

CHAPTER 205 - CRIMES AGAINST PROPERTY

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CIVIL LIABILITY FOR LOSS OR DAMAGE TO PROPERTY

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ARSON

SECTION 205.005 “Set fire to” defined. Any person shall be deemed to have “set fire to” a building, structure or any property mentioned in [SECTION 205.010](#) to [205.030](#), inclusive, whenever any part thereof or anything therein shall be scorched, charred or burned.

SECTION 205.010 First degree. A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any:

1. Dwelling house or other structure or mobile home, whether occupied or vacant; or
2. Personal property which is occupied by one or more persons,

↳ whether the property of himself or of another, is guilty of arson in the first degree which is a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.015 Second degree. A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any abandoned building or structure, whether the property of himself or of another, is guilty of arson in the second degree which is a **Category B offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.020 Third degree. A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of:

1. Any unoccupied personal property of another which has the value of \$25 or more;
2. Any unoccupied personal property owned by him in which another person has a legal interest; or
3. Any timber, forest, shrubbery, crops, grass, vegetation or other flammable material not his own,

➤ is guilty of arson in the third degree which is a **Category B offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.025 Fourth degree.

1. A person who willfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in [SECTION 205.010](#), [205.015](#) and [205.020](#), or who commits any act preliminary thereto or in furtherance thereof, is guilty of arson in the fourth degree which is a **Category A offense**. And may be further punished by a fine of not more than \$5,000. In addition to any other penalty, the court shall order the person to pay restitution.

2. In any prosecution under this section the placing or distributing of any inflammable, explosive or combustible material or substance, or any device in any building or property mentioned in [SECTION 205.010](#), [205.015](#) and [205.020](#), in an arrangement or preparation eventually to set fire to or burn the building or property, or to procure the setting fire to or burning of the building or property, is prima facie evidence of a willful attempt to burn or set on fire the property.

SECTION 205.030 Burning or aiding and abetting burning of property with intent to defraud insurer; penalty. A person who willfully and with the intent to injure or defraud the insurer sets fire to or burns or attempts to set fire to or burn, or who causes to be burned or who aids, counsels or procures the burning of any building, structure or personal property of whatsoever class or character, whether the property of himself or of another, which is at the time insured by any person, company or corporation against loss or damage by fire, is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.034 Additional penalties. The court may, in addition to imposing the penalties set forth in [SECTION 205.010](#), [205.015](#), [205.020](#), [205.025](#) or [205.030](#), order the person to pay:

1. Court costs;
2. The costs of providing police and fire services related to the crime; or
3. The costs of the investigation and prosecution of the crime,

➤ or any combination of subsections 1, 2 and 3.

SECTION 205.045 Contiguous fires. Whenever any building or structure which may be the subject of arson in either the first or second degree shall be so situated as to be manifestly endangered by any fire and shall subsequently be set on fire thereby, any person participating in setting such fire shall be deemed to have participated in setting such building or structure on fire.

SECTION 205.050 Ownership of building. To constitute arson it shall not be necessary that another person than the defendant should have had ownership in the building or structure set on fire.

SECTION 205.055 Preparation is attempt to commit arson. Any willful preparation made by any person with a view to setting fire to any building or structure shall be deemed to be an attempt to commit the crime of arson, and shall be punished as such.

BURGLARY; INVASION OF THE HOME

SECTION 205.060 Burglary: Definition; penalties; venue.

1. A person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any Category A Offense, or to obtain money or property by false pretenses, is guilty of burglary.

2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a **Category A offense**.

3. A person convicted of burglary who has in his possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a **Category A offense**.

SECTION 205.065 Inference of burglarious intent. Every person who unlawfully breaks and enters or unlawfully enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car may reasonably be inferred to have broken and entered or entered it with intent to commit grand or petit larceny, assault or battery on any person or a Category A Offense therein, unless the unlawful breaking and entering or unlawful entry is explained by evidence satisfactory to the judge or jury to have been made without criminal intent.

SECTION 205.067 Invasion of the home: Definition; penalties; venue.

1. A person who, by day or night, forcibly enters an inhabited dwelling without permission of the owner, resident or lawful occupant, whether or not a person is present at the time of the entry, is guilty of invasion of the home.

2. A person convicted of invasion of the home is guilty of a **Category A offense**. A person who is convicted of invasion of the home and who has previously been convicted of burglary or invasion of the home must not be released on probation or granted a suspension of his sentence.

3. A person convicted of invasion of the home who has in his possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a **Category A offense**.

4. As used in this section:

(a) "Forcibly enters" means the entry of an inhabited dwelling involving any act of physical force resulting in damage to the structure.

(b) "Inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which the owner or other lawful occupant resides.

SECTION 205.070 Commission of another crime while committing burglary or invasion of the home. Every person who, in the commission of a burglary or invasion of the home, commits any other crime, may be prosecuted for each crime separately.

SECTION 205.075 Burglary with explosives; penalty.

1. A person who, with the intent to commit a crime, breaks and enters, either by day or by night, any building whether inhabited or not, and opens or attempts to open any vault, safe or other secure place by use of nitroglycerine, dynamite, gunpowder or any other explosive, is guilty of burglary with explosives.

2. A person convicted of burglary with explosives is guilty of a **Category A offense**.

SECTION 205.080 Possession of instrument with burglarious intent; making, alteration or repair of instrument for committing offense; penalty.

1. Every person who makes or mends or causes to be made or mended, or has in his possession in the day or nighttime, any engine, machine, tool, false key, picklock, bit, nippers or implement adapted, designed or commonly used for the commission of burglary, invasion of the home, larceny or other crime, under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a crime, or knowing that the same is intended to be so used, shall be guilty of a **Category B offense**.

2. The possession thereof except by a mechanic, artificer or tradesman at and in his established shop or place of business, open to public view, shall be prima facie evidence that such possession was had with intent to use or employ or allow the same to be used or employed in the commission of a crime is guilty of a **Category B offense**.

THEFT

SECTION 205.0821 Definitions. As used in [SECTION 205.0821](#) to [205.0835](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 205.0822](#) to [205.0831](#), inclusive, have the meanings ascribed to them in those sections.

SECTION 205.0822 “Check” defined. “Check” means any check, draft or other negotiable instrument of any kind.

SECTION 205.0823 “Control” defined. “Control” means to act so as to prevent a person from using his own property except on the actor’s terms.

SECTION 205.0824 “Deprive” defined. “Deprive” means to withhold a property interest of another person permanently or for so long a time that a substantial portion of its value, usefulness or enjoyment is lost, or to withhold it with the intent to restore it only upon the payment of a reward or other compensation, or to transfer or dispose of it so that it is unlikely to be recovered.

SECTION 205.0825 “Draw” defined. “Draw” means making, drawing, uttering, preparing, writing or delivering a check.

SECTION 205.08255 “Intangible property” defined. “Intangible property” means property that lacks a physical existence yet possesses value, including, without limitation, customer lists, trade secrets, copyrighted material or other confidential information.

SECTION 205.0826 “Issue” defined. “Issue” means to deliver or cause to be delivered a check to a person who by that delivery acquires a right against the drawer of the check. A person who draws a check with intent that it be so delivered shall be deemed to have issued it if the delivery occurs.

SECTION 205.0827 “Obtain” defined. “Obtain” means to bring about or receive the transfer of any interest in property, or to secure performance of a service.

SECTION 205.0828 “Property of another person” defined. “Property of another person” means real, personal or intangible property in which any person other than the defendant has an interest which the defendant is not privileged to infringe, including, without limitation, property in which the defendant also has an interest, notwithstanding that the other person might be precluded from civil recovery because the

property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in the possession of the defendant in which another person has only a security interest shall be deemed not to be the property of that other person, even if that person holds legal title to the property pursuant to a security agreement.

SECTION 205.0829 “Services” defined. “Services” includes labor, professional services, transportation, cable television, telephone, gas or electricity services, accommodations in hotels, restaurants, leased premises or elsewhere, admissions to exhibitions and the use of vehicles or other movable property.

SECTION 205.083 “Transfer” defined. “Transfer” means to change the possession or control of property.

SECTION 205.0831 “Value” defined. “Value” means the fair market value of the property or services at the time of the theft. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

SECTION 205.0832 Actions which constitute theft.

1. Except as otherwise provided in subsection 2, a person commits theft if, without lawful authority, he knowingly:

(a) Controls any property of another person with the intent to deprive that person of the property.

(b) Converts, makes an unauthorized transfer of an interest in, or without authorization controls any property of another person, or uses the services or property of another person entrusted to him or placed in his possession for a limited, authorized period of determined or prescribed duration or for a limited use.

(c) Obtains real, personal or intangible property or the services of another person by a material misrepresentation with intent to deprive that person of the property or services. As used in this paragraph, “material misrepresentation” means the use of any pretense, or the making of any promise, representation or statement of present, past or future fact which is fraudulent and which, when used or made, is instrumental in causing the wrongful control or transfer of property or services. The pretense may be verbal or it may be a physical act.

(d) Comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his own use or that of another person without reasonable efforts to notify the true owner.

(e) Controls property of another person knowing or having reason to know that the property was stolen.

(f) Obtains services or parts, products or other items related to such services which he knows are available only for compensation without paying or agreeing to pay compensation or diverts the services of another person to his own benefit or that of another person without lawful authority to do so.

(g) Takes, destroys, conceals or disposes of property in which another person has a security interest, with intent to defraud that person.

(h) Commits any act that is declared to be theft by a specific statute.

(i) Draws or passes a check, and in exchange obtains property or services, if he knows that the check will not be paid when presented.

(j) Obtains gasoline or other fuel or automotive products which are available only for compensation without paying or agreeing to pay compensation.

2. A person who commits an act that is prohibited by subsection 1 which involves the repair of a vehicle has not committed theft unless, before the repair was made, he received a written estimate of the cost of the repair.

SECTION 205.0833 Theft constitutes single offense embracing certain separate offenses; specification of charge in indictment or information.

1. Conduct denominated theft in [SECTION 205.0821](#) to [205.0835](#), inclusive, constitutes a single offense embracing the separate offenses commonly known as larceny, receiving or possessing stolen property, embezzlement, obtaining property by false pretenses, issuing a check without sufficient money or credit, and other similar offenses.

2. A criminal charge of theft may be supported by evidence that an act was committed in any manner that constitutes theft pursuant to [SECTION 205.0821](#) to [205.0835](#), inclusive, notwithstanding the specification of a different manner in the indictment or information, subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief if it determines that, in a specific case, strict application of the provisions of this subsection would result in prejudice to the defense by lack of fair notice or by surprise.

SECTION 205.0834 Determination of amount involved in particular theft. The amount involved in a theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained. Amounts involved in thefts committed pursuant to a scheme or continuing course of conduct, whether from one or more persons, may be aggregated in determining the grade of the offense.

SECTION 205.0835 Penalties.

1. Unless a greater penalty is imposed by a specific statute, a person who commits theft in violation of any provision of [SECTION 205.0821](#) to [205.0835](#), inclusive, shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft is less than \$250, the person who committed the theft is guilty of a **Category C offense**.

3. If the value of the property or services involved in the theft is \$250 or more but less than \$2,500, the person who committed the theft is guilty of a **Category A offense**.

4. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

FORGERY, COUNTERFEITING AND ISSUANCE OF CHECK OR DRAFT WITH INTENT TO DEFRAUD

SECTION 205.085 Definitions.

1. Within the provisions of this chapter relating to forgery or other offense, a “written instrument,” or a “writing,” or a “paper,” shall include an instrument partly written and partly printed or wholly printed with a written signature thereto, or any signature or writing purporting to be a signature of or intended to bind an individual, partnership, corporation or association or an officer thereof.

2. The words “forge,” “forgery,” “forged,” and “forging,” shall include false making, “counterfeiting” and the alteration, erasure or obliteration of a genuine instrument in whole or in part, the false making or counterfeiting of the signature of a party or witness, real or fictitious, and the placing or connecting together with intent to defraud, of different parts or the whole of several genuine instruments.

3. A plate is in the “form and similitude,” of the genuine instrument forged, if the finished parts of the engraving thereupon shall resemble or conform to the similar parts of the genuine instrument.

4. A plate, label, trademark, term, design, device or form of advertisement is in the form and similitude of the genuine instrument imitated if the finished parts of the engraving thereupon shall resemble or conform to the similar parts of the genuine instrument.

SECTION 205.090 Forgery of conveyances, negotiable instruments, stock certificates, wills and other instruments; utterance of forged instrument. A person who falsely makes, alters, forges or counterfeits any record, or other authentic matter of a public nature, or any charter, letters patent, deed, lease, indenture, writing obligatory, will, testament, codicil, annuity, bond, covenant, bank bill or note, post note, check, draft, bill of exchange, contract, promissory note, traveler’s check, money order, due bill for the payment of money or property or for the payment of any labor claim, receipt for money or property,

power of attorney, any auditor's warrant for the payment of the money at the treasury, county order or warrant, or request for the payment of money, or the delivery of goods or chattels of any kind, or for the delivery of any instrument of writing, or acquittance, release, or receipt for money, goods, or labor claim, or any acquittance, release, or discharge for any debt, account, suit, action, demand, or other thing, real or personal, or any transfer or assurance of money, stock, goods, chattels, or other property whatever, or any letter of attorney, or other power to receive money, or to receive or transfer stock or annuities, or to let, lease, dispose of, alien or convey any goods or chattels, lands or tenements, or other estate, real or personal, or any acceptance or endorsement of any bill of exchange, promissory note, draft, order or assignment of any bond, writing obligatory, or promissory note, for money or other property, or any order, writ or process lawfully issued by any court or public officer, or any document or paper recorded or filed in any court or with any public officer, or in the Senate or Assembly, or counterfeits or forges the seal or handwriting of another, with the intent to damage or defraud any person, body politic or corporate, whether the person, body politic or corporate, resides in or belongs to this Tribe or not, or utters, publishes, passes or attempts to pass, as true and genuine, any of the above-named false, altered, forged or counterfeited matters, as above specified and described, knowing it to be false, altered, forged or counterfeited with the intent to prejudice, damage or defraud any person, body politic or corporate, whether the person, body politic or corporate, resides in this Reservation or not, is guilty of forgery, and shall be punished for a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.095 Other acts constituting forgery. Every person who, with intent to injure or defraud, shall:

1. Make any false entry in any public record or account;
 2. Fail to make a true entry of any material matter in any public record or account; or
 3. Forge any letter or written communication or copy or purported copy thereof, or send or deliver, or connive at the sending or delivery of any false or fictitious telegraph message or copy or purported copy thereof, whereby or wherein the sentiments, opinions, conduct, character, purpose, property, interests or rights of any person shall be misrepresented or may be injuriously affected, or knowing any such letter, communication or message or any copy or purported copy thereof to be false, shall utter or publish the same or any copy or purported copy thereof as true,
- ↳ shall be guilty of forgery and be punished as provided in [SECTION 205.090](#).

