

CHAPTER 202 - CRIMES AGAINST PUBLIC HEALTH AND SAFETY

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ALCOHOLIC BEVERAGES

SECTION 202.015 “Alcoholic beverage” defined. For the purposes of [SECTION 202.015](#) to [202.065](#), inclusive, “alcoholic beverage” means:

1. Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of 1 percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.
2. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of 1 percent of alcohol by volume.
3. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.

SECTION 202.020 Purchase, consumption or possession of alcoholic beverage by minor.

1. Any person under 21 years of age who purchases any alcoholic beverage or any such person who consumes any alcoholic beverage in any saloon, resort or premises where spirituous, malt or fermented liquors or wines are sold is guilty of a **Category C Offense**.
2. Any person under 21 years of age who, for any reason, possesses any alcoholic beverage in public is guilty of a Category C Offense.
3. For the purposes of this section, possession “in public” includes possession:
 - (a) On any street or highway;
 - (b) In any place open to the public; and
 - (c) In any private business establishment which is in effect open to the public.
5. The term does not include:
 - (a) Possession for an established religious purpose;
 - (b) Possession in the presence of the person’s parent, spouse or legal guardian who is 21 years of age or older;
 - (c) Possession in accordance with a prescription issued by a person statutorily authorized to issue prescriptions;
 - (d) Possession in private clubs or private establishments; or
 - (e) The selling, handling, serving or transporting of alcoholic beverages by a person in the course of his lawful employment by a licensed manufacturer, wholesaler or retailer of alcoholic beverages.

SECTION 202.030 Minor loitering in place where alcoholic beverages sold. Any person under 21 years of age who shall loiter or remain on the premises of any saloon where spirituous, malt or fermented liquors or wines are sold shall be punished by a fine. Nothing in this section shall apply to:

1. Establishments wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar; or
2. Any grocery store or drugstore where spirituous, malt or fermented liquors or wines are not sold by the drink for consumption on the premises.

SECTION 202.035 Loitering about place of business where alcoholic beverages are sold. Any person who shall loiter or remain on the premises of any store after having purchased spirituous, malt or fermented liquors or wines at that store, or shall consume spirituous, malt or fermented liquors or loiter within 100 feet of that establishment shall be guilty of a **Category D offense**.

SECTION 202.040 False representation by minor to obtain intoxicating liquor. Every minor who shall falsely represent himself to be 21 years of age in order to obtain any intoxicating liquor is guilty of a **Category C Offense**.

SECTION 202.055 Sale or furnishing of alcoholic beverage to minor; aiding minor to purchase or procure alcoholic beverage; policy to prevent minor from obtaining alcoholic beverage through use of Internet.

1. Every person who knowingly:
 - (a) Sells, gives or otherwise furnishes an alcoholic beverage to any person under 21 years of age;
 - (b) Leaves or deposits any alcoholic beverage in any place with the intent that it will be procured by any person under 21 years of age; or
 - (c) Furnishes, gives, or causes to be given any money or thing of value to any person under 21 years of age with the knowledge that the money or thing of value is to be used by the person under 21 years of age to purchase or procure any alcoholic beverage,is guilty of a **Category C Offense**.

2. Paragraph (a) of subsection 1 does not apply to a parent, guardian or physician of the person under 21 years of age.

3. Every person who sells, gives or otherwise furnishes alcoholic beverages through the use of the Internet shall adopt a policy to prevent a person under 21 years of age from obtaining an alcoholic beverage from the person through the use of the Internet. The policy must include, without limitation, a method for ensuring that the person who delivers the alcoholic beverages obtains the signature of a person who is over the age of 21 years when delivering the beverages and that the packaging or wrapping of the alcoholic beverages when they are shipped is clearly marked with words that describe the alcoholic beverages. A person who fails to adopt a policy pursuant to this subsection shall be guilty of a **Category C Offense**.

SECTION 202.060 Saloonkeeper allowing minor to remain in establishment. Any proprietor, keeper or manager of a saloon or resort where spirituous, malt or fermented liquors or wines are sold, who shall, knowingly, allow or permit any person under the age of 21 years to remain therein shall be punished by a fine. Nothing in this section shall apply to:

1. Establishments wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar; or
2. Any grocery store or drugstore where spirituous, malt or fermented liquors or wines are not sold by the drink for consumption on the premises.

SECTION 202.065 Sale of alcoholic beverage containing more than 80 percent of alcohol by volume.

1. A person shall not sell an alcoholic beverage containing more than 80 percent of alcohol by volume.
2. A person who violates the provisions of this section is guilty of a **Category C Offense**.

SECTION 202.067 Sale, offer for sale, purchase, possession or use of alcohol vaporizing device; use of brand name of alcoholic beverage in advertisement or promotion of alcohol vaporizing device.

1. A person shall not:
 - (a) Sell or offer for sale, purchase, possess or use an alcohol vaporizing device; or
 - (b) Use the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device.
2. A person who violates any provision of subsection 1 is guilty of a **Category C Offense**.

(a) "Alcohol vaporizing device" means a machine or other device which mixes liquor with pure oxygen or any other gas to produce a vaporized product which is consumed by inhalation.

MISCELLANEOUS CRIMES CONCERNING PUBLIC HEALTH

SECTION 202.170 Willfully poisoning or adulterating food, water or medicine. A person who willfully mingles poison or any other harmful substance, including, but not limited to, glass or a razor blade, in any food, drink or medicine intended or prepared for the use of a human being, and a person who willfully poisons any spring, well or reservoir of water, is guilty of a **Category A offense**.

SECTION 202.180 Deposit of unwholesome substance; carrying on business detrimental to public health on or near route of public travel; deposit of dead body of animal; burning stolen metallic wire.

1. Every person who:

(a) Shall deposit, leave or keep, on or near a highway or route of public travel, on land or water, any unwholesome substance;

(b) Shall establish, maintain or carry on, upon or near a highway or route of public travel, on land or water, any business, trade or manufacture which is detrimental to the public health;

(c) Shall deposit or cast into any lake, creek or river, wholly or partly on this Reservation, the offal from or the dead body of any animal; or

(d) Shall knowingly burn stolen metallic wire to remove insulation,

↳ shall be guilty of a **Category B Offense**.

2. As used in this section, "stolen metallic wire" means metallic wire that has been taken unlawfully from or without the permission of the owner, whether or not the person who took the metallic wire is or has been prosecuted or convicted for taking the metallic wire.

SECTION 202.185 Unlawful deposit of dead animal, dirt, garbage or rubbish on public highway.

1. As used in this section:

(a) "Dead animals" means all dead animals or parts thereof, including condemned meats, not intended to be used as food.

(b) "Dirt" includes loose earth, ashes, manure from barns, stables, corrals and pens, offal from butcher houses and slaughterhouses, and all foul and filthy substances.

(c) "Garbage" includes solid or semisolid kitchen refuse subject to decay or putrefaction, and market waste of animal and vegetable matter which has been or was intended to be used as food for man or animal.

(d) "Rubbish" means old tin and iron cans and containers, old wood and paper boxes, old metals, wire, rope, cordage, bottles, bags and bagging, rubber and rubber tires, paper, and all used or castoff articles or material, including old plaster, brick, cement, glass, and all old building material.

2. It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited on any public highway within the Ely Shoshone Reservation, or within a distance of 1,000 feet from the center of any public highway, any dead animal, dirt, garbage or rubbish as defined in subsection 1.

3. Any person violating the provisions of this section shall be guilty of a **Category C offense**.

SECTION 202.200 Advertising goods and services to produce miscarriage.

1. It shall be unlawful for any person:

(a) To advertise or publish, or cause to be advertised or published in a newspaper, pamphlet, handbill, book or otherwise, any medicine, nostrum, drug, substance, instrument or device to produce the miscarriage or premature delivery of a woman pregnant with child, or which purports to be, or is represented to be, productive of such miscarriage or premature delivery; or

(b) To advertise in any manner his or her services, aid, assistance or advice, or the services, assistance or advice of any other person, in the procurement of such miscarriage or premature delivery.

2. Every person who shall violate the provisions of subsection 1 shall be guilty of a **Category B Offense**.

SECTION 202.210 Publishing advertisement containing prohibited matter. The proprietor or proprietors and the manager or managers of any newspaper, periodical or other printed sheet published or printed within this reservation, which shall contain any advertisement prohibited by [SECTION 202.200](#), shall, for each publication of such advertisement, be guilty of a **Category C Offense**.

SECTION 202.220 Circulation of publications containing prohibited matter. Every person who shall knowingly sell, distribute, give away, or in any manner dispose of or exhibit to another person any newspaper, pamphlet, book, periodical, handbill, printed slip or writing, or cause the same to be so sold, distributed, disposed of, or exhibited, containing any advertisement prohibited in [SECTION 202.200](#), or containing any description or notice of, or reference to, or information concerning, or direction how or where to procure any medicine, drug, nostrum, substance, device, instrument or service, the advertisement of which is prohibited or declared to be unlawful, shall be guilty of a **Category C Offense**.

SECTION 202.230 [SECTION 202.200](#), [202.210](#) and [202.220](#) not applicable to licensed physicians. Nothing in [SECTION 202.200](#), [202.210](#) and [202.220](#) shall be construed to interfere with or apply to legally licensed physicians in the legitimate practice of their profession.

SECTION 202.240 Advertising treatment, cure or prevention of sexual disorders.

