick or similar sharp stabbing tool;

(E) Any straightedge razor or any razor blade fitted to a handle;

(F) Any dangerous or deadly weapon within the meaning of any law of this State restricting the use thereof; and

(G) Any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm;

The city code is expansive and includes almost any cutting instrument.