

CHAPTER 207 - MISCELLANEOUS CRIMES HABITUAL CRIMINALS, HABITUAL FELONS AND HABITUALLY FRAUDULENT FELONS

VAGRANTS

SECTION 207.030 Prohibited acts; penalty.

INTERFERENCE WITH EMERGENCY COMMUNICATIONS

SECTION 207.161 Definitions.
SECTION 207.163 Refusal to relinquish public telephone for emergency call unlawful; false declaration of emergency to obtain use of public telephone unlawful.

DECEPTIVE ADVERTISING

SECTION 207.170 "False, deceptive or misleading advertising" defined.
SECTION 207.171 False, deceptive or misleading advertising and other sales practices.
SECTION 207.172 Exemption of advertising media.
SECTION 207.173 Actual deception unnecessary to create liability.
SECTION 207.174 Civil penalties; action by Attorney General or district attorney.
SECTION 207.175 Criminal penalties.

MISCELLANEOUS

SECTION 207.180 Threatening or obscene letters or writings.
SECTION 207.185 Penalty for commission of certain unlawful acts by reason of actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of another person or group of persons.
SECTION 207.190 Coercion.
SECTION 207.193 Coercion: Hearing to determine whether sexually motivated.
SECTION 207.195 Use of monetary instrument proceeding or derived from unlawful activity; conducting financial transaction with intent to evade regulation governing records of casinos.
SECTION 207.200 Unlawful trespass upon land; warning against trespassing.
SECTION 207.205 Posting land without permission of owner or occupant.
SECTION 207.210 Destruction of signs or notices forbidding trespass.
SECTION 207.220 Penalty for not closing gates.
SECTION 207.225 Unlawful diversion of irrigation water.
SECTION 207.230 Acting without lawful authority.
SECTION 207.235 Dog racing as gaming activity.
SECTION 207.245 Use of system providing telephone number to be used in emergency when no actual or perceived emergency exists.
SECTION 207.260 Unlawful contact with child or mentally ill person.
SECTION 207.270 Loitering about school or public place where children congregate.
SECTION 207.280 False reporting of crimes unlawful.

<u>SECTION 207.290</u>	Giving or accepting bribe to influence outcome of sporting event.
<u>SECTION 207.295</u>	Commercial bribery.
<u>SECTION 207.297</u>	Discrimination: Definitions.
<u>SECTION 207.300</u>	Discrimination: Transactions involving real property.
<u>SECTION 207.310</u>	Discrimination: Loans for dwellings.
<u>SECTION 207.320</u>	Preparation or sale of academic writings.
<u>SECTION 207.325</u>	Unsolicited transmission of advertisement to facsimile machine.
<u>SECTION 207.330</u>	Sale of identifying card or document.
<u>SECTION 207.340</u>	Acts concerning federal food stamps; prosecution by district attorney or Attorney General.
<u>SECTION 207.345</u>	Impersonation of officer or employee of utility.

RACKETEERING

<u>SECTION 207.350</u>	Definitions.
<u>SECTION 207.360</u>	"Crime related to racketeering" defined.
<u>SECTION 207.370</u>	"Criminal syndicate" defined.
<u>SECTION 207.380</u>	"Enterprise" defined.
<u>SECTION 207.390</u>	"Racketeering activity" defined.
<u>SECTION 207.400</u>	Unlawful acts; penalties.
<u>SECTION 207.415</u>	Account for Prosecution of Racketeering created; use and distribution of money by Attorney General; reimbursement of Account.
<u>SECTION 207.420</u>	Criminal forfeiture: Property subject to forfeiture; substitution for unreachable property.
<u>SECTION 207.430</u>	Criminal forfeiture: Temporary restraining order to preserve property.
<u>SECTION 207.440</u>	Criminal forfeiture: Orders to secure property.
<u>SECTION 207.450</u>	Criminal forfeiture: Order of forfeiture; protection of property.
<u>SECTION 207.460</u>	Civil forfeiture: Property subject to forfeiture.
<u>SECTION 207.470</u>	Civil actions for damages resulting from racketeering.
<u>SECTION 207.480</u>	Order of court upon determination of civil liability.
<u>SECTION 207.490</u>	Criminal and civil forfeiture: Seizure of property before forfeiture and final disposition; order of forfeiture; intercession by Attorney General; interlocutory actions by court.
<u>SECTION 207.500</u>	Use, sale and other disposal of forfeited property by Tribe, payment of certain encumbrances.
<u>SECTION 207.510</u>	Parties to proceedings for forfeiture of property.
<u>SECTION 207.520</u>	Limitation of actions.