1. It is unlawful for any person to publish or cause to be published, to deliver or distribute or cause to be delivered or distributed in any manner whatsoever, or to post, or display, or knowingly to permit to be posted, displayed, or to remain on any buildings, windows or outhouses, or premises or other surface owned or controlled by him in the Ely Shoshone Reservation, or to manufacture or sell, or knowingly to have displayed in or on any window or place where the same could be read by passers-by or the public, any advertisement, label, statement, print or writing which refers to any person or persons from whom, or to any means by which, or to any office or place at which may be obtained any treatment or cure of syphilis, gonorrhea, chancroid, lost manhood, sexual weakness, lost vitality, impotency, seminal emissions, gleet, varicocele or self-abuse, whether described by such names, words, terms or phrases, or by any other names, words, terms or phrases, calculated or intended to convey to the reader the idea that any of the diseases, infirmities, disabilities, conditions or habits are meant or referred to, or which refers to any medicine, article, device or preparation that may be used for the treatment, cure or prevention of any of the diseases, infirmities, disabilities, conditions or habits mentioned in this section.

2. Any person violating any of the provisions of this section is guilty of a **Category C Offense**.

3. This section does not apply to publications, advertisements or notices of the United States Government, the Ely Shoshone Tribe or other political subdivision of the Ely Shoshone Tribe.

SECTION 202.246 Dispensing of prescription glasses by unauthorized person. It is unlawful:

1. For a wholesale optical supplier or manufacturer to furnish, sell or dispense prescription glasses or lenses, pursuant to an individual prescription, to anyone other than a licensed optometrist, optician or physician. Such licensed optometrist, optician or physician shall dispense such glasses or lenses to the individual for whom the glasses were prescribed.

2. For a person responsible for industrial safety in any business establishment to dispense prescription glasses to the employees of such business establishment.

SECTION 202.248 Use or sale of liquid silicone.

1. Except for use in the treatment of retinal detachment, it is unlawful for a person to:

(a) Inject any liquid silicone substance into the human body; or

(b) Sell or offer for sale in this reservation any liquid silicone substance for the purpose of injection into the human body.

2. A person who violates the provisions of subsection 1 is guilty of a **Category A offense**.

TOBACCO

State Clean Indoor Air Act

SECTION 202.2483 Smoking tobacco: Prohibited in certain areas; voluntary creation of nonsmoking areas; local regulation; posting signs; removal of paraphernalia; enforcement; retaliation prohibited.

1. Except as otherwise provided in subsection 3, smoking tobacco in any form is prohibited within indoor places of employment including, but not limited to, the following:

- (a) Child care facilities;
- (b) Movie theatres;
- (c) Video arcades;
- (d) Government buildings and public places;
- (e) Malls and retail establishments;
- (f) All areas of grocery stores; and
- (g) All indoor areas within restaurants.

2. Without exception, smoking tobacco in any form is prohibited within school buildings and on school property.

3. Smoking tobacco is not prohibited in:

- (a) Areas within casinos where loitering by minors is already prohibited by State law pursuant to NRS 463.350;
- (b) Stand-alone bars, taverns and saloons;
- (c) Strip clubs or brothels;
- (d) Retail tobacco stores; and
- (e) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility.

4. In areas or establishments where smoking is not prohibited by this section, nothing in State law shall be construed to prohibit the owners of said establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

5. Nothing in State law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local tobacco control measures that meet or exceed the minimum applicable standards set forth in this section.

6. "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

7. Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to [SECTION 202.2492](#) and [SECTION 202.24925](#).

8. No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

9. For the purposes of this section, the following terms have the following definitions:

(a) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

(b) "Child care facility" has the meaning ascribed to it in [SECTION 432A.024](#).

(c) "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

(d) "Government building" means any building or office space owned or occupied by:

(1) Any component of the State System of Higher Education and used for any purpose related to the System;

(2) The Ely Shoshone Tribe and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

(e) "Health authority" has the meaning ascribed to it in [SECTION 202.2485](#).

(f) "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

(g) "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

(h) "Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

(i) "Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

(j) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(k) "School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(l) "School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(m) "Stand-alone bar, tavern or saloon" means an establishment devoted primarily to the sale of alcoholic beverages to be consumed on the premises, in which food service is incidental to its operation, and provided that smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section. In addition, a stand-alone bar, tavern or saloon must be housed in either:

(1) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(2) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

(n) "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of [SECTION 453.3345](#).

10. Any statute or regulation inconsistent with this section is null and void.

11. The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

Provisions Enacted Before State Clean Indoor Air Act

SECTION 202.2485 Definitions. As used in [SECTION 202.2485](#) to [202.2500](#), inclusive:

1. "Distribute" includes furnishing, giving away or providing products made from tobacco or samples thereof at no cost to promote the product, whether or not in combination with a sale.

2. "Health authority" means the district health officer in a district, or his designee, or, if none, the State Attorney General, or his designee.

SECTION 202.2491 Smoking tobacco: Unlawful in certain public places; posting signs; designation of areas for smoking.

1. Except as otherwise provided in subsections 5 and 6, the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility.

(2) Office of any chiropractor, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist or doctor of Oriental medicine.

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises.

- (f) Child care facility.
 - (g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.
 - (h) School bus.
 - (i) Video arcade.
2. The person in control of an area listed in paragraph (c), (d), (e) or (g) of subsection 1:
- (a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).
 - (b) May designate separate rooms or portions of the area which may be used for smoking, except for a room or portion of the area of a store described in paragraph (e) of subsection 1 if the room or portion of the area:
 - (1) Is leased to or operated by a person licensed pursuant to [SECTION 463.160](#); and
 - (2) Does not otherwise qualify for an exemption.
3. The person in control of a public building:
- (a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).
 - (b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.
4. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.
5. The smoking of tobacco is not prohibited in:
- (a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.
 - (b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.
6. As used in this section:
- (a) "Child care facility" means an establishment operated and maintained to furnish care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children. The term does not include the home of a natural person who provides child care.
 - (b) "Licensed gaming establishment" has the meaning ascribed to it in [SECTION 463.0169](#).
 - (c) "Public building" means any building or office space owned or occupied by:
 - (1) Any component of the Ely Shoshone Tribe's Education Department and used for any purpose related to the System.
 - (a) "Video arcade" means a facility legally accessible to persons under 18 years of age which is intended primarily for the use of pinball and video machines for amusement and which contains a minimum of 10 such machines.

SECTION 202.2493 Cigarettes and smokeless products made from tobacco to be sold in unopened package only; sale and distribution of cigarettes and other tobacco products to minor prohibited; penalties.

1. A person shall not sell, distribute or offer to sell cigarettes or smokeless products made from tobacco in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of \$100. and a civil penalty of \$100.
2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description or products made from tobacco to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500.
3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before he sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description or products made from tobacco, he:
 - (a) Demands that the person present a valid driver's license or other written or documentary evidence which shows that the person is 18 years of age or older;

(b) Is presented a valid driver's license or other written or documentary evidence which shows that the person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license or written or documentary evidence presented by the person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco or products made from tobacco in the course of the child's lawful employment, provide tobacco or products made from tobacco to the child.

5. With respect to any sale made by his employee, the owner of a retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if he:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for his employees which is reasonably designed to prevent violations of subsection 2.

SECTION 202.24935 Sale and distribution of cigarettes and other tobacco products to minor through use of Internet prohibited; penalties; policy to prevent minor from obtaining tobacco products through use of Internet.

1. It is unlawful for a person to knowingly sell or distribute cigarettes, cigarette paper, tobacco of any description or products made from tobacco to a child under the age of 18 years through the use of the Internet.

2. A person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500. Any money recovered pursuant to this section as a civil penalty must be deposited in the same manner as money is deposited pursuant to subsection 6 of [SECTION 202.2493](#).

3. Every person who sells or distributes cigarettes, cigarette paper, tobacco of any description or products made from tobacco through the use of the Internet shall adopt a policy to prevent a child under the age of 18 years from obtaining cigarettes, cigarette paper, tobacco of any description or products made from tobacco from the person through the use of the Internet. The policy must include, without limitation, a method for ensuring that the person who delivers such items obtains the signature of a person who is over the age of 18 years when delivering the items, that the packaging or wrapping of the items when they are shipped is clearly marked with the word "cigarettes" or the words "tobacco products," and that the person complies with the provisions of 15 U.S.C. § 376. A person who fails to adopt a policy pursuant to this subsection is guilty of a **Category C offense** and shall be punished by a fine of not more than \$500.

WEAPONS

Dangerous Weapons and Firearms

SECTION 202.253 Definitions. As used in [SECTION 202.253](#) to [202.369](#), inclusive:

1. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

2. "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.

3. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

4. "Motor vehicle" means every vehicle that is self-propelled.

SECTION 202.254 Private person authorized to obtain background check on person who wishes to obtain firearm from him; fee.

1. A private person who wishes to transfer a firearm to another person may, before he transfers the firearm, request that the Central Repository for State Records of Criminal History perform a background check on the person who wishes to acquire the firearm.

2. The person who requests the information pursuant to subsection 1 shall provide the Central Repository with identifying information about the person who wishes to acquire the firearm.

3. Upon receiving a request from a private person pursuant to subsection 1 and the identifying information required pursuant to subsection 2, the Central Repository shall within 5 business days after receiving the request:

(a) Perform a background check on the person who wishes to acquire the firearm; and

(b) Notify the person who requests the information whether the information available to the Central Repository indicates that the receipt of a firearm by the person who wishes to acquire the firearm would violate a State or federal law.