SECTION 205.100 Making, uttering or possessing with intent to utter fictitious bill, note or check.

1. Every person who makes, passes, utters or publishes, with an intention to defraud any person or persons, body politic or corporate, either on this reservation or elsewhere, or with the like intention attempts to pass, utter or publish any fictitious bill, note or check purporting to be the bill, note or check, or other instrument in writing, for the payment of money or property of some bank, corporation, copartnership or individual, when in fact there is no such bank, corporation, copartnership or individual in existence, the person knowing the bill, note, check or instrument in writing for the payment of money or property or any labor claim or claims to be fictitious, is guilty of forgery, and shall be punished as provided in [SECTION 205.090](#).
2. Whenever the note, bill, check or other instrument in writing is drawn upon any bank, proof that the purported drawer had no account at the bank shall be deemed sufficient evidence to sustain the allegation of the nonexistence of the drawer of such instrument.

SECTION 205.105 Forgery of instrument purporting to have been issued by corporation, state, or government.

The false making or forging of an instrument or writing purporting to have been issued by or in behalf of a corporation or association, state or government and bearing the pretended signature of any person therein falsely indicated as an agent or officer of such corporation, association, state or government, is forgery the same as if that person were in truth such officer or agent of such corporation, association, state or government.

SECTION 205.110 Uttering forged instruments: Forgery. Every person who, knowing the same to be forged or altered, and with intent to defraud, shall utter, offer, dispose of or put off as true, or have in his possession with intent so to utter, offer, dispose of or put off any forged writing, instrument or other thing, the false making, forging or altering of which is punishable as forgery, shall be guilty of forgery the same as if he had forged the same.

SECTION 205.115 True writing signed by wrongdoer's name or name of person not in existence.

Whenever the false making or uttering of any instrument or writing is forgery, every person who, with intent to defraud, shall offer, dispose of or put off such an instrument or writing subscribed or endorsed in his own name or that of any other person, whether such signature be genuine or fictitious, under the pretense that such subscription or endorsement is the act of another person of the same name, or that of a person not in existence, shall be deemed guilty of forgery and shall be punished accordingly.

SECTION 205.120 False certificate to certain instruments punishable as forgery. A person who is authorized to take a proof or acknowledgment of an instrument which by law may be recorded, who willfully certifies falsely that the execution of the instrument was acknowledged by any party thereto, or that the execution thereof was proved, is guilty of a **Category A offense**.

SECTION 205.125 Misconduct in signing or filing petition. Every person who shall willfully sign the name of another person or of a fictitious person to or for any consideration, gratuity or reward shall sign his own name to or withdraw his name from any referendum or other petition circulated in pursuance of any law of this Tribe or ordinance; or in signing his name to such petition shall willfully subscribe to any false statement concerning his age, citizenship, residence or other qualifications to sign the same; or knowing that any such petition contains any such false or wrongful signature or statement shall file the same, or put the same off with intent that it should be filed, as a true and genuine petition, shall be guilty of a **Category E offense**.

SECTION 205.130 Issuance of check or draft without sufficient money or credit: Penalties.

1. Except as otherwise provided in this subsection and subsections 2 and 3, a person who willfully, with an intent to defraud, draws or passes a check or draft to obtain:

- (a) Money;
- (b) Delivery of other valuable property;
- (c) Services;
- (d) The use of property; or
- (e) Credit extended by any licensed gaming establishment,

↳ drawn upon any real or fictitious person, bank, firm, partnership, corporation or depository, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a **Category E offense**. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of \$250 or more, the person is guilty of a **Category A offense**.

2. A person who was previously convicted three times of a **Category C, D, or E offense** under the provisions of this section, or of an offense of a similar nature, on this reservation, or in a federal jurisdiction, who violates this section is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

3. A person who willfully issues any check or draft for the payment of wages in excess of \$250, when the person knows he has insufficient money or credit with the drawee of the instrument to pay the instrument in full upon presentation is guilty of a **Category B offense**.

4. For the purposes of this section, "credit" means an arrangement or understanding with a person, firm, corporation, bank or depository for the payment of a check or other instrument.

SECTION 205.132 Issuance of check or draft without sufficient money or credit: Presumptions of intent to defraud and knowledge of insufficiency; malice in causing prosecution.

1. In a criminal action for issuing a check or draft against insufficient or no funds with intent to defraud, that intent and the knowledge that the drawer has insufficient money, property or credit with the drawee is presumed to exist if:

(a) The instrument is drawn on a purported account which does not exist.

(b) Payment of the instrument is refused by the drawee when it is presented in the usual course of business, unless within 5 days after receiving notice of this fact from the drawee or the holder, the drawer pays the holder of the instrument the full amount due plus any handling charges.

(c) Notice of refusal of payment, sent to the drawer by registered or certified mail at an address printed or written on the instrument, is returned because of nondelivery.

2. If a complainant causes a criminal action to be commenced for issuing a check or draft with intent to defraud and refuses to testify in the action, he is presumed to have acted maliciously and without probable cause.

SECTION 205.134 Issuance of check or draft without sufficient money or credit: Posting notices.

1. A notice in boldface type which is clearly legible and is in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted:

The issuance of a check or draft without sufficient money or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, and the issuance of such a check or draft in an amount of \$250 or more or by a person who previously has been convicted three times of this or a similar offense is punishable as a **Category A offense**.

2. Failure of the owner, operator or manager of a bank or other place of business to post the sign required by this section is not a defense to charge of a violation of [SECTION 205.130](#).

SECTION 205.160 Possessing or receiving forged instruments or bills. A person who has in his possession, or receives from any other person, any forged promissory note, traveler's check or money order, or bank bill, or bill for the payment of money or property, with the intention to pass it, or to permit, cause, or procure it to be uttered or passed, with the intention to defraud any person, body politic or corporate, whether the person, body politic or corporate, resides in or on this reservation or not, knowing it to be forged or counterfeited, or has or keeps in his possession any blank or unfinished note, traveler's check, money order or bank bill, made in the form or similitude of any promissory note or bill for payment of money or property, made to be issued by any person, company, partnership or corporation, with the intention to fill up and complete the blank and unfinished note or bill, or to permit, or cause, or procure it to be filled up and completed in order to utter or pass it, or to permit, or cause, or procure it to be uttered and passed to defraud any person, body politic or corporate, on the reservation, is guilty of a **Category A offense**.

SECTION 205.165 General reputation may be used to prove incorporation in trial for forgery of bill or note of incorporated company or bank. On the trial of any person for forging any bill or note purporting to be the bill or note of some incorporated company or bank, or for passing or attempting to pass, or having in possession with intent to pass, any such forged bill or note, it shall not be necessary to prove the incorporation of such bank or company by the charter or act of incorporation, but the same may be proved by general reputation.

SECTION 205.170 Expert may prove forgery or counterfeit. Persons of skill shall be competent witnesses to prove that such bill or note is forged or counterfeited.

SECTION 205.175 Counterfeiting seals; forgery of signatures of public officers; sale or possession of counterfeit badge or identification of law enforcement agency.

1. A person who:
 - (a) Fraudulently forges or counterfeits the Seal of this Tribe, or the seal of any court or public officer by law entitled to have and use a seal, or the seal of any corporation, and makes use of the seal;
 - (b) Forges or counterfeits the signature of any public officer, or seal of any corporation;
 - (c) Unlawfully and corruptly, and with evil intent, affixes a true seal to any commission, deed, warrant, pardon, certificate or other writing; or
 - (d) Has in his possession or custody a counterfeit seal, and willfully conceals it, knowing it to be falsely made and counterfeited,↳ is guilty of a **Category A offense**.
2. A person who manufactures or knowingly sells or possesses a counterfeit badge or identification of any law enforcement agency is guilty of a **Category B Offense**.

SECTION 205.180 Counterfeiting gold dust, bars or other articles; making or possessing instruments. A person who counterfeits any kind or species of gold dust, silver, gold, bullion or bars, lumps, pieces, or nuggets of gold or silver, or any description of uncoined gold or silver currently passing in this state, or alters or puts off any kind of uncoined gold or silver mentioned in this section, for the purpose of defrauding any person, body politic or corporate, or makes any instrument for counterfeiting any kind of uncoined gold or silver as aforesaid, knowing the purpose for which the instrument was made, or knowingly has in his possession and secretly keeps any instrument for the purpose of counterfeiting any kind of uncoined gold or silver as aforesaid, is guilty of a **Category A offense**.

SECTION 205.185 Possessing or receiving counterfeit gold dust, silver, bullion or bars. A person who has in his possession, or receives for any other person, any counterfeit gold dust, silver, gold, bullion or bars, lumps, pieces, or nuggets of gold or silver, or any description whatsoever of uncoined gold or silver currently passing in this state, or entering in anywise into the circulating medium of the state, with intention to utter, put off, or pass it, or permit, cause, or procure it to be uttered or passed, with the intention to defraud any person, body politic or corporate, knowing it to be counterfeit, is guilty of a **Category A offense**.

SECTION 205.195 Counterfeiting stamps and labels. Every person who shall knowingly and willfully forge or counterfeit, or cause or procure to be forged or counterfeited, upon any goods, wares or merchandise, the private stamps or labels of any mechanic or manufacturer, with intent to defraud the purchasers or manufacturers of any goods, wares or merchandise whatsoever, shall, on conviction thereof, be deemed guilty of a **Category D offense**.

SECTION 205.200 Goods containing forged stamps. Any person who shall sell any goods, wares or merchandise having thereon any forged or counterfeit stamps or labels, purporting to be the stamps or labels of any mechanic or manufacturer, knowing the same to be forged or counterfeited, without disclosing the fact to the purchaser, shall, on conviction thereof, be deemed guilty of a **Category D offense**.

SECTION 205.205 Counterfeiting trademark or design. Every person who shall use or display or have in his possession with intent to use or display the genuine label, trademark, term, design, device, or form of advertisement of any person, corporation, association or union lawfully filed for record according to law of the State, or the exclusive right to use which is guaranteed to any person, corporation, association or union by the laws of the United States, Reservation, without the written authority of such person, corporation, association or union, or who shall willfully forge or counterfeit or use or display or have in his possession with intent to use or display any representation, likeness, similitude, copy or imitation of any genuine label, trademark, term, design, device, or form of advertisement, so filed or protected, or any die, plate, stamp or other device for manufacturing the same, shall be guilty of a **Category D offense**.

SECTION 205.210 Selling, displaying or advertising goods with false trademark.

1. A person shall not knowingly sell, display or advertise, or have in his possession with intent to sell, any goods, wares, merchandise, mixture, preparation or compound having affixed thereto any label, trademark, term, design, device or form of advertisement lawfully filed for record in the office of the Secretary of State by any person, corporation, association or union, or the exclusive right to the use of which is guaranteed to the person, corporation, association or union under the laws of the United States, if the label, trademark, term, design, device or form of advertisement has been used or affixed thereto without the written authority of the person, corporation, association or union, or having affixed thereto any forged or counterfeit representation, likeness, similitude, copy or imitation thereof.

2. Except as otherwise provided in subsection 3, a violation of the provisions of subsection 1 is a Category D.

3. A violation of the provisions of subsection 1 is:

(a) A Category A Offense if:

(1) The person committing the violation has been previously convicted one time for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 100 but less than 1,000 salable units; or

(II) Has a retail value of at least \$1,000 but less than \$10,000.

(b) A Category A Offense if:

(1) The person committing the violation has been previously convicted two or more times for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 1,000 salable units; or

(II) Has a retail value of at least \$10,000.

4. For the purposes of this section, it may be reasonably inferred that a person intends to sell goods, wares, merchandise, a mixture, a preparation or a compound if the person knowingly possesses at least 26 salable units of the goods, wares, merchandise, mixture, preparation or compound.

5. As used in this section, "retail value" means:

(a) If the item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1 is a component of a finished product with multiple components, the price at which the person in violation of subsection 1 regularly sells the finished product; or

(b) For any other item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1, the price at which the person in violation of subsection 1 regularly sells the item.

SECTION 205.215 Fraudulent registration of trademark. Every person who shall for himself, or on behalf of any other person, corporation, association or union, procure the filing of any label, trademark, term, design, device or form of advertisement, by any fraudulent means, shall be guilty of a **Category D offense**.

SECTION 205.217 Unlawful reproduction or sale of sound recordings.

1. Except as otherwise provided in subsection 3, it is unlawful for any person, firm, partnership, corporation or association knowingly to:

(a) Transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded onto any other phonograph record, disc, wire, tape, film or article; or

(b) Sell, distribute, circulate, offer for sale, distribution or circulation, possess for the purpose of sale, distribution or circulation, or cause to be sold, distributed, circulated, offered for sale, distribution or circulation, or possessed for sale, distribution or circulation, any article or device on which sounds have been transferred without the consent of the person who owns the master phonograph record, master disc, master tape or other device or article from which the sounds are derived.

2. It is unlawful for any person, firm, partnership, corporation or association to sell, distribute, circulate, offer for sale, distribution or circulation or possess for the purposes of sale, distribution or

circulation, any phonograph record, disc, wire, tape, film or other article on which sounds have been transferred unless the phonograph record, disc, wire, tape, film or other article bears the actual name and address of the transferor of the sounds in a prominent place on its outside face or package.