VAGRANTS

<u>SECTION 207.030</u>	Prohibited acts; penalty.
	1. It is unlawful to:
	(a) Offer or agree to engage in or engage in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;
	(b) Offer or agree to engage in, engage in or aid and abet any act of prostitution;
	(c) Be a pimp, panderer or procurer or live in or about houses of

prostitution;

(d) Seek admission to a house upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;

(e) Keep a place where lost or stolen property is concealed;

(f) Loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act;

(g) Lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.

2. A person who violates a provision of subsection 1 shall be punished:

(a) For the first violation of paragraph (a), (b) or (c) of subsection 1 and for each subsequent violation of the same paragraph occurring more than 3 years after the first violation, for a **Category D offense**.

(b) The second violation of paragraph (a), (b) or (c) of subsection 1 within 3 years after the first violation of the same paragraph, is a **Category D offense**.

(c) The third or subsequent violation of paragraph (a), (b) or (c) of subsection 1 within 3 years after the first violation of the same paragraph, is a **Category D offense**.

(d) For a violation of any provision of paragraphs (d) to (g), inclusive, of subsection 1, for a **Category D offense**.

INTERFERENCE WITH EMERGENCY COMMUNICATIONS

SECTION 207.161 Definitions. As used in SECTION 207.163:

1. "Emergency call" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential.

2. "Public telephone" means a telephone which is made available to the public upon the deposit of a coin, currency or other monetary instrument or through the use of a calling card, credit card or debit card.

SECTION 207.163 Refusal to relinquish public telephone for emergency call unlawful; false declaration of emergency to obtain use of public telephone unlawful.

1. It is unlawful for a person to refuse to relinquish a public telephone immediately when he has been informed that it is needed for an emergency call and in fact the line is needed for an emergency call and there is no other reasonably apparent and immediately accessible telephone from which to make the call.

2. It is unlawful for a person to secure the use of a public telephone by falsely stating that it is needed for an emergency call.

DECEPTIVE ADVERTISING

SECTION 207.170 "False, deceptive or misleading advertising" defined. As used in SECTION 207.170 to 207.177, inclusive, "false, deceptive or misleading advertising" as applied to a telephone communication includes, but is not limited to, any communication which is so made with the intent to solicit any person to purchase any merchandise, property or services, without initially disclosing such intent to the person.

SECTION 207.171 False, deceptive or misleading advertising and other sales practices. It is unlawful for any person, firm, corporation or association or any agent or employee thereof to use, publish, disseminate, display or make or cause directly or indirectly to be used, published, disseminated, displayed or made, in any newspaper, magazine or other publication, by any radio, television or other advertising medium, or by any advertising device, or by public outcry, proclamation, or declaration, or by any other manner or means, including but not limited to solicitation or dissemination by mail, telephone or door-to-door contacts, any statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase, sell, lease, dispose of, utilize or acquire any title or interest in any real or personal property or any personal or professional services or to enter into any obligation or transaction relating thereto, or to include such statement as part of a plan or scheme which intentionally misstates cost or price for the purposes of producing an erroneous belief by any person that the actual cost or price is the same as stated therein.