4. If the person who requests the information does not receive notification from the Central Repository regarding his request within 5 business days after making the request, he may presume that the receipt of a firearm by the person who wishes to acquire the firearm would not violate a State or federal law.

5. The Central Repository may charge a reasonable fee for performing a background check and notifying a person of the results of the background check pursuant to this section.

6. The failure of a person to request the Central Repository to perform a background check pursuant to this section before transferring a firearm to another person does not give rise to any civil cause of action.

SECTION 202.255 Setting spring gun or other deadly weapon: Unlawful and permitted uses; penalties.

1. A person who sets a so-called trap, spring pistol, rifle, or other deadly weapon shall be punished:

(a) If no injury results therefrom to any human being, for a **Category B Offense**.

(b) If injuries not fatal result therefrom to any human being, for a **Category A offense**.

(c) If the death of a human being results therefrom:

(1) Under circumstances not rendering the act murder, for a **Category A offense**; or

(2) Otherwise, for murder which is a **Category A offense**.

2. Subsection 1 does not prevent the use of any loaded spring gun, set gun or other device for the destruction of gophers, moles, coyotes or other burrowing rodents or predatory animals by agents or employees of governmental agencies engaged in cooperative predatory animal and rodent control work, but:

(a) A loaded spring gun, set gun or other device must not be set within 15 miles of the boundaries of any incorporated city or unincorporated town; and

(b) Before setting any such loaded spring gun, set gun or other device on any real property permission must first be obtained from the owner, lessee or administrator thereof.

SECTION 202.257 Possession of firearm when under influence of alcohol, controlled substance or other intoxicating substance; administration of evidentiary test; penalty; forfeiture of firearm.

1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.08 or more in his blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely exercising actual physical control of a firearm,

↳ to have in his actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within his personal residence and had the firearm in his possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484.383 to 484.3947, inclusive, except that submission to the evidentiary test is required of any person who is directed by a police officer to submit to the test. If a person to be tested fails to submit to a required test as directed by a police officer, the officer may direct that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a **Category C Offense**.

4. A firearm is subject to forfeiture, only if during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase “concentration of alcohol of 0.10 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

SECTION 202.260 Unlawful possession, manufacture or disposition of explosive or incendiary device: Penalty; exceptions.

1. It is unlawful to possess, manufacture or dispose of any explosive or incendiary device with the intent to destroy life or property.

2. This section does not prohibit a person from possessing, manufacturing or using any material, component, substance or device as required for the performance of his duties related to mining, agriculture, construction or any other valid occupational purpose, or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his duties.

3. For the purposes of this section, “dispose of” means give, give away, loan, offer, offer for sale, sell or transfer.

SECTION 202.261 Possession of component of explosive or incendiary device with intent to manufacture explosive or incendiary device: Penalty; exceptions.

1. A person shall not knowingly possess any component of an explosive or incendiary device with the intent to manufacture an explosive or incendiary device.

2. A person who violates subsection 1 is guilty of a **Category A offense**.

3. This section does not prohibit a person from possessing, manufacturing or using any material, component, substance or device as required for the performance of his duties related to mining, agriculture, construction or any other valid occupational purpose, or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his duties.

SECTION 202.262 Possession of explosive or incendiary device in or near certain public or private areas: Penalty; exceptions.

1. Except as otherwise provided in subsection 3, a person shall not possess any explosive or incendiary device or any explosive or incendiary material, substance or component that may be readily converted to an explosive or incendiary device:

(a) In or upon any public street or highway within the boundaries of the reservation;

(b) In or near any private habitation, public place or any place open to the public; or

(c) In, on or near any public conveyance.

2. A person who violates subsection 1 is guilty of a **Category A offense**.

3. This section does not prohibit a person from possessing any material, component, substance or device:

(a) As required for the performance of his duties related to mining, agriculture, construction or any other valid occupational purpose, or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his duties;

(b) In an amount which, if detonated or otherwise exploded, would not ordinarily cause substantial bodily harm to another person or substantial harm to the property of another; or

(c) As part of a model rocket or engine for a model rocket that is designed, sold and used for the purpose of propelling a model rocket.

SECTION 202.263 Unlawful manufactures, possession, sale, advertisement or transportation of hoax bomb: Penalty; exceptions.

1. A person shall not manufacture, purchase, possess, sell, advertise for sale or transport a hoax bomb if the person knows or should know that the hoax bomb is to be used to make a reasonable person believe that the hoax bomb is an explosive or incendiary device.

2. A person who violates subsection 1 is guilty of a **Category B offense**.

3. This section does not prohibit:

(a) The purchase, possession, sale, advertising for sale, transportation or use of a military artifact, if the military artifact is harmless or inert, unless the military artifact is used to make a reasonable person believe that the military artifact is an explosive or incendiary device.

(b) The authorized manufacture, purchase, possession, sale, transportation or use of any material, substance or device by a member of the Armed Forces of the United States, a fire department or a law enforcement agency if the person is acting lawfully while in the line of duty.

(c) The manufacture, purchase, possession, sale, transportation or use of any material, substance or device that is permitted by a specific statute.

4. As used in this section, "hoax bomb" means:

(a) An inoperative facsimile or imitation of an explosive or incendiary device; or

(b) A device or object that appears to be or to contain an explosive or incendiary device.

SECTION 202.265 Possession of dangerous weapon on property or at school: penalty; exceptions.

1. Except as otherwise provided in this section, a person shall not carry or possess, while on the property of the Ely Shoshone Reservation Education Department or a private or public school or while in a vehicle of a private or public school:

(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; or

(e) A pistol, revolver or other firearm.

2. Any person who violates subsection 1 is guilty of a **Category B offense**.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of a private or public school by a:

(a) Peace officer;

(b) School security guard; or

4. For the purposes of this section:

(a) "Firearm" includes:

(1) Any device used to mark the clothing of a person with paint or any other substance; and

(2) Any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(b) "Nunchaku" has the meaning ascribed to it in [SECTION 202.350](#).

(c) "Switchblade knife" has the meaning ascribed to it in [SECTION 202.350](#).

(d) "Trefoil" has the meaning ascribed to it in [SECTION 202.350](#).

(e) "Vehicle" has the meaning ascribed to "school bus" in [SECTION 484.148](#).

SECTION 202.270 Destruction of building by explosives; penalty; punishment of conspirators.

1. A person who destroys, or attempts to destroy, with dynamite, nitroglycerine, gunpowder or other high explosive, any dwelling house or other building, knowing or having reason to believe that a human being is therein at the time, is guilty of a **Category A offense**.

2. A person who conspires with others to commit the offense described in subsection 1 is guilty of a **Category A offense**.

SECTION 202.273 Unlawful manufacture or sale of certain metal-penetrating bullets: Exceptions; penalty.

1. Except as provided in subsection 2, it is unlawful to manufacture or sell any metal-penetrating bullet capable of being fired from a handgun.

2. A person may manufacture and sell metal-penetrating bullets pursuant to an agreement with a law enforcement agency for the sale of such bullets to that agency.

3. A person who violates the provisions of this section is guilty of a **Category B offense**.

4. As used in this section, "metal-penetrating bullet" means a bullet whose core:

(a) Reduces the normal expansion of the bullet upon impact; and

(b) Is at least as hard as the maximum hardness attainable using solid red metal alloys,

↳ and which can be used in a handgun. The term does not include any bullet with a copper or brass jacket and a core of lead or a lead alloy, or a bullet made of lead or lead alloys.

SECTION 202.275 Possession, manufacture or disposition of short-barreled rifle or short-barreled shotgun; Penalty; exceptions.

1. Except as otherwise provided in subsection 3, a person who knowingly or willfully possesses, manufactures or disposes of any short-barreled rifle or short-barreled shotgun is guilty of a **Category A offense**.

2. For purposes of this section:

(a) "Short-barreled rifle" means:

(1) A rifle having one or more barrels less than 16 inches in length; or

(2) Any weapon made from a rifle, whether by alteration, modification or other means, with an overall length of less than 26 inches.

(b) "Short-barreled shotgun" means:

(1) A shotgun having one or more barrels less than 18 inches in length; or

(2) Any weapon made from a shotgun, whether by alteration, modification or other means, with an overall length of less than 26 inches.

3. This section does not prohibit:

(a) The possession or use of any short-barreled rifle or short-barreled shotgun by any peace officer when authorized to do so in the performance of official duties;

(b) The possession of any short-barreled rifle or short-barreled shotgun by a person who is licensed as a firearms importer, manufacturer, collector or dealer by the United States Department of the Treasury, or by a person to whom such a rifle or shotgun is registered with the United States Department of the Treasury; or

(c) The possession of any short-barreled rifle or short-barreled shotgun that has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.

SECTION 202.277 Changing, altering, removing or obliterating serial number of firearm prohibited; possession of firearm with serial number changed, altered, removed or obliterated prohibited; penalties.

1. A person shall not intentionally change, alter, remove or obliterate the serial number upon any firearm. Any person who violates the provisions of this subsection is guilty of a **Category A offense**.

2. A person shall not knowingly possess a firearm on which the serial number has been intentionally changed, altered, removed or obliterated. Any person who violates the provisions of this subsection is guilty of a **Category A offense**.

SECTION 202.280 Discharging firearm in or upon public streets or in places of public resort; throwing deadly missiles; duties of civil, military and peace officers; penalties.