3. This section does not apply to any person who transfers or causes to be transferred any sounds intended for or in connection with radio or television broadcast transmission or related uses, for archival purposes or solely for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

4. A person who violates the provisions of this section shall be punished for a **Category A offense**.

LARCENY

SECTION 205.2175 Definitions. As used in [SECTION 205.2175](#) to [205.2707](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 205.218](#) to [205.2195](#), inclusive, have the meanings ascribed to them in those sections.

SECTION 205.218 “Domesticated animals” defined. “Domesticated animals” means all domesticated animals other than livestock.

SECTION 205.2185 “Domesticated birds” defined. “Domesticated birds” means all poultry and domesticated fowl or birds.

SECTION 205.219 “Livestock” defined. “Livestock” means:

1. All cattle or animals of the bovine species;
2. All horses, mules, burros and asses or animals of the equine species;
3. All swine or animals of the porcine species;
4. All goats or animals of the caprine species; and
5. All sheep or animals of the ovine species.

SECTION 205.2195 “Property” defined. “Property” means:

1. Personal goods, personal property and motor vehicles;
2. Money, negotiable instruments and other items listed in [SECTION 205.260](#);
3. Livestock, domesticated animals and domesticated birds; and
4. Any other item of value, whether or not the item is listed in [SECTION 205.2175](#) to [205.2707](#), inclusive.

SECTION 205.220 Grand larceny: Definition. Except as otherwise provided in [SECTION 205.226](#) and [205.228](#), a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:
 - (a) Personal goods or property, with a value of \$250 or more, owned by another person;
 - (b) Bedding, furniture or other property, with a value of \$250 or more, which the person, as a lodger, is to use in or with his lodging and which is owned by another person; or
 - (c) Real property, with a value of \$250 or more, that the person has converted into personal property by severing it from real property owned by another person.
2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which he knows he is not entitled.
3. Intentionally steals, takes and carries away, leads away, drives away or entices away:
 - (a) One or more head of livestock owned by another person; or
 - (b) One or more domesticated animals or domesticated birds, with an aggregate value of \$250 or more, owned by another person.
4. With the intent to defraud, steal, appropriate or prevent identification:

- (a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;
- (b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;
- (c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or
- (d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of \$250 or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

SECTION 205.222 Grand larceny: Penalties.

- 1. Unless a greater penalty is imposed by a specific statute, a person who commits grand larceny in violation of [SECTION 205.220](#) shall be punished pursuant to the provisions of this section.
- 2. If the value of the property involved in the grand larceny is less than \$2,500, the person who committed the grand larceny is guilty of a **Category A offense**.
- 3. In addition to any other penalty, the court shall order the person who committed the grand larceny to pay restitution.
- 4. If the grand larceny involved a sale in violation of subsection 3 or 4 of [SECTION 205.220](#), all proceeds from the sale are subject to forfeiture.

SECTION 205.226 Grand larceny of firearm; penalty.

- 1. A person who intentionally steals, takes and carries away a firearm owned by another person commits grand larceny of a firearm.
- 2. A person who commits grand larceny of a firearm is guilty of a **Category A offense**.
- 3. In addition to any other penalty, the court shall order the person who committed the grand larceny of the firearm to pay restitution.

SECTION 205.228 Grand larceny of motor vehicle; penalty.

- 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.
- 2. Except as otherwise provided in subsection 3, a person who commits grand larceny of a motor vehicle is guilty of a **Category A offense**.
- 3. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

SECTION 205.240 Petit larceny; penalty.

- 1. Except as otherwise provided in [SECTION 205.220](#), [205.226](#), [205.228](#) a person commits petit larceny if the person:
 - (a) Intentionally steals, takes and carries away, leads away or drives away:
 - (1) Personal goods or property, with a value of less than \$250, owned by another person;
 - (2) Bedding, furniture or other property, with a value of less than \$250, which the person, as a lodger, is to use in or with his lodging and which is owned by another person; or
 - (3) Real property, with a value of less than \$250, that the person has converted into personal property by severing it from real property owned by another person.
 - (b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than \$250, owned by another person.
- 2. A person who commits petit larceny is guilty of a **Category D offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.251 Determination of value of property involved in larceny offense. For the purposes of [SECTION 205.2175](#) to [205.2707](#), inclusive:

1. The value of property involved in a larceny offense shall be deemed to be the highest value attributable to the property by any reasonable standard.

2. The value of property involved in larceny offenses committed by one or more persons pursuant to a scheme or continuing course of conduct may be aggregated in determining the grade of the larceny offenses.

SECTION 205.260 Negotiable and other instruments subjects of larceny. Bonds, promissory notes, banknotes, bills of exchange, or other bills, orders, drafts, checks, travelers' checks, money orders, receipts or certificates, or warrants for or concerning money, goods or property, due, or to become due, or to be delivered, or any public security issued by the United States or by this state, and any deed or writing containing a conveyance of land or valuable contract, in force, or any release or defeasance, or any other instrument whatever, shall be considered personal goods, of which larceny may be committed; and the money due thereon, or secured thereby and remaining unsatisfied, or which, in any event or contingency, might be due or collectible thereon, or the value of the property transferred or affected thereby, as the case may be, shall be deemed the value of the article stolen.

SECTION 205.265 Commission or part ownership no defense for larceny. It shall be no defense to a prosecution for larceny that the accused was entitled to a commission out of the money or property appropriated as compensation for collecting or receiving the same for or on behalf of the owner thereof, or that the money or property appropriated was partly the property of another and partly the property of the accused; but it shall not be larceny for any bailee, factor, pledgee, servant, attorney, agent, employee or trustee, executor, administrator, guardian, officer or other person to retain his reasonable collection fee or charges.

SECTION 205.270 Penalty for taking property from person of another under circumstances not amounting to robbery; limitation on granting of probation or suspension of sentence.

1. A person who, under circumstances not amounting to robbery, with the intent to steal or appropriate to his own use, takes property from the person of another, without his consent, is guilty of:

(a) If the value of the property taken is less than \$2,500, a **Category A offense**.

2. In addition to any other penalty, the court shall order the person to pay restitution.

3. The court shall not grant probation to or suspend the sentence of any person convicted of violating subsection 1 if the person from whom the property was taken has any infirmity caused by age or other physical condition.

SECTION 205.2705 Use of unlawful coin or cheating device in vending machine, telephone or other coin operated device prohibited; penalty.

1. It is unlawful for any person, in using any lawful vending machine, coin box, telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America in furtherance of or in connection with the sale, use or enjoyment of property or service:

(a) To use other than lawful coin, legal tender of the United States of America, or coin not of the same denomination as the coin intended to be used in such device; or

(b) To use or have on his person any cheating or thieving device to facilitate removing from any lawful vending machine, coin box, telephone or other receptacle any part of the contents thereof.

2. Every person who violates any of the provisions of this section is guilty of a **Category B Offense**.

SECTION 205.2707 Penalty for theft of money or property of value of \$250 or more from vending machines; determination of value of property taken includes cost to repair any damage to vending machine.

1. A person who intentionally steals, takes and carries away property of the value of \$250 or more from vending machines within a period of 1 week is guilty of:

- (a) If the value of the property taken is less than \$2,500, a **Category A offense**.
2. In addition to any other penalty, the court shall order the person to pay restitution.
3. In determining the value of the property taken, the cost of repairing damaged vending machines and replacing any machine, if necessary, must be added to the value of the property.

MOTOR VEHICLES

SECTION 205.271 “Owner” defined. As used in [SECTION 205.2715](#), [205.273](#) and [205.274](#), the word “owner” means a person having the lawful use or control or the right to the use and control of a vehicle under a lease or otherwise for a period of 10 or more successive days.

SECTION 205.2715 Unlawful taking of vehicle: Inference; penalty.

1. Every person who takes and carries away or drives away the vehicle of another without the intent to permanently deprive the owner thereof but without the consent of the owner of such vehicle is guilty of a **Category B offense**.
2. Every person who is in possession of a vehicle without the consent of the owner of such vehicle may reasonably be inferred to have taken and carried away or driven away the vehicle.
3. “Vehicle” as used in this section means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

SECTION 205.273 Offense involving stolen vehicle: Definition; penalty; restitution; determination of value of vehicle.

1. A person commits an offense involving a stolen vehicle if the person:
 - (a) With the intent to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen, receives or transfers possession of the vehicle from or to another person; or
 - (b) Has in his possession a motor vehicle which he knows or has reason to believe has been stolen.
2. The provisions of subsection 1 do not apply to an officer of the law if the officer is engaged in the performance of his duty as an officer at the time of the receipt, transfer or possession of the stolen vehicle.
3. Except as otherwise provided in subsection 4, a person who violates the provisions of subsection 1 is guilty of a **Category A offense**.
4. In addition to any other penalty, the court shall order the person to pay restitution.
5. For the purposes of this section, the value of a vehicle shall be deemed to be the highest value attributable to the vehicle by any reasonable standard.

SECTION 205.274 Injuring or tampering with vehicle; penalties.

1. Any person who shall individually or in association with one or more other persons willfully break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, or who shall in any manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, shall be guilty of a public offense proportionate to the value of the loss resulting therefrom.
2. Any person who shall without the consent of the owner or person in charge of a vehicle climb into or upon such vehicle with the intent to commit any crime, malicious mischief, or injury thereto, or who while a vehicle is at rest and unattended shall attempt to manipulate any of the levers, starting crank or other starting device, brakes or other mechanism thereof, or to set such vehicle in motion, shall be guilty of a Category D Offense; but the foregoing provisions shall not apply when any such act is done in an emergency in furtherance of public safety or convenience or by or under the direction of an officer in the regulation of traffic or performance of any other official duty.

SECTION 205.2741 Throwing substance at or willfully damaging bicycle or motor vehicle; penalty.

1. It is unlawful for any person:
 - (a) To throw any stone, rock, missile or any substance at any bicycle, or at any motorbus, truck or other motor vehicle; or
 - (b) Wrongfully to injure, deface or damage any bicycle, or any motorbus, truck or other motor vehicle, or any part thereof.
2. Any person who violates any of the provisions of subsection 1 is guilty of a public offense, as prescribed in [SECTION 193.155](#), proportionate to the value of the property damaged and in no event less than a **Category D offense**.

SECTION 205.2745 Owning or operating premises on which illegally obtained motor vehicle is altered, destroyed, disassembled, reassembled or stored for certain purposes; penalties.

1. A person who owns or operates a building or other premises shall not knowingly allow a motor vehicle or part of a motor vehicle that is illegally obtained by theft, fraud or conspiracy to defraud to be altered, destroyed, disassembled, reassembled or stored at the building or premises for the purpose of:
 - (a) Defacing, destroying or altering the identity of the motor vehicle or the part of a motor vehicle, including, without limitation, the identification number, to misrepresent the identity of or prevent the identification of the motor vehicle or the part; or
 - (b) Selling or disposing of the motor vehicle or the part of a motor vehicle.
2. A person who violates the provisions of subsection 1 is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution..
3. As used in this section, "motor vehicle" has the meaning ascribed to it in NRS 482.075.

BUYING OR RECEIVING STOLEN GOODS

SECTION 205.275 Offense involving stolen property: Definition; penalty; restitution; prima facie evidence; determination of value of property.

1. A person commits an offense involving stolen property if the person, for his own gain or to prevent the owner from again possessing his property, buys, receives, possesses or withholds property:
 - (a) Knowing that it is stolen property; or
 - (b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.
2. A person who commits an offense involving stolen property in violation of subsection 1:
 - (a) If the value of the property is less than \$250, is guilty of a **Category C, D, or E Offense**;
 - (b) If the value of the property is \$250 or more but less than \$2,500, is guilty of a **Category B offense**,or
 - (c) If the value of the property is \$2,500 or more or if the property is a firearm, is guilty of a **Category A offense**.
3. In addition to any other penalty, the court shall order the person to pay restitution.
4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.
5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.
6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.
7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

SECTION 205.290 Restoration of stolen property to owner. All property obtained by larceny, robbery, burglary or embezzlement and found in the possession of the thief or embezzler thereof, or in the possession of any receiver or wrongful possessor of stolen property, shall be restored to the owner.

SECTION 205.295 Restoration of stolen property: Duties of officers. The officer arresting any person charged as principal or accessory in any robbery or larceny shall use reasonable diligence to secure the property alleged to have been stolen, and after seizure shall be answerable therefor while it remains in his hands, and shall annex a schedule thereof to his return of the warrant. Whenever the district attorney shall require such property for use as evidence upon the examination or trial, such officer, upon his demand, shall deliver it to him and take his receipt therefor, after which such district attorney shall be answerable for the same.

EMBEZZLEMENT

SECTION 205.300 Definition; punishment.

1. Any bailee of any money, goods or property, who converts it to his own use, with the intent to steal it or to defraud the owner or owners thereof and any agent, manager or clerk of any person, corporation, association or partnership, or any person with whom any money, property or effects have been deposited or entrusted, who uses or appropriates the money, property or effects or any part thereof in any manner or for any other purpose than that for which they were deposited or entrusted, is guilty of embezzlement, and shall be punished in the manner prescribed by law for the stealing or larceny of property of the kind and name of the money, goods, property or effects so taken, converted, stolen, used or appropriated.

2. The value of all the money, goods, property or effects misappropriated in separate acts of embezzlement must be combined for the purpose of imposing punishment for the offense charged if:

(a) The separate acts were committed against the same person within 6 months before the offense;

(b) None of the individual acts is punishable as a **Category A offense**; and

(c) The cumulative value of all the money, goods, property and effects misappropriated is sufficient to make the offense punishable as a **Category A offense**.

3. Any use of the money, goods or property by any bailee thereof, other than that for which it was borrowed, hired, deposited, carried, received or collected, is prima facie evidence of conversion and of intent to steal the same and defraud the owner or owners thereof.

4. The term "bailee," as used in this section, means all persons with whom any money, goods or property has been deposited, all persons to whom any goods or property has been loaned or hired, all persons to whom any goods or property has been delivered, and all persons who are, either as agent, collector or servant, empowered, authorized or entrusted to carry, collect or receive any money, goods or property of another.