SECTION 207.172 Exemption of advertising media. SECTION 207.170 to 207.177, inclusive, do not apply to:

1. Any radio or television broadcasting station which broadcasts; or
2. Any publisher, printer, distributor or owner of any newspaper or magazine, billboard or other advertising medium, or to any owner, operator, agent or employee of any advertising agency or other business engaged in preparing or disseminating advertising for public consumption on behalf of any other person, firm, corporation, association or other business entity, who publishes, prints, distributes, prepares or disseminates, such advertising in good faith without knowledge of its untrue or deceptive or misleading character.

SECTION 207.173 Actual deception unnecessary to create liability. It is sufficient in bringing any action pursuant to SECTION 207.170 to 207.177, inclusive, that any statement referred to in SECTION 207.171 has a tendency to deceive or mislead the public because of its false or deceptive or misleading character even though no member of the public is actually deceived or misled by such statement.

SECTION 207.174 Civil penalties; action Prosecuting attorney. Any person, firm, corporation or association or any other organization which violates any provision of SECTION 207.170 to 207.177, inclusive, is liable for a civil penalty not to exceed \$2,500 for each violation, which shall be recovered in a civil action brought in the name of the Tribe by the Tribal Attorney or by any tribal prosecutor in tribal court. As used in this section, the term, "each violation" includes, as a single violation, a continuous or repetitive violation arising out of the same act.

SECTION 207.175 Criminal penalties. Any person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully violates the provisions of SECTION 207.171 shall be punished:

1. For the first or second offense, for a **Category D offense**.
2. For the third offense and all subsequent offenses, for a **Category B offense**.

MISCELLANEOUS

SECTION 207.180 Threatening or obscene letters or writings.

1. Any person who knowingly sends or delivers any letter or writing:
 - (a) Threatening to accuse another of a crime, or to expose

or publish any of his infirmities or failings, with intent to extort money, goods, chattels or other valuable thing; or

(b) Threatening to maim, wound, kill or murder, or to burn or destroy his house or other property, or to accuse another of a crime or misdemeanor, or expose or publish any of his infirmities, though no money, goods, chattels or other valuable thing be demanded, is guilty of a **Category C offense**.

2. Any person who:

(a) Writes and sends, or writes and delivers, either through the mail, express, by private parties or otherwise, any anonymous letter, or any letter bearing a fictitious name, charging any person with crime; or

(b) Writes and sends any anonymous letter or letters bearing a fictitious name, containing vulgar or threatening language, obscene pictures, or containing reflections upon his standing in society or in the community, is guilty of a **Category C offense**.

SECTION 207.185 Penalty for commission of certain unlawful acts by reason of actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of another person or group of persons. Unless a greater penalty is provided by law, a person who, by reason of the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of another person or group of persons, willfully violates any provision of SECTION 200.471, 200.481, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 is guilty of a **Category B offense**.

SECTION 207.190 Coercion.

1. It is unlawful for a person, with the intent to compel another to do or abstain from doing an act which the other person has a right to do or abstain from doing, to:

(a) Use violence or inflict injury upon the other person or any of his family, or upon his property, or threaten such violence or injury;

(b) Deprive the person of any tool, implement or clothing, or hinder him in the use thereof; or

(c) Attempt to intimidate the person by threats or force.

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

(a) Where physical force or the immediate threat of physical force is used, for a **Category A offense**.

(b) Where no physical force or immediate threat of physical force is used, for **Category C offense**.

SECTION 207.193 Coercion: Hearing to determine whether sexually motivated.

1. Except as otherwise provided in subsection 4, if a person is convicted of coercion or attempted coercion in violation of paragraph (a) of subsection 2 of SECTION 207.190, the court shall, at the request of the tribal prosecutor, conduct a separate hearing to determine whether the offense was sexually motivated. A request for such a hearing may not be submitted to the court unless the tribal prosecutor, not less than 72 hours before the commencement of the trial, files and serves upon the defendant a written notice of his intention to request such a hearing.