1. Unless a greater penalty is provided in [SECTION 202.287](#), a person, whether under the influence of liquor, a controlled substance or otherwise, who maliciously, wantonly or negligently discharges or causes to be discharged any pistol, gun or any other kind of firearm, in or upon any public street or thoroughfare, or in any theater, hall, store, hotel, saloon or any other place of public resort, or throws any deadly missile in a public place or in any place where any person might be endangered thereby, although no injury results, is guilty of a **Category C Offense**.

2. All civil, military and peace officers shall be vigilant in carrying the provisions of subsection 1 into full force and effect. Any peace officer who neglects his duty in the arrest of any such offender is guilty of a **Category B offense**.

SECTION 202.285 Discharging firearm at or into structure, vehicle, aircraft or watercraft; penalties.

1. A person who willfully and maliciously discharges a firearm at or into any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, railroad locomotive, car or tender:

(a) If it has been abandoned, is guilty of a **Category C offense**.

(b) If it is occupied, is guilty of a **Category A offense**.

SECTION 202.287 Discharging firearm within or from structure or vehicle; penalties.

1. A person who is in, on or under a structure or vehicle and who maliciously or wantonly discharges or maliciously or wantonly causes to be discharged a firearm within or from the structure or vehicle:

(a) If the structure or vehicle is not within an area considered a populated area for the purpose of prohibiting the discharge of weapons, is guilty of a **Category C offense**.

(b) If the structure or vehicle is within an area considered a populated area for the purpose of prohibiting the discharge of weapons, is guilty of a **Category A offense**.

2. The provisions of this section do not apply to:

(a) A person who lawfully shoots at a game mammal or game bird.

(b) A peace officer while engaged in the performance of his official duties.

(c) A person who discharges a firearm in a lawful manner and in the course of a lawful business, event or activity.

3. As used in this section:

(a) "Structure" means any temporary or permanent structure, including, but not limited to, any tent, house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building.

(b) "Vehicle" means any motor vehicle or trailer designed for use with a motor vehicle, whether or not it is self-propelled, operated on rails or propelled by electric power obtained from overhead wires.

SECTION 202.290 Aiming firearm at human being; discharging weapon where person might be endangered; penalty. Unless a greater penalty is provided in [SECTION 202.287](#), a person who willfully:

1. Aims any gun, pistol, revolver or other firearm, whether loaded or not, at or toward any human being; or

2. Discharges any firearm, air gun or other weapon, or throws any deadly missile in a public place or in any place where any person might be endangered thereby, although an injury does not result,

↪ is guilty of a **Category B offense**.

SECTION 202.300 Use or possession of firearm by child under age of 18 years; unlawful to aid or permit child to commit violation; penalties; child 14 years of age or older authorized to possess firearm under certain circumstances.

1. Except as otherwise provided in this section, a child under the age of 18 years shall not handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or an adult person authorized by his parent or guardian to have control or custody of the child, any firearm of any kind for hunting or target practice or for other purposes. A child who violates this subsection commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a **Category A offense** if committed by an adult.

2. A person who aids or knowingly permits a child to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a **Category C offense**.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a **Category A offense**.

(c) For a second or any subsequent offense, is guilty of a **Category A offense**.

3. A person does not aid or knowingly permit a child to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his official duties.

4. The provisions of subsection 1 do not apply to a child who is a member of the Armed Forces of the United States.

5. Except as otherwise provided in subsection 8, a child who is 14 years of age or older, who has in his possession a valid license to hunt, may handle or have in his possession or under his control, without being accompanied by his parent or guardian or an adult person authorized by his parent or guardian to have control or custody of him:

(a) A rifle or shotgun that is not a fully automatic firearm, if the child is not otherwise prohibited by law from possessing the rifle or shotgun and the child has the permission of his parent or guardian to handle or have in his possession or under his control the rifle or shotgun; or

(b) A firearm capable of being concealed upon the person, if the child has the written permission of his parent or guardian to handle or have in his possession or under his control such a firearm and the child is not otherwise prohibited.

➤ and the child is traveling to the area in which he will be hunting or returning from that area and the firearm is not loaded, or the child is hunting pursuant to that license.

6. Except as otherwise provided in subsection 8, a child who is 14 years of age or older may handle or have in his possession or under his control a rifle or shotgun that is not a fully automatic firearm if the child is not otherwise prohibited by law from possessing the rifle or shotgun, without being accompanied by his parent or guardian or an adult person authorized by his parent or guardian to have control or custody of him, if the child has the permission of his parent or guardian to handle or have in his possession or under his control the rifle or shotgun and the child is:

(a) Attending a course of instruction in the responsibilities of hunters or a course of instruction in the safe use of firearms;

(b) Practicing the use of a firearm at an established firing range or at any other area where the discharge of a firearm is permitted;

(c) Participating in a lawfully organized competition or performance involving the use of a firearm;

(d) Within an area in which the discharge of firearms has not been prohibited by local ordinance or regulation and he is engaging in a lawful hunting activity in accordance with chapter [502](#) of NRS for which a license is not required;

(e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d), and the firearm is not loaded;

(f) On real property that is under the control of an adult, and the child has the permission of that adult to possess the firearm on the real property; or

(g) At his residence.

7. Except as otherwise provided in subsection 8, a child who is 14 years of age or older may handle or have in his possession or under his control, for the purpose of engaging in any of the activities listed in paragraphs (a) to (g), inclusive, of subsection 6, a firearm capable of being concealed upon the person, without being accompanied by his parent or guardian or an adult person authorized by his parent or guardian to have control or custody of him, if the child:

(a) Has the written permission of his parent or guardian to handle or have in his possession or under his control such a firearm for the purpose of engaging in such an activity; and

(b) Is not otherwise prohibited by law from possessing such a firearm.

8. A child shall not handle or have in his possession or under his control a loaded firearm if he is:

(a) An occupant of a motor vehicle;

(b) Within any residence, including his residence, or any building other than a facility licensed for target practice, unless possession of the firearm is necessary for the immediate defense of the child or another person; or

(c) Within an area designated by a tribal reservation ordinance as a populated area for the purpose of prohibiting the discharge of weapons, unless he is within a facility licensed for target practice.

9. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

SECTION 202.310 Sale of firearms to minors; penalty. Any person on this reservation who sells or barter to a child who is under the age of 18 years, with reckless disregard of whether the child is under the age of 18 years, or with knowledge or reason to know that the child is under the age of 18 years, a pistol, revolver or a firearm capable of being concealed upon the person is guilty of a **Category A offense**.

SECTION 202.320 Drawing deadly weapon in threatening manner.

1. Unless a greater penalty is provided in [SECTION 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 **Category C Offense**.

2. A sheriff, deputy sheriff, marshal, constable or other peace officer shall not be held to answer, under the provisions of subsection 1, for drawing or exhibiting any of the weapons mentioned therein while in the lawful discharge of his duties.

SECTION 202.340 Confiscation and disposition of dangerous weapons by law enforcement agencies.

1. Except as otherwise provided for firearms forfeitable pursuant to [SECTION 453.301](#), when any instrument or weapon described in [SECTION 202.350](#) is taken from the possession of any person charged with the commission of any public offense or crime or any child charged with committing a delinquent act, the instrument or weapon must be surrendered to:

(a) The tribal police department.

2. Except as otherwise provided in subsection 5, the governing body of the county or city or the metropolitan police committee on fiscal affairs shall at least once a year order the local law enforcement officer to whom any instrument or weapon is surrendered pursuant to subsection 1 to:

3. All proceeds of a sale ordered pursuant to subsection 2 by:

4. Except as otherwise provided in subsection 6, the officer to whom a confiscated instrument or weapon is surrendered pursuant to subsection 1 shall:

(1) Upon demand, to the person from whom the instrument or weapon was confiscated if the person is acquitted of the public offense or crime of which he was charged; or

(2) To the legal owner of the instrument or weapon if the Prosecuting Attorney determines that the instrument or weapon was unlawfully acquired from the legal owner. If retention of the instrument or weapon is ordered or directed pursuant to paragraph (c), except as otherwise provided in paragraph (a), the instrument or weapon must be returned to the legal owner as soon as practicable after the order or direction is rescinded.

(3) Retain the confiscated instrument or weapon held by him pursuant to an order of a judge of a court of record or by direction of the Prosecuting Attorney that the retention is necessary for purposes of evidence, until the order or direction is rescinded.

(4) Return any instrument or weapon which was stolen to its rightful owner, unless the return is otherwise prohibited by law.

SECTION 202.350 Manufacture, importation, possession or use of dangerous weapon or silencer; carrying concealed weapon without permit; penalties; issuance of permit to carry concealed weapon; exceptions.

1. Except as otherwise provided in this section and [SECTION 202.355](#) and [202.3653](#) to [202.369](#), inclusive, a person within the Reservation shall not:

(a) Manufacture or cause to be manufactured, or import into the state, or keep, offer or expose for sale, or give, lend or possess any knife which is made an integral part of a belt buckle or any instrument or weapon of the kind commonly known as a switchblade knife, blackjack, slungshot, billy, sand-club, sandbag or metal knuckles;

(b) Manufacture or cause to be manufactured, or import into the reservation, or keep, offer or expose for sale, or give, lend, possess or use a machine gun or a silencer, unless authorized by federal law;

(c) With the intent to inflict harm upon the person of another, possess or use a nunchaku or trefoil; or

(d) Carry concealed upon his person any:

(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.

2. Except as otherwise provided in [SECTION 202.275](#) and [212.185](#), a person who violates any of the provisions of:

(a) Paragraph (a) or (c) or subparagraph (2) or (4) of paragraph (d) of subsection 1 is guilty:

(1) For the first offense, of a **Category B Offense**.