SECTION 205.305 Prima facie evidence of embezzlement. If any clerk, apprentice, servant, or any other person whatsoever, whether bound or hired, to whom any money or goods, or chattels, or other property, shall be entrusted, for any purpose whatsoever, by his master, employer, or any other person or persons, corporation or corporations, by whom he may be entrusted, shall withdraw himself and shall go away with the money, goods, chattels or property, or any part thereof, with the intent to steal the same, and defraud his master, employer or any other person or persons, corporation or corporations, of the same, or being in the service of his master, or employer, corporation or corporations, or any other person or firm, shall embezzle the money, goods, chattels or property, or any part thereof, or shall otherwise convert the same to his own use, it shall be prima facie evidence of the intent to steal the same, and every such person or persons so offending shall be punished in the manner prescribed by law for feloniously stealing property of the value of the articles so taken, embezzled, stolen or converted.

SECTION 205.310 Contractor failing to pay for labor or material. Every person having entered into a contract to supply any labor or materials for the value or price of which any lien might lawfully be filed upon the property of another, who shall receive the full price or consideration thereof, or the amount of any account stated thereon, or part payment thereon, shall be deemed to receive the same as the agent of the

party with whom such contract was made, his successor or assign, for the purpose of paying all claims for labor and materials supplied, insofar as the money so received will pay such claims.

SECTION 205.312 Willful or intentional failure to return leased or rented vehicle to owner: Inference of embezzlement. Whenever any person who has leased or rented a vehicle willfully and intentionally fails to return the vehicle to its owner within 72 hours after the lease or rental agreement has expired, that person may reasonably be inferred to have embezzled the vehicle.

EXTORTION

SECTION 205.320 Threats. A person who, with the intent to extort or gain any money or other property or to compel or induce another to make, subscribe, execute, alter or destroy any valuable security or instrument or writing affecting or intended to affect any cause of action or defense, or any property, or to influence the action of any public officer, or to do or abet or procure any illegal or wrongful act, whether or not the purpose is accomplished, threatens directly or indirectly:

1. To accuse any person of a crime;
2. To injure a person or property;
3. To publish or connive at publishing any libel;
4. To expose or impute to any person any deformity or disgrace; or
5. To expose any secret,

↪ is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.322 Extortionate collection of debt. A person who causes a debtor to have a reasonable apprehension that a delay in repaying the debt could result in the use of violence or other criminal means to:

1. Harm physically the debtor or any other person; or
2. Damage any property belonging to or in the custody of the debtor,

↪ is guilty of extortionate collection of debt which is a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

FRAUD AND FALSE PERSONATION

SECTION 205.330 Fraudulent conveyances. Every person who shall be a party to any fraudulent conveyance of any lands, tenements or hereditaments, goods or chattels, or any right or interest issuing out of the same, or to any bond, suit, judgment or execution, contract or conveyance, had, made or contrived with intent to deceive and defraud others, or to defeat, hinder or delay creditors or others of their just debts, damages or demands; or who, being a party as aforesaid, at any time shall wittingly and willingly put in use, avow, maintain, justify or defend the same, or any of them, as true and done, had, or made in good faith, or upon good consideration, or shall alien, assign or sell any of the lands, tenements, hereditaments, goods, chattels or other things before mentioned, to him or them conveyed as aforesaid, or any part thereof, is guilty of a **Category B offense**.

SECTION 205.335 Sale or removal of goods subject to security interest by debtor in possession without consent of secured party.

1. The debtor in possession of goods subject to a security interest shall not sell or dispose of any such property, or remove the same from the county wherein the goods are located at the time the security agreement thereupon is executed, during the time the security agreement is in force, without the written consent of the secured party first had and obtained.

2. Any person violating any of the provisions of subsection 1, with intent to hinder, delay or defraud the secured party, shall be deemed guilty of a **Category B offense**.

SECTION 205.340 Sale or creation of security interest in personal property subject to security interest or lien without informing purchaser or secured party. Every person who shall sell or create a security interest in any personal property which is at the time subject to a security interest or upon which any lien has been or may lawfully be filed, without informing the purchaser or secured party before the payment of the purchase price or money loaned of the several amounts of all such security interests and liens known to the seller or debtor, shall be deemed to have made a false representation and shall, where no other punishment is prescribed, be punished as for a **Category B offense**.

SECTION 205.345 Destruction or removal of personal property upon which security interest or lease exists.

1. Every person being in possession thereof, who shall remove, conceal or destroy or connive at or consent to the removal, concealment or destruction of any personal property or any part thereof, upon which a security interest or lease exists, in such a manner as to hinder, delay or defraud the secured party or lessor, or who, with intent to hinder, delay or defraud the secured party or lessor, shall sell, remove, conceal or destroy or connive at or consent to the removal, concealment or destruction of such property, shall be guilty of a **Category B offense**.

2. In any prosecution under this section any allegation containing a description of the security agreement or lease by reference to the date thereof and names of the parties thereto, shall be sufficiently definite and certain.

SECTION 205.350 Removal or sale of property to defraud creditors. If any debtor shall fraudulently remove his property or effects out of this state, or shall fraudulently sell, convey or assign, or conceal his property or effects, with intent to defraud, hinder or delay his creditors of their just rights, claims or demands, he is guilty of a **Category B offense**.

SECTION 205.355 Fraudulent sale or concealment of personal property after action commenced or judgment rendered. Any person against whom an action is pending, or against whom a judgment has been rendered for the recovery of any personal property or effects, who shall fraudulently conceal, sell or dispose of such property or effects, with intent to hinder, delay or defraud the person bringing such action or recovering such judgment, or shall, with such intent, remove such property or effects beyond the limits of the county in which it may be at the time of the commencement of such action, or the rendering of such judgment, shall, on conviction, be punished as provided in [SECTION 205.350](#).

SECTION 205.360 Knowingly receiving fraudulent conveyance. Every person who shall receive any property or conveyance thereof from another, knowing that the same is transferred or delivered to him in violation of, or with the intent to violate, any provision of [SECTION 205.345](#), [205.350](#) and [205.355](#), shall be guilty of a **Category C, D, or E offense**.

SECTION 205.365 Fraudulently selling real estate twice. A person, after once selling, bartering or disposing of any tract of land, town lot, or executing any bond or agreement for the sale of any land or town lot, who again, knowingly and fraudulently, sells, barter or disposes of the same tract of land or lot, or any part thereof, or knowingly and fraudulently executes any bond or agreement to sell, barter or dispose of the same land or lot, or any part thereof, to any other person, for a valuable consideration, shall be punished:

1. Where the value of the property involved is \$250 or more, for a **Category A offense** In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value of the property is less than \$250, for a **Category C, D, or E offense**.

SECTION 205.370 Swindling; credit by false representations. A person who, by false representations of his own wealth, or mercantile correspondence and connections, obtains a credit thereby and defrauds any person of money, goods, chattels or any valuable thing, or if a person causes or procures another to report falsely of his wealth or mercantile character, and by thus imposing upon any person obtains credit and

thereby fraudulently gets into the possession of goods, wares or merchandise, or other valuable thing, is a swindler, and must be sentenced to return the property fraudulently obtained, if it can be done, or to pay restitution and shall be punished:

1. Where the amount of money or the value of the chattels, goods, wares or merchandise, or other valuable thing so obtained is \$250 or more, for a **Category A offense**.
2. Otherwise, for a **Category C, D, or E offense**.

SECTION 205.375 False written statements to obtain property or credit. Any person:

1. Who shall knowingly make or cause to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon, respecting the financial condition or means or ability to pay, of himself, or of any other person, firm or corporation, in which he is interested, or for whom or which he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange, or promissory note, for the benefit of either himself or of such person, firm or corporation;

2. Who, knowing that a false statement in writing has been made, respecting the financial condition or means or ability to pay, of himself, or of such person, firm or corporation, in which he is interested, or for whom he is acting, procures, upon the faith thereof, for the benefit either of himself, or of such person, firm or corporation, either or any of the things of benefit mentioned in subsection 1; or

3. Who, knowing that a statement in writing has been made respecting the financial condition or means or ability to pay, of himself or of such person, firm or corporation, in which he is interested, or for whom he is acting, represents on a later day, either orally or in writing, that such statement theretofore made, if then again made on that day, would be then true, when, in fact, the statement if then made would be false, and procures upon the faith thereof, for the benefit either of himself or such person, firm or corporation, either or any of the things of benefit mentioned in subsection 1,

➤ shall be guilty of a **Category C, D, or E offense**.

SECTION 205.380 Obtaining money, property, rent or labor by false pretenses.

1. A person who knowingly and designedly by any false pretense obtains from any other person any chose in action, money, goods, wares, chattels, effects or other valuable thing, including rent or the labor of another person not his employee, with the intent to cheat or defraud the other person, is a cheat, and, unless otherwise prescribed by law, shall be punished:

(a) If the value of the thing or labor fraudulently obtained was \$250 or more, for a **Category A Ooffense**. In addition to any other penalty, the court shall order the person to pay restitution.

(b) If the value of the thing or labor fraudulently obtained was less than \$250, for a **Category C, D, or E offense**, and must be sentenced to restore the property fraudulently obtained, if it can be done, or tender payment for rent or labor.

2. For the purposes of this section, it is prima facie evidence of an intent to defraud if the drawer of a check or other instrument given in payment for:

(a) Property which can be returned in the same condition in which it was originally received;

(b) Rent; or

(c) Labor performed in a workmanlike manner whenever a written estimate was furnished before the labor was performed and the actual cost of the labor does not exceed the estimate,

➤ stops payment on that instrument and fails to return or offer to return the property in that condition, or to specify in what way the labor was deficient within 5 days after receiving notice from the payee that the instrument has not been paid by the drawee.

3. The notice must be sent to the drawer by certified mail, return receipt requested, at the address shown on the instrument. The notice must include a statement of the penalties set forth in this section. Return of the notice because of nondelivery to the drawer raises a rebuttable presumption of the intent to defraud.

4. A notice in boldface type clearly legible and in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in

which retail selling is conducted or labor is performed for the public and must be furnished in written form by a landlord to a tenant:

The stopping of payment on a check or other instrument given in payment for property which can be returned in the same condition in which it was originally received, rent or labor which was completed in a workmanlike manner, and the failure to return or offer to return the property in that condition or to specify in what way the labor was deficient within 5 days after receiving notice of nonpayment is punishable:

1. If the value of the property, rent or labor fraudulently obtained was \$250 or more, as a **Category A offense.**
2. If the value of the property, rent or labor so fraudulently obtained was less than \$250, as a **Category C, D, or E offense.**

SECTION 205.390 Obtaining signature by false pretense. A person who, with the intent to cheat or defraud another, designedly by color or aid of any false token or writing or other false pretense, representation or presentation obtains the signature of any person to a written instrument is guilty of a **Category A Offense.** In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.395 False representation concerning title. Every person who shall maliciously or fraudulently execute or file for record any instrument, or put forward any claim by which the right or title of another to any real property is, or purports to be, transferred, encumbered or clouded, shall be guilty of a **Category B offense.**

SECTION 205.400 Fraud by bailee of animal. Every person who shall obtain from another the possession or use of any horse or other draft animal without paying therefor, with intent to defraud the owner thereof, or who shall obtain the possession or use thereof, by color or aid of any false or fraudulent representation, pretense, token or writing, or shall obtain credit for such use by color or aid of any false or fraudulent representation, pretense, token or writing; or who, having hired property, shall recklessly, willfully, wantonly or by gross negligence injure or destroy or cause, suffer, allow or permit the same, or any part thereof, to be injured or destroyed; or who, having hired any horse or other draft animal upon an understanding or agreement that the same shall be ridden or driven a specified distance or to a specified place, shall willfully and fraudulently ride or drive or cause, permit or allow the same to be ridden or driven a longer distance, or to a different place, shall be guilty of a **Category C, D, or E offense.**

SECTION 205.405 Falsifying accounts. Every person who shall, willfully or maliciously and with intent to defraud, make any false entry, or fail to make an entry, of any material matter which it is his duty to make, with intent to injure another, in any private book or private account, shall be guilty of a **Category B Offense.**

SECTION 205.410 Improper use of insignia. Every person who shall willfully wear the badge, button, insigne or rosette of any military order or of any secret order or society, or any similitude thereof; or who shall use any such badge, button, insigne or rosette to obtain aid or assistance, or any other benefit or advantage, unless he shall be entitled to so wear or use the same under the constitution, bylaws, rules and regulations of such order or society, it is a **Category A offense.**

SECTION 205.415 Collecting for benefit without authority. A person who sells one or more tickets to any ball, benefit or entertainment, or asks or receives any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being authorized thereto by the person, association or order for whose benefit or pretended benefit it is done, shall be punished:

1. Where the amount received from such sales, subscriptions or promises totals \$250 or more, for a **Category A offense.** In addition to any other penalty, the court shall order the person to pay restitution.
2. Otherwise, for a **Category C, D, or E offense.**

SECTION 205.420 Use of false permit, license or writing. Every person who conducts any business or performs any act under color of, or files for record with any public officer, any false or fraudulent permit, license or writing, or any permit, license or writing not lawfully belonging to such person, or who obtains any permit, license or writing by color or aid of any false representation, pretense, personation, token or writing is guilty of a **Category B offense**.

SECTION 205.435 Fraudulent issue of stock. An officer, agent or other person in the service of a joint-stock company or corporation, domestic or foreign, who, willfully and knowingly with the intent to defraud:

1. Sells, pledges or issues, or causes to be sold, pledged or issued, or signs or executes or causes to be signed or executed, with the intent to sell, pledge or issue, or cause to be sold, pledged or issued, any certificate or instrument purporting to be a certificate or evidence of ownership of any share of that company or corporation, or any conveyance or encumbrance of real or personal property, contract, bond or evidence of debt, or writing purporting to be a conveyance or encumbrance of real or personal property, contract, bond or evidence of debt of that company or corporation, without being first duly authorized by the company or corporation, or contrary to the charter or laws under which the company or corporation exists, or in excess of the power of the company or corporation, or of the limit imposed by law or otherwise upon its power to create or issue stock or evidence of debt; or

2. Reissues, sells, pledges or disposes of, or causes to be reissued, sold, pledged or disposed of, any surrendered or cancelled certificate or other evidence of the transfer of ownership of any such share, ➤ is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.440 Publishing false statement to affect market price. Every person who, with intent to affect the market price of any security or property, shall put off, circulate or publish any false or misleading writing, statement or intelligence, shall be guilty of a **Category B offense**.