(2) For any subsequent offense, of a **Category A offense**.

(b) Paragraph (b) or subparagraph (1) or (3) of paragraph (d) of subsection 1 is guilty of a **Category A offense**.

3. Except as otherwise provided in this subsection, the tribe will honor a permit authorizing to permit a person to carry a pistol, revolver, or other firearm.

4. Except as otherwise provided in subsection 5, this section does not apply to:

(a) Sheriffs, constables, marshals, peace officers, correctional officers employed by the Department of Corrections, special police officers, police officers of this State, whether active or honorably retired, or other appointed officers.

(b) Any person summoned by any peace officer to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such an officer.

(c) Any full-time paid peace officer of an agency of the Tribe, state or political subdivision within the boundaries of the reservation.

(d) Members of the Armed Forces of the United States when on duty.

5. The exemptions provided in subsection 4 do not include a former peace officer who is retired for disability unless his former employer has approved his fitness to carry a concealed weapon.

6. The provisions of paragraph (b) of subsection 1 do not apply to any person who is licensed, authorized or permitted to possess or use a machine gun or silencer pursuant to federal law. The burden of establishing federal licensure, authorization or permission is upon the person possessing the license, authorization or permission.

7. This section shall not be construed to prohibit a qualified law enforcement officer or a qualified retired law enforcement officer from carrying a concealed weapon on the reservation if he is authorized to do so pursuant to 18 U.S.C. § 926B or 926C.

8. As used in this section:

(a) "Concealed weapon" means a weapon described in this section that is carried upon a person in such a manner as not to be discernible by ordinary observation.

(b) "Honorably retired" means retired in state after completion of 10 years of creditable service as a member of the Public Employees' Retirement System. A former peace officer is not "honorably retired" if he was discharged for cause or resigned before the final disposition of allegations of serious misconduct.

(c) "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

(d) "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 in forms of Oriental combat.

(e) "Qualified law enforcement officer" has the meaning ascribed to it in 18 U.S.C. § 926B(c).

(f) "Qualified retired law enforcement officer" has the meaning ascribed to it in 18 U.S.C. § 926C(c).

(g) "Silencer" means any device for silencing, muffling or diminishing the report of a firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a silencer or muffler, and any part intended only for use in such assembly or fabrication.

(h) "Switchblade knife" means a spring-blade knife, snap-blade knife or any other knife having the appearance of a pocket knife, any blade of which is 2 or more inches long and which can be released automatically by a flick of a button, pressure on the handle or other mechanical device, or is released by any type of mechanism. The term does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release.

(i) "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.

SECTION 202.357 Electronic stun device: Use prohibited except for self-defense; possession by certain persons prohibited; sale, gift or other provision to certain persons prohibited; penalties.

1. Except as otherwise provided in this section, a person shall not use an electronic stun device on another person for any purpose other than self-defense.

2. Except as otherwise provided in this section, a person shall not have in his possession or under his custody or control any electronic stun device if he:

(a) Has been convicted of a felony in this state, tribe, or any other state, or in any political subdivision thereof, or of a **Category A offense** in violation of the laws of the United States of America, unless he has received a pardon and the pardon does not restrict his right to bear arms;

- (b) Is a fugitive from justice;
- (c) Has been adjudicated as mentally ill or has been committed to any mental health facility; or
- (d) Is illegally or unlawfully in the United States.

3. A child under 18 years of age shall not have in his possession or under his custody or control any electronic stun device.

4. Except as otherwise provided in this section, a person within this state shall not sell, give or otherwise provide an electronic stun device to another person if he has actual knowledge that the other person:

- (a) Is a child under 18 years of age;
- (b) Has been convicted of a felony or equivalent in this state or any other state, or in any political subdivision thereof, or of a **Category A offense** in violation of the laws of the United States of America, unless he has received a pardon and the pardon does not restrict his right to bear arms;
- (c) Is a fugitive from justice;
- (d) Has been adjudicated as mentally ill or has been committed to any mental health facility; or
- (e) Is illegally or unlawfully in the United States.

5. A person who violates the provisions of:

- (a) Subsection 1 or paragraph (a) or (b) of subsection 2 is guilty of a **Category A offense**.
- (b) Paragraph (c) or of subsection 2 is guilty of a **Category A offense**.

6. A child who violates subsection 3 commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a **Category A offense** if committed by an adult.

7. A person who violates the provisions of subsection 4 is guilty of a **Category A offense**.

8. The provisions of subsections 1, 2 and 4 do not apply to a peace officer who possesses or uses or sells, gives or otherwise provides to another person an electronic stun device within the scope of his duties.

9. As used in this section, "electronic stun device" means a device that:

(a) Emits an electrical charge or current that is transmitted by projectile, physical contact or other means; and

(b) Is designed to disable a person or animal temporarily or permanently.

SECTION 202.360 Ownership or possession of firearm by certain persons prohibited; penalties.

1. A person shall not own or have in his possession or under his custody or control any firearm if he:

(a) Has been convicted of a felony or equivalent in the United States of America, Tribe, State, or any other Reservation;

(b) Is a fugitive from justice; or

(c) Is an unlawful user of, or addicted to, any controlled substance.

↪ A person who violates the provisions of this subsection is guilty of a **Category A offense**.

2. A person shall not own or have in his possession or under his custody or control any firearm if he:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(b) Is illegally or unlawfully in the United States.

↪ A person who violates the provisions of this subsection is guilty of a **Category A offense**.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

SECTION 202.362 Sale or disposal of firearm or ammunition to certain persons prohibited; penalty; exceptions.

1. Except as otherwise provided in subsection 3, a person within this Reservation shall not sell or otherwise dispose of any firearm or ammunition to another person if he has actual knowledge that the other person:

(a) Is under indictment for, or has been convicted of, a felony or equivalent within this State or Indian Reservation.

(b) Is a fugitive from justice;

(c) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(d) Is illegally or unlawfully in the United States.

2. A person who violates the provisions of subsection 1 is guilty of a **Category A offense**.

3. This section does not apply to a person who sells or disposes of any firearm or ammunition to:

- (a) A licensed importer, licensed manufacturer, licensed dealer or licensed collector who, pursuant to 18 U.S.C. § 925(b), is not precluded from dealing in firearms or ammunition; or
- (b) A person who has been granted relief from the disabilities imposed by federal laws pursuant to 18 U.S.C. § 925(c).

Concealed Firearms

SECTION 202.3653 Definitions. As used in [SECTION 202.3653](#) to [202.369](#), inclusive, unless the context otherwise requires:

- 1. “Concealed firearm” means a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation.
- 2. “Department” means the Department of Public Safety.
- 3. “Permit” means a permit to carry a concealed firearm issued pursuant to the provisions of [SECTION 202.3653](#) to [202.369](#), inclusive.

SECTION 202.3673 Permittee authorized to carry concealed firearm while on premises of public building; exceptions; penalty.

- 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while he is on the premises of any public building.
- 2. A permittee shall not carry a concealed firearm while he is on the premises of:
 - (a) A public building that is located on the property of a school within the boundaries of the reservation.
 - (b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he is on the premises of the public building pursuant to subsection 4.
- 3. The provisions of paragraph (b) of subsection 3 do not prohibit:
 - (a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.
 - (b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he is on the premises of a public building.
 - (c) A permittee who is employed in the public building from carrying a concealed firearm while he is on the premises of the public building.
 - (d) A permittee from carrying a concealed firearm while he is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.
- 4. A person who violates subsection 2 or 3 is guilty of a **Category C offense**.
- 5. As used in this section, “public building” means any building or office space occupied by:
 - (a) Any component of the Ely Shoshone Education Department and used for any purpose related to the System; or

TEAR GAS BOMBS AND WEAPONS

SECTION 202.370 Definitions. As used in [SECTION 202.370](#) to [202.440](#), inclusive:

- 1. “Shell,” “cartridge” or “bomb” includes all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosions will cause or permit the release or emission of tear gas.
- 2. “Tear gas” includes all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air. The term does not include a liquid, gaseous or solid substance whose active ingredient is composed of natural substances or products derived from natural substances which cause no permanent injury through being vaporized or otherwise dispersed in the air.
- 3. “Weapon designed for the use of such shell, cartridge or bomb” includes all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

SECTION 202.375 Applicability of [SECTION 202.370](#) to [202.440](#), inclusive, to small weapons containing “CS” tear gas and to certain law enforcement, correctional and military personnel.

1. The provisions of [SECTION 202.370](#) to [202.440](#), inclusive, do not apply to the sale or purchase by any adult, or the possession or use by any person, including a minor but not including a convicted person as defined in NRS 179C.010, of any form of:

(a) Cartridge which contains not more than 2 fluid ounces in volume of “CS” tear gas that may be propelled by air or another gas, but not an explosive, in the form of an aerosol spray; or

(b) Weapon designed for the use of such a cartridge which does not exceed that size, and which is designed and intended for use as an instrument of self-defense.

2. The provisions of [SECTION 202.370](#) to [202.440](#), inclusive, do not prohibit police departments or regular salaried peace officers thereof, sheriffs and their regular salaried deputies, the Director, deputy director and superintendents of, and guards employed by, the Department of Corrections, personnel of the State Highway Patrol or the military or naval forces of this State or of the United States from purchasing, possessing or transporting any shells, cartridges, bombs or weapons for official use in the discharge of their duties.

3. As used in this section, “CS” tear gas means a crystalline powder containing ortho-chlorobenzalmalononitrile.

SECTION 202.380 Sale or possession of tear gas bombs or weapons which are not permitted under [SECTION 202.370](#) to [202.440](#), inclusive; penalties.

1. A person, other than a convicted person, who within this Indian Reservation knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of [SECTION 202.370](#) to [202.440](#), inclusive, is guilty of a **Category B offense**.

2. A convicted person who owns or has in his possession or under his custody or control any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such a shell, cartridge or bomb, is guilty of a **Category A offense**.

3. As used in this section, the term “convicted person” has the meaning ascribed to it in NRS 179C.010.

SECTION 202.390 Weapon to bear name of manufacturer and serial number; penalty for removal.

1. Each tear gas weapon sold, transported or possessed under the authority of [SECTION 202.370](#) to [202.440](#), inclusive, shall bear the name of the manufacturer and a serial number applied by him.

2. No person shall change, alter, remove or obliterate the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon. Possession of any such weapon upon which the same shall have been changed, altered, removed or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same.

3. Any person who violates any of the provisions of this section is guilty of a Category B Offense.

SECTION 202.441 Definitions. As used in [SECTION 202.441](#) to [202.448](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 202.4415](#) to [202.4445](#), inclusive, have the meanings ascribed to them in those sections.

SECTION 202.4415 “Act of terrorism” defined.

1. “Act of terrorism” means any act that involves the use or attempted use of sabotage, coercion or violence which is intended to:

(a) Cause great bodily harm or death to the general population; or

(b) Cause substantial destruction, contamination or impairment of:

(1) Any building or infrastructure, communications, transportation, utilities or services; or

(2) Any natural resource or the environment.

2. As used in this section, “coercion” does not include an act of civil disobedience.

SECTION 202.442 “Biological agent” defined. “Biological agent” means any microorganism, virus, infectious substance or other biological substance, material or product, or any component or compound thereof, which is naturally occurring, cultivated, engineered, processed, extracted or manufactured and which is capable of causing:

1. Death or substantial bodily harm;

2. Substantial deterioration or contamination of food, water, equipment, supplies or material of any kind; or
3. Substantial damage to natural resources or the environment.

SECTION 202.4425 “Chemical agent” defined. “Chemical agent” means any chemical substance, material or product, or any component or compound thereof, which is naturally occurring, cultivated, engineered, processed, extracted or manufactured and which is capable of causing:

1. Death or substantial bodily harm;
2. Substantial deterioration or contamination of food, water, equipment, supplies or material of any kind; or
3. Substantial damage to natural resources or the environment.

SECTION 202.443 “Delivery system” defined. “Delivery system” means any apparatus, equipment, implement, device or means of delivery which is specifically designed to send, disperse, release, discharge or disseminate any weapon of mass destruction, any biological agent, chemical agent, radioactive agent or other lethal agent or any toxin.

SECTION 202.4431 “For use as a weapon” defined.

1. “For use as a weapon” means having the capability to be used in a harmful or threatening manner.
2. The term does not include any act that is done lawfully for a prophylactic, protective or peaceful purpose.

SECTION 202.4433 “Material support” defined. “Material support” means any financial, logistical, informational or other support or assistance intended to further an act of terrorism.

SECTION 202.4435 “Oral, written or electronic communication” defined. “Oral, written or electronic communication” includes, without limitation, any of the following:

1. A letter, note or any other type of written correspondence.
2. An item of mail or a package delivered by any person or postal or delivery service.
3. A telegraph or wire service, or any other similar means of communication.
4. A telephone, cellular phone, satellite phone, pager or facsimile machine, or any other similar means of communication.
5. A radio, television, cable, closed circuit, wire, wireless, satellite or other audio or video broadcast or transmission, or any other similar means of communication.
6. An audio or video recording or reproduction, or any other similar means of communication.
7. An item of electronic mail, a computer, computer network or computer system, or any other similar means of communication.

SECTION 202.4437 “Radioactive agent” defined. “Radioactive agent” means any radioactive substance, material or product, or any component or compound thereof, which is naturally occurring, cultivated, engineered, processed, extracted or manufactured and which is capable of causing:

1. Death or substantial bodily harm;
2. Substantial deterioration or contamination of food, water, equipment, supplies or material of any kind; or
3. Substantial damage to natural resources or the environment.

SECTION 202.4439 “Terrorist” defined. “Terrorist” means a person who intentionally commits, causes, aids, furthers or conceals an act of terrorism or attempts to commit, cause, aid, further or conceal an act of terrorism.

SECTION 202.444 “Toxin” defined. “Toxin” means any toxic substance, material or product, or any component or compound thereof, which is naturally occurring, cultivated, engineered, processed, extracted or manufactured and which is capable of causing:

1. Death or substantial bodily harm;
2. Substantial deterioration or contamination of food, water, equipment, supplies or material of any kind; or

3. Substantial damage to natural resources or the environment.

SECTION 202.445 “Weapon of mass destruction” defined. “Weapon of mass destruction” means any weapon or device that is designed or intended to create a great risk of death or substantial bodily harm to a large number of persons.

SECTION 202.445 Acts of terrorism or attempted acts of terrorism prohibited; penalties.

1. A person shall not knowingly or intentionally commit or cause an act of terrorism or attempt to commit or cause an act of terrorism.

2. A person shall not knowingly or intentionally:

(a) Aid, further or conceal or attempt to aid, further or conceal an act of terrorism;

(b) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal an act of terrorism; or

(c) Provide material support with the intent that such material support be used, in whole or in part, to:

(1) Commit, cause, aid, further or conceal an act of terrorism; or

(2) Aid a terrorist or conceal a terrorist from detection or capture is guilty of a **Category A**

offense.

3. A person who violates subsection 1 is guilty of a **Category A offense** and:

4. A person who violates subsection 2 is guilty of a **Category A offense** and:

(a) Shall be punished by imprisonment.

5. In addition to any other penalty, the court shall order a person who violates the provisions of this section to pay restitution:

(a) To each victim for any injuries that are a result of the violation; and

(b) To the Ely Shoshone Tribe or a local government for any costs that arise from the violation.

SECTION 202.446 Certain acts related to weapons of mass destruction, lethal agents, toxins and delivery systems prohibited; penalties.

1. A person shall not knowingly:

(a) Develop, manufacture, produce, assemble, stockpile, transfer, transport, acquire, retain, store, test or possess any weapon of mass destruction, any biological agent, chemical agent, radioactive agent or other lethal agent, any toxin or any delivery system for use as a weapon; or

(b) Send, deliver, disperse, release, discharge, disseminate or use any weapon of mass destruction, any biological agent, chemical agent, radioactive agent or other lethal agent, any toxin or any delivery system:

(1) With the intent to cause harm, whether or not such harm actually occurs; or

(2) Under circumstances reasonably likely to cause harm, whether or not such harm actually occurs.

2. A person shall not knowingly:

(a) Attempt to do any act described in subsection 1; or

(b) Assist, solicit or conspire with another person to do any act described in subsection 1.

3. The provisions of this section do not apply to any act that is committed in a lawful manner and in the course of a lawful business, event or activity.

SECTION 202.448 Making threats or conveying false information concerning acts of terrorism, weapons of mass destruction, lethal agents or toxins prohibited; penalty.

1. A person shall not, through the use of any means of oral, written or electronic communication, knowingly make any threat or convey any false information concerning an act of terrorism or the presence, development, manufacture, production, assemblage, transfer, transportation, acquisition, retention, storage, testing, possession, delivery, dispersion, release, discharge or use of any weapon of mass destruction, any biological agent, chemical agent, radioactive agent or other lethal agent or any toxin with the intent to:

(a) Injure, intimidate or alarm any person, whether or not any person is actually injured, intimidated or alarmed thereby;

(b) Cause panic or civil unrest, whether or not such panic or civil unrest actually occurs;

(c) Extort or profit thereby, 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 Tribe, federal, State or local government, whether or not such interference or damage actually occurs.

2. A person who violates any provision of subsection 1 is guilty of a **Category A offense**.
3. The provisions of this section do not apply to any act that is committed in a lawful manner and in the course of a lawful business, event or activity.

PUBLIC NUISANCES

SECTION 202.450 Definition.

1. A public nuisance is a crime against the order and economy of the State.
2. Every place:
 - (a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;
 - (b) Wherein any fighting between animals or birds is conducted;
 - (c) Wherein any dog races are conducted as a gaming activity;
 - (d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;
 - (e) Wherein a controlled substance, immediate precursor as defined in [SECTION 453.086](#) or controlled substance analog as defined in [SECTION 453.043](#) is unlawfully sold, served, stored, kept, manufactured, used or given away; or
 - (f) Where vagrants resort,
↳ is a public nuisance.
3. Every act unlawfully done and every omission to perform a duty, which act or omission:
 - (a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;
 - (b) Offends public decency;
 - (c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or
 - (d) In any way renders a considerable number of persons insecure in life or the use of property,
↳ is a public nuisance.
4. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, State or local law, and constitutes good agricultural practice.
5. A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable Tribal laws and ordinances concerning noise:

SECTION 202.460 Unequal damage. An act which affects a considerable number of persons in any of the ways specified in [SECTION 202.450](#) is not less a public nuisance because the extent of the damage is unequal.

SECTION 202.470 Maintaining or permitting nuisance: Penalty. Every person who:

1. Shall commit or maintain a public nuisance, for which no special punishment is prescribed; or
2. Shall willfully omit or refuse to perform any legal duty relating to the removal of such nuisance; or
3. Shall let, or permit to be used, any building or boat, or portion thereof, knowing that it is intended to be, or is being used, for committing or maintaining any such nuisance,
↳ shall be guilty of a **Category C offense**.