SECTION 205.445 Defrauding proprietor of hotel, inn, restaurant, motel or similar establishment.

1. It is unlawful for a person:

(a) To obtain food, foodstuffs, lodging, merchandise or other accommodations at any hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodginghouse, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, without paying therefor, with the intent to defraud the proprietor or manager thereof;

(b) To obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodginghouse, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or

(c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodginghouse, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his baggage therefrom, without paying for his food or accommodations.

2. A person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one establishment is \$250 or more, for a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Otherwise, for a **Category C, D, or E offense**.

3. Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or willfully neglected to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that he gave in payment for the food, foodstuffs, lodging, merchandise or other accommodations negotiable paper on which payment was refused, or that he absconded without paying or offering to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that he

surreptitiously removed or attempted to remove his baggage, is prima facie evidence of the fraudulent intent mentioned in this section.

4. This section does not apply where there has been an agreement in writing for delay in payment for a period to exceed 10 days.

SECTION 205.450 Personating another. Every person who shall falsely represent or personate another, and, in such assumed character, shall marry another, become bail or surety for any party, in any proceeding, civil or criminal, before any court or officer authorized to take such bail or surety, or confess any judgment, or acknowledge the execution of any conveyance of real property, or of any other instrument which, by law, may be recorded, or do any other act in the course of any suit, proceeding or prosecution, whereby the person so represented or personated may be made liable, in any event, to the payment of any debt, damages, cost or sum of money, or his right or interest may, in any manner be affected, is guilty of a **Category A offense**.

SECTION 205.455 Personating another same as stealing. Unless a greater penalty is provided pursuant to [SECTION 205.463](#), a person who falsely represents or personates another, and, in such assumed character, receives any money or valuable property of any description intended to be delivered to the person so personated, shall be punished in the same manner and to the same extent as if he stole the money or property so received.

SECTION 205.460 Preparation, transfer or use of false identification regarding person under 21 years of age; penalties; demand of proof of age as defense to certain proceedings.

1. Every person who counterfeits, forges, alters, erases or obliterates, or who attempts to counterfeit, forge, alter, erase or obliterate any card, writing, paper or document, or any photocopy print, photostat, or other replica of any card, writing, paper or document which is designed for the purpose of personal identification and which bears the age of the holder or purported holder thereof, or which, although not designed for the purpose of personal identification, is commonly used, or capable of being used for the purpose of personal identification and bears the age of the holder or purported holder thereof, with the intention that such card, writing, paper or document, or photocopy print, photostat or other replica thereof, be used by a person under the age of 21 years to establish falsely or misrepresent his actual age for the purpose of purchasing alcoholic liquor or being served alcoholic liquor in a place where it is served for consumption on the premises, or entering gambling establishments, or engaging in gambling in gambling establishments, shall be guilty of a **Category C, D, or E offense**. For the purposes of this subsection, the cards, writings, papers or documents and the photocopy prints or other replicas thereof which, although not designed for the purpose of personal identification, are commonly used, or capable of being used, for the purpose of personal identification, include, but are not limited to, an operator's license, chauffeur's license, fishing or hunting license, selective service card, organizational membership card, certificate of discharge from the Armed Forces, or certificate or other record of birth.

2. Every person who sells, lends, gives away or offers, or attempts to sell, lend, give away or offer, any counterfeited, forged, altered, erased or obliterated card, writing, paper or document, or photocopy print, photostat or other replica thereof, of the kind mentioned in subsection 1, to a person under the age of 21 years, shall be guilty of a **Category B offense**.

3. Every person under the age of 21 years who uses or attempts to use or proffers any counterfeited, forged, erased or obliterated card, writing, paper, document, or any photocopy print, photostat or other replica thereof, of the kind mentioned in subsection 1, for the purpose and with the intention of purchasing alcoholic liquor or being served alcoholic liquor in a place where it is served for consumption on the premises, or entering gambling establishments, or engaging in gambling in gambling establishments, or who actually purchases alcoholic liquor or is actually served alcoholic liquor in a place where it is served for consumption on the premises, or actually enters a gambling establishment or actually gambles therein, when the purchase, service, entering or gambling is induced or permitted by the presentation of any such card, writing, paper or document, or any photocopy print, photostat or other replica thereof, shall be guilty of a **Category C, D, or E offense**.

4. In any criminal prosecution or proceeding for the suspension or revocation of any license based upon the violation of any law making it unlawful to sell, serve or furnish a person under the age of 21 years alcoholic liquor or upon violation of any law making it unlawful to allow a person under the age of 21 years to enter a gambling establishment or engage in gambling in a gambling establishment, proof that the defendant licensee, or his agent or employee, demanded and was shown, immediately before furnishing any alcoholic liquor to a person under the age of 21 years or allowing a person under the age of 21 years to enter a gambling establishment or engage in gambling in a gambling establishment, bona fide documentary evidence of the majority and identity of the person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including, but not limited to, an operator's license for a motor vehicle, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces, is a defense to the prosecution or proceeding for the suspension or revocation of any license.

UNLAWFUL ACTS REGARDING PERSONAL IDENTIFYING INFORMATION

SECTION 205.461 Definitions. As used in [SECTION 205.461](#) to [205.4657](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 205.4611](#) to [205.4629](#), inclusive, have the meanings ascribed to them in those sections.

SECTION 205.4611 “Artificial person” defined. “Artificial person” means any corporation, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation or any comparable entity which is created and existing under the laws of this State, any other state, territory or foreign government, or the Government of the United States and which is doing business in this State.

SECTION 205.4613 “Document” defined. “Document” includes, without limitation, a photocopy print, photostat and other replica of a document.

SECTION 205.4615 “Older person” defined. “Older person” means a person who is 60 years of age or older.

SECTION 205.4617 “Personal identifying information” defined.

1. Except as otherwise provided in subsection 2, “personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a living or deceased person, including, without limitation:

(a) The current or former name, driver's license number, identification card number, social security number, checking account number, savings account number, credit card number, debit card number, financial services account number, date of birth, place of employment and maiden name of the mother of a person.

(b) The unique biometric data of a person, including, without limitation, the fingerprints, facial scan identifiers, voiceprint, retina image and iris image of a person.

(c) The electronic signature, unique electronic identification number, address or routing code, telecommunication identifying information or access device of a person.

(d) The personal identification number or password of a person.

(e) The alien registration number, government passport number, employer identification number, taxpayer identification number, Medicaid account number, food stamp account number, medical identification number or health insurance identification number of a person.

(f) The number of any professional, occupational, recreational or governmental license, certificate, permit or membership of a person.

(g) The number, code or other identifying information of a person who receives medical treatment as part of a confidential clinical trial or study, who participates in a confidential clinical trial or study involving the use of prescription drugs or who participates in any other confidential medical, psychological or behavioral experiment, study or trial.

(h) The utility account number of a person.

2. To the extent that any information listed in subsection 1 is designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify an artificial person, "personal identifying information" includes information pertaining to an artificial person.

SECTION 205.462 "Public body" defined. "Public body" means:

1. The State of Nevada, or any agency, instrumentality or corporation thereof;
2. The Nevada System of Higher Education;
3. Any tribe, county, school district or other type of district, or a city or town, incorporated or unincorporated; or
4. Any other body corporate and politic comprising a political subdivision of this State or acting on behalf thereof.

SECTION 205.4623 "Public employee" defined. "Public employee" means any person who is an employee or independent contractor of a public body.

SECTION 205.4627 "Public officer" defined. "Public officer" means a person who:

1. Is elected or appointed to a position which is established by the Constitution or a statute of this state, or by a charter or ordinance of a political subdivision of this state; or
2. Otherwise serves as an officer for a public body.

SECTION 205.4629 "Vulnerable person" defined. "Vulnerable person" means a person who:

1. Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or
2. Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

SECTION 205.463 Obtaining and using personal identifying information of another person to harm person or for unlawful purpose; penalties.

1. Except as otherwise provided in subsections 2 and 3, a person who knowingly:
 - (a) Obtains any personal identifying information of another person; and
 - (b) Uses the personal identifying information to harm that other person or for any unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that person,↳ is guilty of a **Category A offense**.
2. Except as otherwise provided in subsection 3, a person who knowingly:
 - (a) Obtains any personal identifying information of another person; and
 - (b) Uses the personal identifying information to avoid or delay being prosecuted for an unlawful act,↳ is guilty of a **Category A Offense**.
3. In addition to any other penalty, the court shall order a person convicted of violating subsection 1 to pay restitution, including, without limitation, any attorney's fees and costs incurred to:
 - (a) Repair the credit history or rating of the person whose personal identifying information he obtained and used in violation of subsection 1; and
 - (b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information he obtained and used in violation of subsection 1.

SECTION 205.464 Obtaining, using, possessing or selling personal identifying information for unlawful purpose by public officer or public employee; penalties.

1. Except as otherwise provided in subsection 2, a public officer or public employee who knowingly:
 - (a) Obtains any personal identifying information of another person from any document, file, database, source or process used by a public body to collect, store, maintain, transfer, reproduce, manage or administer personal identifying information; and

(b) Uses the personal identifying information to harm that other person or for any unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that person,

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

2. A public officer or public employee who violates subsection 1 by obtaining and using the personal identifying information of an older person or a vulnerable person is guilty of a Category A Offense.

3. Except as otherwise provided in subsection 4, a public officer or public employee who knowingly:

(a) Obtains any personal identifying information of another person from any document, file, database, source or process used by a public body to collect, store, maintain, transfer, reproduce, manage or administer personal identifying information; and

(b) Possesses, sells or transfers the personal identifying information for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person,

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

4. A public officer or public employee who violates subsection 3 by obtaining and possessing, selling or transferring the personal identifying information of an older person or a vulnerable person is guilty of a **Category A offense**.

5. Except as otherwise provided in subsection 6, a public officer or public employee who knowingly aids another public officer or public employee to commit a violation of any provision of this section is guilty of a **Category A offense**.

6. A public officer or public employee who violates subsection 5 by knowingly aiding another public officer or public employee in committing a violation of this section by obtaining the personal identifying information of an older person or a vulnerable person is guilty of a **Category A offense**.

7. The provisions of this section do not prohibit the possession or use of any personal identifying information by officers of local police, sheriff and metropolitan police departments and by agents of the Investigation Division of the Department of Public Safety while engaged in undercover investigations related to the lawful discharge of their duties.

8. In addition to any other penalty, the court shall order a public officer or public employee convicted of violating any provision of this section to pay restitution, including, without limitation, any attorney's fees and costs incurred, to:

(a) Repair the credit history or rating of the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1; and

(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information the public officer or public employee obtained and used in violation of this section.

SECTION 205.465 Possession or sale of document or personal identifying information to establish false status or identity; penalties.

1. It is unlawful for a person to possess, sell or transfer any document or personal identifying information for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person.

2. Except as otherwise provided in subsection 3, a person who:

(a) Sells or transfers any such document or personal identifying information in violation of subsection 1; or

(b) Possesses any such document or personal identifying information in violation of subsection 1 to commit any of the crimes set forth in [SECTION 205.085](#) to [205.217](#), inclusive, [205.473](#) to [205.513](#), inclusive, or [205.610](#) to [205.810](#), inclusive,

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

3. A person who violates subsection 2 by selling or transferring the personal identifying information of an older person or a vulnerable person is guilty of a **Category A offense**.

4. Except as otherwise provided in this subsection and subsections 2 and 3, a person who possesses any such document or personal identifying information in violation of subsection 1 is guilty of a category E **Category A Offense**. If a person possesses any such document or personal identifying information in violation of subsection 1 for the sole purpose of establishing false proof of age, including, without limitation, establishing false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a **Category C, D, or E offense**.

SECTION 205.46513 Establishing or possessing financial forgery laboratory unlawful; penalty; expert testimony.

1. A person shall not establish or possess a financial forgery laboratory with the intent to commit any unlawful act.

2. Unless a greater penalty is provided pursuant to specific statute, a person who violates this section is guilty of a **Category A offense**.

3. For the purposes of prosecuting a violation of this section, the prosecuting attorney may present expert testimony to provide a prima facie case that any computer, system, program or electronic or mechanical device, or any combination thereof, is specifically configured for any purpose set forth in subparagraph (1) or (2) of paragraph (b) of subsection 4.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in [SECTION 205.4735](#).

(b) "Financial forgery laboratory" means any computer, system, program or other electronic or mechanical device, or any combination thereof, that is specifically configured for the purpose of unlawfully:

(1) Obtaining personal identifying information of another person to commit an unlawful act; or

(2) Manufacturing any forged or fraudulent financial instrument, document or item, including, without limitation, any negotiable instrument, check, draft, bond, credit card, debit card, stock certificate, annuity, bank bill or note, draft, bill of exchange, contract, promissory note, traveler's check or money order.

(c) "Personal identifying information" has the meaning ascribed to it in [SECTION 205.4617](#).

(d) "Program" has the meaning ascribed to it in [SECTION 205.475](#).

(e) "System" has the meaning ascribed to it in [SECTION 205.476](#).

SECTION 205.46517 Court records. In any case in which a person is convicted of violating any provision of [SECTION 205.461](#) to [205.4657](#), inclusive, the court records must clearly reflect that the violation was committed by the person convicted of the violation and not by the person whose personal identifying information forms a part of the violation.