SECTION 202.480 Abatement of nuisance. Tribal Court or magistrate before whom there may be pending any proceeding for a violation of [SECTION 202.470](#) shall, in addition to any fine or other

punishment which it may impose for such violation, order such nuisance abated, and all property unlawfully used in the maintenance thereof destroyed by the tribal police at the cost of the defendant.

MISCELLANEOUS CRIMES CONCERNING PUBLIC SAFETY

SECTION 202.500 Dangerous or vicious dogs: Unlawful acts; penalties.

1. As used in this section, a dog is:
 - (a) "Dangerous" if:
 - (1) It is so declared pursuant to subsection 2; or
 - (2) Without provocation, on two separate occasions within 18 months, it behaves menacingly, to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog is:
 - (I) Off the premises of its owner or keeper; or
 - (II) Not confined in a cage, pen or vehicle.
 - (b) "Provoked" when it is tormented or subjected to pain.
 - (c) "Vicious" if:
 - (1) Without being provoked, it kills or inflicts substantial bodily harm upon a human being; or
 - (2) After its owner or keeper has been notified by a law enforcement agency that it is dangerous, it continues the behavior described in paragraph (a).
2. A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper.
3. A dog may not be found dangerous or vicious because of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.
4. A person who knowingly:
 - (a) Owns or keeps a vicious dog, for more than 7 days after he has actual notice that the dog is vicious; or
 - (b) Transfers ownership of a vicious dog after he has actual notice that the dog is vicious,is guilty of a Category C Offense.
5. If substantial bodily harm results from an attack by a dog known to be vicious, its owner or keeper is guilty of a **Category A offense**. In lieu of, or in addition to, a penalty provided in this subsection, the judge may order the vicious dog to be humanely destroyed.
6. This section does not apply to a dog used by a law enforcement officer in the performance of his duty.

SECTION 202.510 Doors of public buildings to swing outward.

1. The doors of all theaters, opera houses, school buildings, churches, public halls, or places used for public entertainments, exhibitions or meetings, which are used exclusively or in part for admission to or egress from the same, or any part thereof, shall be so hung and arranged as to open outwardly, and during any exhibition, entertainment or meeting shall be kept unlocked and unfastened, and in such condition that in case of danger or necessity, immediate escape from such building shall not be prevented or delayed.
2. Every agent or lessee of any such building who shall rent the same or allow it to be used for any of the public purposes mentioned in subsection 1 without having the doors thereof hung and arranged as provided in this section shall, for each violation of any provision of this section, be guilty of a **Category C Offense**.

SECTION 202.530 Reckless riding or driving of horse on public street or highway; exceptions.

1. Except as otherwise provided in subsection 2, a person is guilty of a **Category C offense**.
 - (a) Rides or drives a horse upon a public street or highway in a manner likely to endanger the safety or life of another person on the public street or highway.
 - (b) While riding or driving a horse upon a public street or highway, creates or participates in any noise, disturbance or other demonstration calculated or intended to frighten, intimidate or disturb any person.
2. The provisions of this section do not apply to a peace officer who rides or drives a horse while performing his duties as a peace officer if he:
 - (a) Is responding to an emergency call or is in pursuit of a suspected violator of the law; or

(b) Determines that noncompliance with any such provision is necessary to carry out his duties.

SECTION 202.540 Dangerous exhibitions. Every proprietor, lessee or occupant of any place of amusement, plat of ground or building, who shall allow it to be used for an exhibition of skill in throwing any sharp instrument or in shooting any bow gun, pistol or firearm of any description, at or toward any human being, shall be guilty of a **Category C offense**.

SECTION 202.550 Placing of lethal bait on public domain.

1. It is unlawful for any person to place any lethal bait on the public domain:
 - (a) Within 3 miles of any place of habitation, whether occupied or vacant; or
 - (b) At any other place unless it is marked by a steel or wooden post extending not less than 4 feet above the ground, having the uppermost 8 inches painted red and bearing a suitable sign advising of the presence of lethal bait. The post must be installed in the immediate vicinity of the bait, and the post and sign must be maintained at all times during which the lethal bait is exposed; or
2. Any person violating any provision of subsection 1 is guilty of a **Category C offense**.
3. Every person other than the person who placed the bait, post or sign, who willfully removes any lethal bait, or post or sign advising of the presence of any lethal bait, is guilty of a **Category C offense**.

SECTION 202.560 Removal of doors from discarded refrigerators, iceboxes and deep-freeze lockers.

1. Any person who discards or abandons in any place accessible to children, or who has in his possession, any refrigerator, icebox or deep-freeze locker, having a capacity of 1 1/2 cubic feet or more which is no longer in use and which has not had the door removed, shall be punished by a fine of not more than \$500.
2. Any owner, lessee or manager who knowingly permits such abandoned or discarded refrigerator, icebox or deep-freeze locker to remain on premises under his control without having the door removed shall be punished by a fine of not more than \$500.
3. Guilt of a violation of this section shall not in itself render one guilty of manslaughter, battery or other crime against a person who may suffer death or injury from entrapment in such refrigerator, icebox, or deep-freeze locker.
4. The provisions of this section shall not apply to any vendor or seller of refrigerators, iceboxes or deep-freeze lockers who keeps or stores them for sale purposes, if the vendor or seller takes reasonable precautions to secure effectively the door of any such refrigerator, icebox or deep-freeze locker so as to prevent entrance by children small enough to fit therein.

SECTION 202.575 Leaving child unattended in motor vehicle; penalty; exception.

1. A parent, legal guardian or other person responsible for a child who is 7 years of age or younger shall not knowingly and intentionally leave that child in a motor vehicle if:
 - (a) The conditions present a significant risk to the health and safety of the child; or
 - (b) The engine of the motor vehicle is running or the keys to the vehicle are in the ignition,

↳ unless the child is being supervised by and within the sight of a person who is at least 12 years of age.
2. A person who violates the provisions of subsection 1 is guilty of a **Category C offense**. The court may suspend the proceedings against a person who is charged with violating subsection 1 and dismiss the proceedings against the person if the person presents proof to the court, within the time specified by the court, that he has successfully completed an educational program satisfactory to the court. The educational program must include, without limitation, information concerning the dangers of leaving a child unattended or inadequately attended in a motor vehicle.
3. A law enforcement officer or other person rendering emergency services who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle.
4. No person may be prosecuted under this section if the conduct would give rise to prosecution under any other provision of law.
5. The provisions of this section do not apply to a person who unintentionally locks a motor vehicle with a child in the vehicle.
6. As used in this section, "motor vehicle" means every vehicle which is self-propelled but not operated upon rails.

SECTION 202.580 Removal, damage or destruction of signal or apparatus for police or fire alarm; impairing effectiveness of or installing inoperable system for fire protection.

1. Every person who willfully and maliciously removes, damages or destroys any rope, wire, bell, signal, instrument or apparatus for the communication of alarms of fire or police calls is guilty of an offense proportionate to the value of the property removed, damaged or destroyed, but in no event less than a **Category C Offense**.

2. Every contractor who willfully or maliciously installs or causes to be installed in any structure a fire protection system knowing it to be inoperable, or who impairs the effectiveness of a fire protection system in any structure to an extent that a person in the structure would be endangered in the event of a fire, shall be punished by the permanent revocation of every license issued to him by this State or any political subdivision authorizing him to install fire protection systems, and for a **Category B offense**.

3. The conviction of a person for a violation of the provisions of subsection 2 does not preclude the prosecution of that person for deceptive trade practices, fraud or similar crimes.

4. As used in this section:

(a) "Automatic fire extinguishing system" means a system approved by the State Fire Marshal that is installed in a structure and designed to extinguish a specific type of fire. This type of system includes dry chemical, carbon dioxide, halogenated agent, steam, high-expansion foam, foam extinguishing and liquid agent systems.

(b) "Automatic fire sprinkler system" means a system of underground or overhead pipes, or both, to which sprinklers are attached that is installed in a structure and designed to discharge water automatically when activated by heat from a fire and to sound an alarm when the system is in operation.

(c) "Contractor" means any person, including a subcontractor, employee or agent of the contractor, who, for another person and for compensation or with the intention or expectation of receiving compensation, undertakes to install or cause to be installed, by himself or by or through others, in any structure, a fire protection system.

(d) "Fire alarm system" means a system composed of a control unit and a combination of electrical devices that is designed to sound an alarm in the event of a fire and that may be activated manually, automatically or in both ways.

(e) "Fire protection system" includes an automatic fire sprinkler system, an automatic fire extinguishing system, a fire alarm system and a standpipe system.

(f) "Standpipe system" means a system of pipes, valves, connectors and related equipment that is attached to a water supply and designed so that water can be discharged through a hose attached to a connector for the purpose of extinguishing a fire.

(g) "Structure" includes a building, bridge, tunnel and power plant.

SECTION 202.595 Performance of act or neglect of duty in willful or wanton disregard of safety of persons or property; penalty. A person who performs any act or neglects any duty imposed by law in willful or wanton disregard of the safety of persons or property shall be punished:

1. If the act or neglect does not result in the substantial bodily harm or death of a person, for a **Category B Offense**.

2. If the act or neglect results in the substantial bodily harm or death of a person, for a **Category A offense**.

EXPLOSIVES; BOMB THREATS

SECTION 202.750 "Explosive" defined. As used in [SECTION 202.750](#) to [202.840](#), inclusive, the term "explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compounds, mechanical mixtures or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture or device or any part thereof may cause an explosion.