SECTION 205.4653 Prosecution regardless of whether person whose personal identifying information was stolen is living or deceased, is artificial person or suffers financial loss or injury. A person who violates any provision of [SECTION 205.461](#) to [205.4657](#), inclusive, may be prosecuted for the violation whether or not the person whose personal identifying information forms a part of the violation:

1. Is living or deceased during the course of the violation or the prosecution.

2. Is an artificial person.

3. Suffers financial loss or injury as the result of the violation.

SECTION 205.4655 Exempt persons. The provisions of [SECTION 205.461](#) to [205.4657](#), inclusive, do not apply to any person who, without the intent to defraud or commit an unlawful act, possesses or uses any personal identifying information of another person:

1. In the ordinary course of his business or employment; or

2. Pursuant to a financial transaction entered into with an authorized user of a payment card who has given permission for the financial transaction.

SECTION 205.4657 Defenses not available; jurisdiction.

1. In any prosecution for a violation of any provision of [SECTION 205.461](#) to [205.4657](#), inclusive, the Tribe is not required to establish and it is no defense that:

(a) An accessory has not been convicted, apprehended or identified; or

(b) Some of the acts constituting elements of the crime did not occur on this Reservation or that where such acts did occur they were not a crime or elements of a crime.

2. In any prosecution for a violation of any provision of [SECTION 205.461](#) to [205.4657](#), inclusive, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction on this Reservation in which:

(a) The person whose personal identifying information forms a part of the violation currently resides or is found; or

(b) Any act constituting an element of the crime occurred, regardless of whether the defendant was every physically present in that jurisdiction.

UNLAWFUL ACTS REGARDING COMPUTERS AND INFORMATION SERVICES

SECTION 205.473 Definitions. As used in [SECTION 205.473](#) to [205.513](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 205.4732](#) to [205.476](#), inclusive, have the meanings ascribed to them in those sections.

SECTION 205.4732 “Access” defined. “Access” means to intercept, instruct, communicate with, store data in, retrieve from or otherwise make use of any resources of a computer, network or data.

SECTION 205.4735 “Computer” defined. “Computer” means an electronic device which performs logical, arithmetic and memory functions by manipulations of electronic or magnetic impulses and includes all equipment related to the computer in a system or network.

SECTION 205.4737 “Computer contaminant” defined.

1. “Computer contaminant” means any data, information, image, program, signal or sound that is designed or has the capability to:

(a) Contaminate, corrupt, consume, damage, destroy, disrupt, modify, record or transmit; or

(b) Cause to be contaminated, corrupted, consumed, damaged, destroyed, disrupted, modified, recorded or transmitted,

↳ any other data, information, image, program, signal or sound contained in a computer, system or network without the knowledge or consent of the person who owns the other data, information, image, program, signal or sound or the computer, system or network.

2. The term includes, without limitation:

(a) A virus, worm or Trojan horse;

(b) Spyware that tracks computer activity and is capable of recording and transmitting such information to third parties; or

(c) Any other similar data, information, image, program, signal or sound that is designed or has the capability to prevent, impede, delay or disrupt the normal operation or use of any component, device, equipment, system or network.

3. As used in this section:

(a) “On-line bidding” has the meaning ascribed to it in NRS 332.047.

(b) “Spyware” does not include:

(1) An Internet browser;

(2) Software for transmitting messages instantly that informs the user whether other users are on-line at the same time;

(3) Software that is designed to detect or prevent the use of computer contaminants;

(4) Software that is designed to detect fraudulent on-line bidding;

(5) Software that is designed to prevent children from accessing pornography on the Internet;

(6) Software that conducts remote maintenance or repair of a computer or its systems;

(7) Software that is designed to manage or to perform maintenance on a network of computers;

(8) Software for media players; and

(9) Software that authenticates a user.

SECTION 205.474 “Data” defined. “Data” means a representation in any form of information, knowledge, facts, concepts or instructions which is being prepared or has been formally prepared and is intended to be processed, is being processed or has been processed in a system or network.

SECTION 205.4742 “Encryption” defined. “Encryption” means the use of any protective or disruptive measure, including, without limitation, cryptography, enciphering, encoding or a computer contaminant, to:

1. Prevent, impede, delay or disrupt access to any data, information, image, program, signal or sound;
2. Cause or make any data, information, image, program, signal or sound unintelligible or unusable; or
3. Prevent, impede, delay or disrupt the normal operation or use of any component, device, equipment, system or network.

SECTION 205.4743 “Information service” defined.

1. “Information service” means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound by means of any component, device, equipment, system or network, including, without limitation, by means of:

- (a) A computer, computer system, computer network, modem or scanner.
- (b) A telephone, cellular phone, satellite phone, pager, personal communications device or facsimile machine.
- (c) Any type of transmitter or receiver.
- (d) Any other component, device, equipment, system or network that uses analog, digital, electronic, electromagnetic, magnetic or optical technology.

2. The term does not include a community antenna television company, as defined in NRS 711.030.

SECTION 205.4744 “Internet or network site” defined.

1. “Internet or network site” means any identifiable site on the Internet or on a network.
2. The term includes, without limitation:
 - (a) A website or other similar site on the World Wide Web;
 - (b) A site that is identifiable through a Uniform Resource Location;
 - (c) A site on a network that is owned, operated, administered or controlled by a provider of Internet service;
 - (d) An electronic bulletin board;
 - (e) A list server;
 - (f) A newsgroup; or
 - (g) A chat room.

SECTION 205.4745 “Network” defined. “Network” means a set of related, remotely connected devices and facilities, including more than one system, with the capability to transmit data among any of the devices and facilities. The term includes, without limitation, a local, regional or global computer network.

SECTION 205.475 “Program” defined. “Program” means an ordered set of data representing coded instructions or statements which can be executed by a computer and cause the computer to perform one or more tasks.

SECTION 205.4755 “Property” defined. “Property” means anything of value and includes a financial instrument, information, electronically produced data, program and any other tangible or intangible item of value.

SECTION 205.4757 “Provider” defined. “Provider” means any person who provides an information service.

SECTION 205.4758 “Provider of Internet service” defined. “Provider of Internet service” means any provider who provides subscribers with access to the Internet or an electronic mail address, or both.

SECTION 205.4759 “Response costs” defined.

1. “Response costs” means any reasonable costs that arise in response to and as a proximate result of a crime described in [SECTION 205.473](#) to [205.513](#), inclusive.
2. The term includes, without limitation, any reasonable costs to:
 - (a) Investigate the facts surrounding the crime;
 - (b) Ascertain or calculate any past or future loss, injury or other damage;
 - (c) Remedy, mitigate or prevent any past or future loss, injury or other damage; or
 - (d) Test, examine, restore or verify the integrity of or the normal operation or use of any Internet or network site, electronic mail address, computer, system, network, component, device, equipment, data, information, image, program, signal or sound.

SECTION 205.476 “System” defined. “System” means a set of related equipment, whether or not connected, which is used with or for a computer.

SECTION 205.4765 Unlawful acts regarding computers: Generally.

1. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:
 - (a) Modifies;
 - (b) Damages;
 - (c) Destroys;
 - (d) Discloses;
 - (e) Uses;
 - (f) Transfers;
 - (g) Conceals;
 - (h) Takes;
 - (i) Retains possession of;
 - (j) Copies;
 - (k) Obtains or attempts to obtain access to, permits access to or causes to be accessed; or
 - (l) Enters,

a device used to access a computer, network or data is guilty of a **Category D offense**.

2. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization introduces, causes to be introduced or attempts to introduce a computer contaminant into a computer, system or network is guilty of a **Category D offense**.

3. If the violation of any provision of this section:

- (a) Was committed to devise or execute a scheme to defraud or illegally obtain property;
- (b) Caused response costs, loss, injury or other damage in excess of \$500; or
- (c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity, the person is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.477 Unlawful interference with or denial of access to or use of computers; unlawful use or access of computers; affirmative defense.

1. Except as otherwise provided in subsections 3 and 4, a person who knowingly, willfully and without authorization interferes with, denies or causes the denial of access to or use of a computer, system or network to a person who has the duty and right to use it is guilty of a **Category D offense**.

2. Except as otherwise provided in subsections 3 and 4, a person who knowingly, willfully and without authorization uses, causes the use of, accesses, attempts to gain access to or causes access to be gained to a

computer, system, network, telecommunications device, telecommunications service or information service is guilty of a **Category D offense**.

3. If the violation of any provision of this section:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;

(b) Caused response costs, loss, injury or other damage in excess of \$500; or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity, the person is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

4. It is an affirmative defense to a charge made pursuant to this section that at the time of the alleged offense the defendant reasonably believed that:

(a) He was authorized to use or access the computer, system, network, telecommunications device, telecommunications service or information service and such use or access by the defendant was within the scope of that authorization; or

(b) The owner or other person authorized to give consent would authorize the defendant to use or access the computer, system, network, telecommunications device, telecommunications service or information service.

5. A defendant who intends to offer an affirmative defense described in subsection 4 at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

SECTION 205.481 Forgery by creation, alteration or deletion of data, information, image, program, signal or sound contained in computer. A person who knowingly, willfully and without authorization creates, alters or deletes any data, information, image, program, signal or sound contained in any computer, system or network which, if done on a written or printed document or instrument, would constitute forgery pursuant to [SECTION 205.090](#) or [205.095](#), is guilty of forgery which is a **Category A offense**.

SECTION 205.486 Unlawful use of encryption.

1. A person shall not willfully use or attempt to use encryption, directly or indirectly, to:

(a) Commit, facilitate, further or promote any criminal offense;

(b) Aid, assist or encourage another person to commit any criminal offense;

(c) Conceal the commission of any criminal offense;

(d) Conceal or protect the identity of a person who has committed any criminal offense; or

(e) Delay, hinder or obstruct the administration of the law.

2. A person who violates any provision of this section:

(a) Is guilty of a Category B Offense, unless the encryption was used or attempted to be used to commit a crime for which a greater penalty is provided by specific statute. If the encryption was used or attempted to be used to commit a crime for which a greater penalty is provided by specific statute, the person shall be punished as prescribed by statute for that crime.

(b) Commits a criminal offense that is separate and distinct from any other criminal offense and may be prosecuted and convicted pursuant to this section whether or not the person or any other person is or has been prosecuted or convicted for any other criminal offense arising out of the same facts as the violation of this section.

SECTION 205.492 Unlawful acts involving electronic mail or transmission of other data, information, images, programs, signals or sounds to computer, system or network.

1. A person shall not willfully falsify or forge any data, information, image, program, signal or sound that:

(a) Is contained in the header, subject line or routing instructions of an item of electronic mail; or

(b) Describes or identifies the sender, source, point of origin or path of transmission of an item of electronic mail,

↳ with the intent to transmit or cause to be transmitted the item of electronic mail to any Internet or network site or to the electronic mail address of one or more recipients without their knowledge of or consent to the transmission.

2. Except as otherwise provided in subsection 7, a person shall not willfully transmit or cause to be transmitted an item of electronic mail to any Internet or network site or to the electronic mail address of one

or more recipients without their knowledge of or consent to the transmission if the person knows or has reason to know that the item of electronic mail contains or has been generated or formatted with:

(a) An Internet domain name that is being used without the consent of the person who holds the Internet domain name; or

(b) Any data, information, image, program, signal or sound that has been used intentionally in the header, subject line or routing instructions of the item of electronic mail to falsify or misrepresent:

(1) The identity of the sender; or

(2) The source, point of origin or path of transmission of the item of electronic mail.

3. A person shall not knowingly sell, give or otherwise distribute or possess with the intent to sell, give or otherwise distribute any data, information, image, program, signal or sound which is designed or intended to be used to falsify or forge any data, information, image, program, signal or sound that:

(a) Is contained in the header, subject line or routing instructions of an item of electronic mail; or

(b) Describes or identifies the sender, source, point of origin or path of transmission of an item of electronic mail.

4. Except as otherwise provided in subsection 7, a person shall not willfully and without authorization transmit or cause to be transmitted an item of electronic mail or any other data, information, image, program, signal or sound to any Internet or network site, to the electronic mail address of one or more recipients or to any other computer, system or network:

(a) With the intent to prevent, impede, delay or disrupt the normal operation or use of the Internet or network site, electronic mail address, computer, system or network, whether or not such a result actually occurs; or

(b) Under circumstances in which such conduct is reasonably likely to prevent, impede, delay or disrupt the normal operation or use of the Internet or network site, electronic mail address, computer, system or network, whether or not such a result actually occurs.

5. Except as otherwise provided in subsection 6, a person who violates any provision of this section is guilty of a **Category C, D, or E offense**.

6. If the violation of any provision of subsection 4:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;

(b) Caused response costs, loss, injury or other damage in excess of \$500; or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

↳ the person is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

7. The provisions of subsections 2 and 4 do not apply to a provider of Internet service who, in the course of providing service, transmits or causes to be transmitted an item of electronic mail on behalf of another person, unless the provider of Internet service is the person who first generates the item of electronic mail.

8. As used in this section, "item of electronic mail" includes, without limitation:

(a) A single item of electronic mail;

(b) Multiple copies of one or more items of electronic mail;

(c) A collection, group or bulk aggregation of one or more items of electronic mail;

(d) A constant, continual or recurring pattern or series of one or more items of electronic mail; or

(e) Any other data, information, image, program, signal or sound that is included or embedded in or attached or connected to one or more items of electronic mail.

SECTION 205.506 Unlawful acts regarding information services.

1. It is unlawful for a person knowingly and with the intent to avoid payment in full for the service obtained to:

(a) Obtain or attempt to obtain an information service from a provider by deception, use of an illegal device or other fraudulent means. The requisite intent may be inferred from the presence on the property or in the possession of the person of a device, not authorized by the provider, the major purpose of which is to permit or facilitate use of an information service without payment. The inference is rebutted if the person shows that he purchased the device for a legitimate purpose.

(b) Give to another person technical assistance or instruction in obtaining an information service without full payment to a provider.

(c) Maintain an ability to connect, by physical, electronic or other means, with facilities, components or devices used in an information service for the purpose of obtaining the information service without payment of all lawful compensation to the provider.

(d) Make or maintain a modification of a device installed with the authorization of a provider to obtain any service that the person is not authorized by the provider to obtain. The requisite intent may be inferred from proof that the standard procedure of the provider is to place labels on its devices warning that modifying the device is a violation of law and that the device has been modified without the permission of the provider.

(e) Possess, manufacture, deliver, offer to deliver or advertise, without permission from the provider, a device or a kit for a device designed to:

(1) Receive from the provider a service offered for sale by the provider, whether or not the service is encoded or otherwise made unintelligible; or

(2) Perform or facilitate an act prohibited by paragraphs (a) to (d), inclusive.

➤ Intent to violate this paragraph for commercial advantage or financial gain may be inferred if the circumstances, including, without limitation, quantity or volume, indicate possession for resale.

(f) Manufacture, import, distribute, advertise, sell, lease, or offer to sell or lease a device or a plan or kit for a device designed to receive an information service offered for sale by a provider, whether or not the service is encoded or otherwise made unintelligible, without full payment. The requisite intent may be inferred from proof that the person has sold, leased or offered to sell or lease any such device, plan or kit and stated or implied to the buyer or lessee that it will enable him to obtain an information service without charge.

(g) Possess any other materials for the purpose of creating a device or a kit for a device designed to obtain an information service in any manner prohibited pursuant to this section.

2. This section does not prohibit or restrict a holder of an amateur service license issued by the Federal Communications Commission from possessing or using a radio receiver or transceiver that is intended primarily for use in the amateur radio service and is used for lawful purposes.

3. A person who violates any provision of this section is guilty of a **Category A offense**.

SECTION 205.509 Presumption of authority of employee. An employee is presumed to have the authority to access and use:

1. A computer, system or network owned or operated by his employer; and

2. Any supporting document to and any data, information, image, program, signal or sound contained in such a computer, system or network,

➤ unless the presumption is overcome by clear and convincing evidence to the contrary.

SECTION 205.511 Victim authorized to bring civil action.

1. Any victim of a crime described in [SECTION 205.473](#) to [205.513](#), inclusive, may bring a civil action to recover:

(a) Damages for any response costs, loss or injury suffered as a result of the crime;

(b) Punitive damages; and

(c) Costs and reasonable attorney's fees incurred in bringing the civil action.

2. A victim of a crime described in [SECTION 205.473](#) to [205.513](#), inclusive, may bring a civil action pursuant to this section whether or not the person who committed the crime is or has been charged with or convicted or acquitted of the crime or any other offense arising out of the facts surrounding the crime.

3. The provisions of this section do not abrogate or limit the right of a victim of a crime described in [SECTION 205.473](#) to [205.513](#), inclusive, to bring a civil action pursuant to any other statute or the common law.

SECTION 205.513 Enforcement of provisions.

1. If it appears that a person has engaged in or is about to engage in any act or practice which violates any provision of [SECTION 205.473](#) to [205.513](#), inclusive, the US Attorney or the appropriate prosecuting attorney may file an action in tribal court to prevent the occurrence or continuance of that act or practice.

2. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not preclude the criminal prosecution and punishment of a violator.

DOCUMENTS OF TITLE

SECTION 205.530 Issue of document of title containing false statement. A bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a document of title, knowing that it contains any false statement, is guilty of a **Category B Offense**.

SECTION 205.540 Issue of duplicate or additional negotiable document of title not so marked. Except as otherwise provided a bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a duplicate or additional negotiable document of title, knowing that a former negotiable document for the same goods or any part of them is outstanding and uncanceled, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is \$250 or more, for a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.
2. Where the value is less than \$250, for a **Category C, D, or E offense**.

SECTION 205.550 Delivery of goods covered by outstanding negotiable document of title without obtaining negotiable document. Except as provided in chapter [104](#) of SECTION, a bailee, or any officer, agent or servant of a bailee, who delivers goods, knowing that they are covered by an outstanding document of title, the negotiation of which would transfer the right to possession thereof, without obtaining the negotiable document, is guilty of a **Category B offense**.

SECTION 205.560 Issue of negotiable warehouse receipt not stating fact of warehouseman's ownership. A warehouseman, or any officer, agent or servant of a warehouseman, in possession of goods which he owns in part, wholly or jointly, who issues a negotiable warehouse receipt therefor, without noting his ownership on the receipt, is guilty of a **Category B Offense**.

SECTION 205.570 Obtaining or negotiating document of title for goods with intent to defraud. A person who, with the intent to defraud, obtains a negotiable document of title for goods to which he does not have title, or which are subject to a security interest, and negotiates the document for value, without disclosing his want of title or the existence of the security interest, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is \$250 or more, for a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.
2. Where the value is less than \$250, for a **Category C, D, or E offense**.

SECTION 205.580 Inducing bailee to issue negotiable document of title when goods have not been received. A person who, with the intent to defraud, secures the issue by a bailee of a negotiable document of title, knowing at the time of issue that any or all of the goods are not in possession of the bailee, by inducing the bailee to believe that the goods are in the bailee's possession, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is \$250 or more, for a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.
2. Where the value is less than \$250, for a **Category C, D, or E offense**.

SECTION 205.590 Negotiation of document of title when goods are not in bailee's possession. A person who, with the intent to defraud, negotiates or transfers for value a document of title, which by the terms thereof represents that goods are in possession of the bailee who issued the document, knowing that the bailee is not in possession of the goods or any part thereof, without disclosing this fact, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is \$250 or more, for a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.
2. Where the value is less than \$250, for a **Category C, D, or E offense**.

PAYMENT CARDS, REENCODERS AND SCANNING DEVICES

SECTION 205.601 Definitions. As used in [SECTION 205.601](#) to [205.608](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 205.602](#), [205.603](#) and [205.604](#) have the meanings ascribed to them in those sections.

SECTION 205.602 “Payment card” defined. “Payment card” means a credit card, charge card, debit card or any other card that:

1. Is issued to an authorized card user; and
2. Allows the user to obtain, purchase or receive credit, money, a good, a service or anything of value.

SECTION 205.603 “Reencoder” defined. “Reencoder” means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.

SECTION 205.604 “Scanning device” defined. “Scanning device” means a scanner, reader or any other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.

SECTION 205.605 Using scanning device or reencoder to defraud.

1. A person shall not:
 - (a) Use a scanning device to access, read, obtain, memorize or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card:
 - (1) Without the permission of the authorized user of the payment card; and
 - (2) With the intent to defraud the authorized user, the issuer of the payment card or any other person.
 - (b) Use a reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card:
 - (1) Without the permission of the authorized user of the card from which the information is being reencoded; and
 - (2) With the intent to defraud the authorized user, the issuer of the payment card or any other person.
2. A person who violates any provision of this section is guilty of a **Category A offense**.
3. In addition to any other penalty, the court shall order a person who violates any provision of this section to pay restitution, including, without limitation, any attorney’s fees and costs incurred to:
 - (a) Repair the credit history or rating of each person who is a victim of the violation; and
 - (b) Satisfy a debt, lien or other obligation incurred by each person who is a victim of the violation.

SECTION 205.606 Possession of scanning device or reencoder for unlawful purpose.

1. A person shall not possess a scanning device or reencoder with the intent to use the scanning device or reencoder for an unlawful purpose.
2. A person who violates any provision of this section is guilty of a **Category A offense**.

SECTION 205.607 Exempt persons. The provisions of [SECTION 205.601](#) to [205.608](#), inclusive, do not apply to any person who, without the intent to defraud or commit an unlawful act, possesses or uses a scanning device or reencoder:

1. In the ordinary course of his business or employment; or
2. Pursuant to a financial transaction entered into with an authorized user of a payment card who has given permission for the financial transaction.

SECTION 205.608 Defenses not available. In any prosecution for a violation of any provision of [SECTION 205.601](#) to [205.608](#), inclusive, the Tribe is not required to establish and it is no defense that:

1. An accessory has not been convicted, apprehended or identified; or

2. Some of the acts constituting elements of the crime did not occur on the reservation or that where such acts did occur they were not a crime or elements of a crime.

CREDIT CARDS AND DEBIT CARDS

SECTION 205.610 Definitions. As used in [SECTION 205.610](#) to [205.810](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 205.620](#) to [205.670](#), inclusive, have the meanings ascribed to them in those sections.

SECTION 205.620 “Cardholder” defined. “Cardholder” means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

SECTION 205.630 “Credit card” defined. “Credit card” means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

SECTION 205.635 “Debit card” defined. “Debit card” means any instrument or device, whether known as a debit card or by any other name, that is issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value, subject to the issuer removing money from the checking account or savings account of the cardholder.

SECTION 205.640 “Expired credit card or debit card” defined. “Expired credit card or debit card” means a credit card or debit card that is no longer valid because the term shown on it has elapsed.

SECTION 205.650 “Issuer” defined. “Issuer” means the business organization, financial institution or a duly authorized agent of a business organization or financial institution which issues a credit card or debit card.

SECTION 205.660 “Receives” and “receiving” defined. “Receives” or “receiving” means acquiring possession or control or accepting as security for a loan.

SECTION 205.670 “Revoked credit card or debit card” defined. “Revoked credit card or debit card” means a credit card or debit card that is no longer valid because permission to use it has been suspended or terminated by the issuer.

SECTION 205.680 False statement to procure issuance of credit card or debit card. Any person who, for the purpose of procuring the issuance of a credit card or debit card, makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false, with intent that it be relied on respecting his identity or financial condition or the identity or financial condition of any other person, firm or corporation is guilty of a **Category B offense**.

SECTION 205.690 Obtaining or possessing credit card or debit card, or identifying description of credit card, credit account or debit card without consent of cardholder; presumption from possession; exemptions.

1. A person who steals, takes or removes a credit card or debit card from the person, possession, custody or control of another without the cardholder’s consent or who, with knowledge that a credit card or debit card has been so taken, removed or stolen receives the credit card or debit card with the intent to circulate, use or sell it or to transfer it to a person other than the issuer or the cardholder, is guilty of a **Category A offense**.

2. The provisions of this section do not apply to a person employed by or operating a business, including, but not limited to, a bank or other financial institution, credit bureau, collection agency or credit reporting agency, who, without the intent to defraud, lawfully furnishes to another person or obtains the number or other identifying description of a credit card, debit card or credit account in the ordinary course of that business or employment or pursuant to a financial transaction entered into with a customer.

3. As used in this section:

(a) "Credit card" includes, without limitation, the number or other identifying description of a credit card or credit account.

(b) "Debit card" includes, without limitation, the number or other identifying description of a debit card.

SECTION 205.710 Sale or purchase of credit card or debit card, or identifying description of credit card, debit card or credit account; exemptions.

1. A person, except the issuer, who:

(a) Sells a credit card or debit card or the number or other identifying description of a credit card, debit card or credit account; or

(b) Buys a credit card, debit card or the number or other identifying description of a credit card, debit card or credit account from a person other than the issuer, is guilty of a **Category A offense**.

2. The provisions of this section do not apply to a person employed by or operating a business, including, but not limited to, a bank or other financial institution, credit bureau, collection agency or credit reporting agency, who, without the intent to defraud, lawfully furnishes to another person or obtains the number or other identifying description of a credit card, debit card or credit account in the ordinary course of that business or employment or pursuant to a financial transaction entered into with a customer.

SECTION 205.715 Sale of identifying information on telephone calling card.

1. It is unlawful for a person to sell, offer to sell, or otherwise make available, without the authority of the lawful holder:

(a) A number on a telephone calling card;

(b) A personal identification number for use of a telephone calling card;

(c) An account number; or

(d) Any other code or number,

↳ that can be used to obtain telephone service.

2. Except as otherwise provided in [SECTION 205.710](#), any person violating the provisions of subsection 1 is guilty of a **Category A offense**.

SECTION 205.720 Obtaining control of credit card or debit card as security for debt. A person who, with the intent to defraud, obtains control over a credit card or debit card as security for debt is guilty of a **Category A Offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.740 Forgery of credit card or debit card; presumption from possession.

1. A person who, with the intent to defraud, falsely makes or falsely embosses a purported credit card or debit card or utters such a credit card or debit card is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

2. A person, except the purported issuer, who possesses two or more credit cards or debit cards are falsely made or falsely embossed is presumed to have violated this section.

3. For the purpose of this section:

(a) A person "falsely makes" a credit card or debit card when he alters a validly issued credit card or debit card or makes or draws, in whole or in part, a device or instrument which purports to be the credit card or debit card of a named issuer where the issuer did not authorize the making or drawing.

(b) A person "falsely embosses" a credit card or debit card when, without the authorization of the named issuer, he completes a credit card or debit card by adding any matter, except the signature of the cardholder, which the issuer requires to appear on the credit card or debit card before the credit card or debit card can be used by a cardholder.

SECTION 205.750 Unauthorized signing of credit card, debit card or related document with intent to defraud. A person, except the cardholder or a person authorized by the cardholder, who signs a credit card, debit card, sales slip, sales draft or instrument for the payment of money which evidences a credit card or debit card transaction with the intent to defraud is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.760 Fraudulent use of credit card or debit card, or identifying description of credit account or debit card; presumption of knowledge of revocation of credit card or debit card.

1. Unless a greater penalty is provided pursuant to [SECTION 205.222](#) for a violation of subsection 2 of [SECTION 205.220](#), a person who, with the intent to defraud:

(a) Uses a credit card or debit card to obtain money, goods, property, services or anything of value where the credit card or debit card was obtained or retained in violation of [SECTION 205.690](#) to [205.750](#), inclusive, or where the person knows the credit card or debit card is forged or is the expired or revoked credit card or debit card of another;

(b) Uses the number or other identifying description of a credit account, customarily evidenced by a credit card or the number or other identifying description of a debit card, to obtain money, goods, property, services or anything of value without the consent of the cardholder; or

(c) Obtains money, goods, property, services or anything else of value by representing, without the consent of the cardholder, that he is the authorized holder of a specified card or that he is the holder of a card where the card has not in fact been issued,

➤ is guilty of a public offense and shall be punished for a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

2. Unless a greater penalty is provided pursuant to [SECTION 205.222](#) for a violation of subsection 2 of [SECTION 205.220](#), a person who, with the intent to defraud, uses a credit card or debit card to obtain money, goods, property, services or anything of value where the credit card or debit card was issued in his name and which he knows is revoked or expired, or when he knows he does not have sufficient money or property with which to pay for the extension of credit or to cover the debit from the account linked to his debit card, shall be punished, where the amount of money or the value of the goods, property, services or other things of value so obtained in any 6-month period is:

(a) One hundred dollars or more, for a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Less than \$100, for a **Category D offense**.