SECTION 202.760 Shipment or receipt of explosives by certain persons unlawful. It is unlawful for any person:

1. Who is under indictment for, or has been convicted in any court of, a crime relating to the practice of shipping or transporting explosives that is punishable by imprisonment for a term exceeding 1 year by any tribe, state or federal agency;
2. Who is a fugitive from justice;
3. Who is an unlawful user of or addicted to any depressant or stimulant drug or any controlled substance; or
4. Who has been judicially declared mentally ill or who has been committed to a hospital as mentally ill, to ship or transport any explosive within the reservation or to receive any explosive which has been shipped or transported within the reservation.

SECTION 202.770 Seizure and forfeiture of explosives. Any explosive involved or used or intended to be used in any violation of [SECTION 202.750](#) to [202.840](#), inclusive, or any other law or ordinance shall be subject to seizure or forfeiture of those materials.

SECTION 202.780 Transportation or receipt of explosives for unlawful purpose; penalties. A person who transports or receives, or attempts to transport or receive within the reservation, any explosive with the knowledge or intent that it will be used to kill, injure or intimidate a person or unlawfully to damage or destroy any building, vehicle or real property is guilty of a **Category A offense**.

SECTION 202.790 Authorized transportation or receipt of explosives for lawful purpose not prohibited. Nothing in [SECTION 202.760](#) to [202.790](#), inclusive, shall be construed to prevent any person from transporting or receiving any explosive pursuant to any authority granted by the Federal Government, or this State, or this reservation for any lawful purpose.

SECTION 202.810 Unlawful possession of explosives in tribal buildings; penalties. Any person who possesses an explosive in any building in whole or in part owned, possessed or used by or leased to the Ely Shoshone Reservation, or any department or agency thereof, except with the written consent of the agency, department or other person responsible for the management of such building, shall be imprisoned for no more than 1 year, or fined no more than \$1,000, or both. In no instance shall imprisonment be less than 6 months, or the fine less than \$500.

SECTION 202.820 Use or possession of explosives during commission of Category A offense; penalties.

1. A person who:
 - (a) Uses an explosive to commit any **Category A offense**; or
 - (b) Carries an explosive unlawfully during the commission of any **Category A offense**,→ is guilty of a separate CATEGORY A OFFENSE unless the use of an explosive is a necessary element of the other crime.

SECTION 202.830 Use of explosives to damage or destroy property prohibited; penalties. A person who maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle or real property in the reservation:

1. If no substantial bodily harm results, is guilty of a **Category A offense**.
2. If substantial bodily harm results, is guilty of a **Category A offense**.

SECTION 202.840 Bomb threats prohibited; penalties. A person who through the use of the mail, written note, telephone, telegraph, radio broadcast or other means of communication, willfully makes any threat, or maliciously conveys false information knowing it to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure or intimidate any person or unlawfully to damage or destroy any building, vehicle, aircraft or other real or personal property by means of any explosive, bomb, spring trap or mechanism known or commonly thought to be dangerous to human life, limb or safety is guilty of a **Category A offense**.

REPORTING OF CERTAIN OFFENSES AGAINST CHILDREN

SECTION 202.870 Definitions. As used in [SECTION 202.870](#) to [202.894](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 202.873](#) and [202.876](#) have the meanings ascribed to them in those sections.

SECTION 202.873 “Law enforcement agency” defined. “Law enforcement agency” means:

1. The Office of the US Attorney or the Tribal Prosecuting Attorney within this Tribe or Reservation and any attorney, investigator, special investigator or employee who is acting in his professional or occupational capacity for such an office; or
2. Any other law enforcement agency within this Reservation and any peace officer or employee who is acting in his professional or occupational capacity for such an agency.

SECTION 202.876 “Violent or sexual offense” defined. “Violent or sexual offense” means any act that, if prosecuted in this Reservation, would constitute any of the following offenses:

1. Murder or voluntary manslaughter.
2. Mayhem.
3. Kidnapping.
4. Sexual assault.
5. Robbery.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death.
7. Battery with intent to commit a crime.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a **Category A offense** or crime of violence.
9. False imprisonment, if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm.
12. An offense involving pornography and a minor.
13. Solicitation of a minor to engage in acts constituting the infamous crime against nature..
14. Intentional transmission of the human immunodeficiency virus.
15. Open or gross lewdness.
16. Lewdness with a child.
17. An offense involving pandering or prostitution.
18. Coercion, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
19. An attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive.

SECTION 202.879 “Reasonable cause to believe” and “as soon as reasonably practicable” defined; authorized manner of making report and communicating information. For the purposes of [SECTION 202.870](#) to [202.894](#), 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.

3. May make a report 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 information.

SECTION 202.882 Duty to report violent or sexual offense against child 12 years of age or younger; penalty for failure to report; contents of report.

1. Except as otherwise provided in [SECTION 202.885](#) and [202.888](#), a person who knows or has reasonable cause to believe that another person has committed a violent or sexual offense against a child who is 12 years of age or younger shall:

(a) Report the commission of the violent or sexual offense against the child 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 other person has committed the violent or sexual offense against the child.

2. A person who knowingly and willfully violates the provisions of subsection 1 is guilty of a **Category C offense**.

3. A report made pursuant to this section must include, without limitation:

(a) If known, the name of the child and the name of the person who committed the violent or sexual offense against the child;

(b) The location where the violent or sexual offense was committed; and

(c) The facts and circumstances which support the person's belief that the violent or sexual offense was committed.

SECTION 202.885 Limitation on prosecution or conviction for failure to report.

1. A person may not be prosecuted or convicted pursuant to [SECTION 202.882](#) unless a court in this Tribal Court or any other jurisdiction has entered a judgment of conviction against a culpable actor for:

(a) The violent or sexual offense against the child; or

(b) Any other offense arising out of the same facts as the violent or sexual offense against the child.

2. For any violation of [SECTION 202.882](#), an indictment must be found or an information or complaint must be filed within 1 year after the date on which:

(a) A court in this Tribal Court or any other jurisdiction has entered a judgment of conviction against a culpable actor as provided in subsection 1; or

(b) The violation is discovered,

↳ whichever occurs later.

3. For the purposes of this section:

(a) A court in "any other jurisdiction" includes, without limitation, another tribal court, State court or a court of the United States or the Armed Forces of the United States.

(b) "Convicted" and "conviction" mean a judgment based upon:

(1) A plea of guilty or nolo contendere;

(2) A finding of guilt by a jury or a court sitting without a jury;

(3) An adjudication of delinquency or finding of guilt by a court having jurisdiction over juveniles;

or

(4) Any other admission or finding of guilt in a criminal action or a proceeding in a court having jurisdiction over juveniles.

(c) A court "enters" a judgment of conviction against a person on the date on which guilt is admitted, adjudicated or found, whether or not:

(1) The court has imposed a sentence, a penalty or other sanction for the conviction; or

(2) The person has exercised any right to appeal the conviction.

(d) "Culpable actor" means a person who:

(1) Causes or perpetrates an unlawful act;

(2) Aids, abets, commands, counsels, encourages, hires, induces, procures or solicits another person to cause or perpetrate an unlawful act; or

(3) Is a principal in any degree, accessory before or after the fact, accomplice or conspirator to an unlawful act.

SECTION 202.888 Persons exempt from duty to report. The provisions of [SECTION 202.882](#) do not apply to a person who:

1. Is less than 16 years of age;
3. Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;
4. Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement agency would place the person in imminent danger of suffering substantial bodily harm;
5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of the NRS; or
6. Is acting in his professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to [SECTION 432B.220](#).

SECTION 202.891 Immunity from civil or criminal liability; presumption that report was made in good faith.

1. If a person who is required to make a report pursuant to [SECTION 202.882](#) makes such a report in good faith and in accordance with that section, the person is immune from civil or criminal liability for any act or omission related to that report, but the person is not immune from civil or criminal liability for any other act or omission committed by the person as part of, in connection with or as a principal, accessory or conspirator to the violent or sexual offense against the child, regardless of the nature of the other act or omission.

2. If a person is not required to make a report pursuant to [SECTION 202.882](#) and the person makes such a report to a law enforcement agency in good faith, the person is immune from civil or criminal liability for any act or omission related to that report, but the person is not immune from civil or criminal liability for any other act or omission committed by the person as part of, in connection with or as a principal, accessory or conspirator to the violent or sexual offense against the child, regardless of the nature of the other act or omission.

3. For the purposes of this section, if a person reports to a law enforcement agency that another person has committed a violent or sexual offense against a child, whether or not the person is required to make such a report pursuant to [SECTION 202.882](#), the person is presumed to have made the report in good faith unless the person is being prosecuted for a criminal violation, including, without limitation, a violation of the provisions of [SECTION 207.280](#).

SECTION 202.894 Report deemed report of abuse or neglect of child made pursuant to [SECTION 432B.220](#). If a person reports to a law enforcement agency that another person has committed a violent or sexual offense against a child, whether or not the person is required to make such a report pursuant to [SECTION 202.882](#), and the violent or sexual offense against the child would constitute abuse or neglect of a child, as defined in [SECTION 432B.020](#), the report made by the person shall be deemed to be a report of the abuse or neglect of the child that has been made pursuant to [SECTION 432B.220](#) and:

1. The appropriate agencies shall act upon the report pursuant to chapter [432B](#) of the NRS; and
2. The report may be used in the same manner as other reports that are made pursuant to [SECTION 432B.220](#).