3. A person is presumed to have knowledge of the revocation of a credit card or debit card 4 days after notice of the revocation has been mailed to him by registered or certified mail, return receipt requested, at the address set forth on the credit card or debit card or at his last known address. If the address is more than 500 miles from the place of mailing, notice must be sent by airmail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone and Canada, notice may be presumed to have been received 10 days after the mailing.

SECTION 205.765 Presumption of intent to defraud and knowledge that holder of credit card or debit card has insufficient money or property. In a criminal action for using a credit card or debit card to obtain money, goods, property, services or anything of value with insufficient money or property with which to pay for the extension of credit, with intent to defraud, that intent and the knowledge that the holder of the credit card has insufficient money or property is presumed to exist if payment is refused by the issuer or other creditor when it is presented in the usual course of business, unless within 5 days after payment is refused by the issuer if the action involves the use of a debit card or within 10 days after payment is refused by the issuer if the action involves the use of a credit card, the holder of the credit card pays the full amount due plus any handling charges.

SECTION 205.770 Fraud by person authorized to provide goods or services: Furnishing goods or services upon presentation of credit card or debit card illegally obtained or possessed. A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card or debit card by the cardholder, or an agent or employee of the authorized person, who, with the intent to defraud, furnishes money, goods, property, services or anything else of value upon presentation of a credit card or debit card that the person, employee or agent knows was obtained or retained in violation of [SECTION 205.690](#) to [205.750](#), inclusive, or is forged, expired or revoked is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.780 Fraud by person authorized to provide goods or services: Misrepresentation to issuer. A person who is authorized by an issuer to furnish money, goods, property, services or anything of value upon presentation of a credit card or debit card by the cardholder, or an agent or employee of the authorized person, who, with the intent to defraud, misrepresents to the issuer the value of the goods he

furnishes or who fails to furnish money, goods, property, services or anything else of value which he represents in writing to the issuer that he has furnished is guilty of a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 205.790 Possession of incomplete credit cards or debit cards or equipment to produce cards.

1. A person, except the cardholder, who possesses two or more incomplete credit cards or debit cards with the intent to complete them without the consent of the issuer, or a person who, with knowledge of its character, possesses machinery, plates or any other contrivance designed to produce instruments which purport to be the credit cards or debit cards of an issuer who has not consented to the preparation of such credit cards or debit cards is guilty of a **Category A offense**.

2. As used in this section, a credit card or debit card is “incomplete” if part of the matter, except the signature of the cardholder, required by an issuer to appear on the credit card or debit card has not yet been stamped, embossed, imprinted or written on the credit card or debit card.

SECTION 205.800 Receiving property or services obtained by unlawful use of credit card or debit card; presumption of knowledge.

1. A person who receives money, property, goods, services or anything of value obtained in violation of [SECTION 205.760](#), knowing or believing that the money, property, goods, services or other things of value were so obtained, is guilty of a **Category A offense**.

2. A person who obtains at a discount price from a source other than the issuing company a ticket issued by an airline, railroad, steamship or other transportation company and acquired in violation of [SECTION 205.760](#) under such circumstances as to cause a reasonable person to believe that the ticket was obtained in violation of this section is presumed to know that the ticket was obtained in violation of [SECTION 205.760](#).

SECTION 205.810 Defenses not available. In any prosecution for violation of [SECTION 205.610](#) to [205.800](#), inclusive, the Tribe is not required to establish and it is no defense that:

1. An accessory has not been convicted, apprehended or identified; or
2. Some of the acts constituting elements of the crime did not occur in this state or that where such acts did occur they were not a crime or elements of a crime.

CARTS USED IN RETAIL STORES AND LAUNDRIES

SECTION 205.840 Owner of cart required to place sign on his premises. The owner of any cart shall place a sign on his premises which contains:

1. The name, address and telephone number of his business; and
2. A statement that the unauthorized removal or possession of the cart is a **Category C, D, or E offense**.

SECTION 205.850 Retrieval of carts: Permit from owner. Any person who retrieves carts from areas not on the owner’s premises, whether as a volunteer or for compensation, must obtain a permit from the owner authorizing him to retrieve carts. Each vehicle used to retrieve carts must have a copy of the permit from the owner of the carts.

SECTION 205.860 Wrongful possession, abandonment or alteration of cart or serial number.

1. Any person who:
 - (a) Knowingly possesses a cart that has been removed from the owner’s premises;
 - (b) Possesses a cart with the serial numbers removed, obliterated or altered with the intent to deprive the owner of the cart of its possession either temporarily or permanently;
 - (c) Leaves or abandons a cart at a location other than the owner’s premises with the intent to deprive the owner of its possession either temporarily or permanently;
 - (d) Alters, converts or tampers with a cart; or

- (e) Removes, obliterates or alters the cart's serial numbers,
→ is guilty of a **Category C, D, or E offense**.
- 2. This section does not apply to:
 - (a) The owner of the cart, his agents or employees;
 - (b) A customer of the retail store, laundry or establishment for dry cleaning who has written permission from the owner of the cart, his agents or employees to possess the cart or remove it from the premises; or
 - (c) The operator of a service to retrieve carts if he has complied with [SECTION 205.850](#).

OBTAINING CHILD CARE WITH INTENT TO DEFRAUD

SECTION 205.870 Definitions. As used in [SECTION 205.880](#) and [205.890](#), unless the context otherwise requires:

1. "Care" includes board, laundry, lodging, teaching, incidental materials and supplies, necessary articles of apparel or clothing and necessary medical, nursing or hospital service for which a child care establishment is liable.
2. "Child care establishment" includes any children's home, day nursery, kindergarten, nursery school or other similar establishment however designated, maintained or operated for the care of children for compensation or hire.

SECTION 205.880 Obtaining care for child in child care establishment with intent to defraud keeper or proprietor; penalty; exception.

1. Any person who obtains care for any child in any child care establishment with intent to defraud the keeper or proprietor of that establishment is guilty of a **Category B offense**.
2. This section does not apply where there has been an agreement in writing for delay in payment for a period exceeding 10 days.

SECTION 205.890 Prima facie evidence of intent to defraud. The obtaining of care for a child in a child care establishment by means of any false pretense or representation, knowingly made, or the refusal or willful neglect to pay for that care, or the giving in payment for that care of any negotiable paper on which payment is refused, or the removal of a child from such an establishment without paying or offering to pay for the child's care, or the surreptitious removal or attempt to remove a child from that establishment, is prima facie evidence of intent to defraud the keeper or proprietor of that establishment.

MISCELLANEOUS CRIMES AGAINST PROPERTY

SECTION 205.900 Unlawful use of hotel key; penalty.

1. Any person who has unauthorized possession of a key or other device used by a guest in a hotel or by the hotel to gain entrance to a room in a hotel, under circumstances which demonstrate the person's intent to use or to allow the use of the device in the commission of a crime is guilty of a **Category B offense**.
2. As used in this section, "hotel" means every building used as or held out to the public to be a place where accommodations for sleeping or rooming are furnished to the public, either with or without meals.

SECTION 205.910 Unlawful use of television or radio signals; unlawful manufacture or sale of devices to intercept or decode signals; penalty; exceptions.

1. Any person who without authority:
 - (a) Leads or attempts to lead from its uses or make use of the electrical signal or any portion thereof from any posts, wires, towers or other materials or fixtures employed in the construction or use of any line of a television coaxial cable or a microwave radio system;
 - (b) Attaches any device to a television receiver of any kind for the purpose of intercepting or decoding the transmission of any pay program of a multipoint distribution system in a manner not authorized by the system; or

(c) Knowingly or willfully and for profit manufactures, distributes or sells any device, kit or plan designed to intercept or decode the transmission of a multipoint distribution system in a manner not authorized by the system,

☛ is guilty of a **Category C, D. or E offense.**

2. The provisions of this section do not apply to the interception by a person of any direct transmission of a television signal from a communication satellite if the person does not charge a fee for admission to view the television show.

SECTION 205.920 Obtaining or attempting to obtain telephone or telegraph service with intent to avoid payment; penalty.

1. It is unlawful for a person to obtain or attempt to obtain telephone or telegraph service with the intent to avoid payment for that service by himself or to avoid payment for that service by any other person, by:

(a) Charging the service to an existing telephone number without authority of the subscriber, to a nonexistent telephone number or to a number associated with telephone service which is suspended or terminated after notice of suspension or termination has been given to the subscriber;

(b) Charging the service to a credit card without authority of the lawful holder, to a nonexistent credit card or to a revoked or cancelled, as distinguished from expired, credit card after notice of revocation or cancellation has been given to the holder;

(c) Using a code, prearranged scheme or other similar device to send or receive information;

(d) Rearranging, tampering with or making connection with any facilities or equipment, whether physically, electrically, acoustically, inductively or otherwise;

(e) Using any other deception, false token or other means to avoid payment for the service; or

(f) Concealing, or assisting another to conceal, from any telephone or telegraph company or from any lawful authority the existence or place of origin or destination of any message.

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

SECTION 205.930 Manufacture, possession, sale or other disposition of equipment or information for obtaining telephone or telegraph service with intent to avoid payment; penalty.

1. It is unlawful to make or possess any instrument, apparatus or device or to sell, give or otherwise transfer to another or to offer or advertise for sale any instrument, apparatus, device or information, or plans or instructions for making or assembling such equipment, with knowledge or reason to believe that it is intended to be used to obtain telephone or telegraph service with intent to avoid payment therefor by any of the means listed in paragraph (c), (d) or (f) of subsection 1 of [SECTION 205.920](#), or to represent or imply that it may lawfully be so used.

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

SECTION 205.940 Conversion of rented or leased personal property; penalty; defenses to civil action.

1. Any person who in renting or leasing any personal property obtains or retains possession of such personal property by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his name, residence, employment or operator's license, is guilty of larceny and shall be punished as provided in [SECTION 205.2175](#) to [205.2707](#), inclusive. It is a complete defense to any civil action arising out of or involving the arrest or detention of any person renting or leasing personal property that any representation made by him in obtaining or retaining possession of the personal property is contrary to the fact.

2. Any person who, after renting or leasing any personal property under an agreement in writing which provides for the return of the personal property to a particular place at a particular time fails to return the personal property to such place within the time specified, and who, with the intent to defraud the lessor or to retain possession of such property without the lessor's permission, thereafter fails to return such property to any place of business of the lessor within 72 hours after a written demand for the return of such property is made upon him by registered mail addressed to his address as shown in the written agreement, or in the absence of such address, to his last known place of residence, is guilty of larceny and shall be punished as provided in [SECTION 205.2175](#) to [205.2707](#), inclusive. The failure to return the personal property to the place specified in the agreement is prima facie evidence of an intent to defraud the lessor or to retain possession of such property without the lessor's permission. It is a complete defense to any civil action

arising out of or involving the arrest or detention of any person upon whom such demand was made that he failed to return the personal property to any place of business of the lessor within 20 days after such demand.

SECTION 205.950 Unlawful receipt of fee, salary, deposit or money to obtain loan for another; penalties.

1. It is unlawful for a person to receive an advance fee, salary, deposit or money to obtain a loan for another unless he places the advance fee, salary, deposit or money in escrow pending completion of the loan or a commitment for the loan.

2. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsection 1 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in subsection 3.

3. A person who violates the provisions of this section:

(a) Is guilty of a **Category D offense** if the amount is less than \$250;

(b) Is guilty of a **Category B offense** if the amount is \$250 or more but less than \$1,000; or

(c) Is guilty of a **Category A offense** if the amount is \$1,000 or more and shall be punished as provided in [SECTION 193.130](#).

SECTION 205.965 Unlawful possession, making, altering, forgery or counterfeiting of sales receipt or inventory pricing label; penalties.

1. A person shall not, with the intent to cheat or defraud a retailer, possess, make, alter, forge or counterfeit any sales receipt or inventory pricing label.

2. Unless a greater penalty is imposed by a specific statute and except as otherwise provided in subsection 3, a person who violates any provision of subsection 1 is guilty of a **Category A offense**.

3. As used in this section, "inventory pricing label" includes, without limitation, any written or electronic record or label used by a retailer to identify, inventory or price any product or item it offers for sale.

SECTION 205.970 Unlawful possession, manufacture, sale or distribution of theft detection shielding device or theft detection device deactivator; penalty.

1. A person shall not, with the intent to commit, aid or abet a theft, possess any theft detection shielding device or theft detection device deactivator.

2. A person shall not, with the intent to commit, aid or abet a theft, manufacture, sell or distribute any theft detection shielding device or theft detection device deactivator.

3. A person who violates any provision of this section is guilty of a **Category A offense**.

4. As used in this section:

(a) "Theft detection device deactivator" includes, without limitation, any tool or device designed to allow, or capable of allowing, the deactivation or removal of a theft detection device from any merchandise.

(b) "Theft detection shielding device" includes, without limitation, any laminated or coated bag or device intended to shield merchandise from detection by an electronic or magnetic theft detector.

CIVIL LIABILITY FOR LOSS OR DAMAGE TO PROPERTY

SECTION 205.980 Determination of value of loss from crime; notice to victim; order of restitution deemed judgment to collect damages.

1. A person who is convicted of violating any provision of [SECTION 205.060](#) or [205.2175](#) or [205.2707](#), inclusive, is civilly liable for the value of any property stolen and not recovered in its original condition. The value of the property must be determined by its retail value or fair market value at the time the crime was committed, whichever is greater.

2. A person who is convicted of any other crime involving damage to property is civilly liable for the amount of damage done to the property.
3. The prosecutor shall notify the victim concerning the disposition of the criminal charges against the defendant within 30 days after the disposition. The notice must be sent to the last known address of the victim.
4. An order of restitution signed by the judge in whose court the conviction was entered shall be deemed a judgment against the defendant for the purpose of collecting damages.
5. Nothing in this section prohibits a victim from recovering additional damages from the defendant.