2. A hearing requested pursuant to subsection 1 must be conducted before:

(a) The court imposes its sentence; or

(b) A separate penalty hearing is conducted.

3. At the hearing, only evidence concerning the question of whether the offense was sexually motivated may be presented. The tribal prosecutor must prove beyond a reasonable doubt that the offense was sexually motivated.

4. A person may stipulate that his offense was sexually motivated before a hearing held pursuant to subsection 1 or as part of an agreement to plead nolo contendere or guilty.

5. The court shall enter in the record:

- (a) Its finding from a hearing held pursuant to subsection 1; or
- (b) A stipulation made pursuant to subsection 4.

6. For the purposes of this section, an offense is "sexually motivated" if one of the purposes for which the person committed the offense was his sexual gratification.

SECTION 207.195 Use of monetary instrument proceeding or derived from unlawful activity; conducting financial transaction with intent to evade regulation governing records of casinos.

1. If a monetary instrument represents the proceeds of or is directly or indirectly derived from any unlawful activity, it is unlawful for a person, having knowledge of that fact:

(a) To conduct or attempt to conduct a financial transaction involving the instrument:

(1) With the intent to further any unlawful activity;

(2) With the knowledge that the transaction conceals the location, source, ownership or control of the instrument; or

(3) With the knowledge that the transaction evades any provision of federal or state law that requires the reporting of a financial transaction.

(b) To transport or attempt to transport the monetary instrument:

(1) With the intent to further any unlawful activity;

(2) With the knowledge that the transportation conceals the location, source, ownership or control of any proceeds derived from unlawful activity; or

(3) With the knowledge that the transportation evades any provision of federal or state law that requires the reporting of a financial transaction.

2. It is unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade a regulation adopted pursuant to NRS 463.125.

3. A person who violates any provision of subsection 1 or 2 is guilty of a **Category A offense**.

4. Each violation of subsection 1 or 2 involving one or more monetary instruments totaling \$10,000 or more shall be deemed a separate offense.

5. As used in this section:

(a) "Financial transaction" means any purchase, sale, loan, pledge, gift, transfer, deposit, withdrawal or other exchange involving a monetary instrument. The term does not include any instrument or transaction for the payment of assistance of counsel in a criminal prosecution.

(b) "Monetary instrument" includes any coin or currency of the United States or any other country, any traveler's check, personal check, money order, bank check, cashier's check, stock, bond, precious metal, precious stone or gem or any negotiable instrument to which title passes upon delivery. The term does not include any instrument or transaction for the payment of assistance of counsel in a criminal prosecution.

(c) "Unlawful activity" includes any crime related to racketeering as defined in SECTION 207.360 or any offense punishable as a felony or equivalent offense pursuant to state or federal statute. The term does not include any procedural error in the acceptance of a credit instrument, as defined in SECTION 463.01467, by a person who holds a nonrestricted gaming license.

SECTION 207.200 Unlawful trespass upon land; warning against trespassing.

1. Unless a greater penalty is provided pursuant to SECTION 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass, is guilty of a **Category C offense**. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by either of the following methods:

(a) Painting, at intervals of not more than 200 feet on each side of the land, upon or near the boundary, a post, structure or natural object with not less than 50 square inches of fluorescent orange paint or, if the post is a metal fence post, painting the entire post with such paint.

(b) Fencing the area.

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.

4. As used in this section, "fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence.

SECTION 207.205 Posting land without permission of owner or occupant.

1. It is unlawful for any person to post such land within the meaning of subsection 2 of SECTION 207.200 unless he has:

(a) Obtained written authorization from the owner or occupant of the land, or any building thereon, to do so unless he is the owner or occupant.

(b) Placed the name and address of the owner or occupant on each sign.

2. Any person violating any of the provisions of subsection 1 is guilty of a **Category D offense**.

SECTION 207.210 Destruction of signs or notices forbidding trespass. It shall be a **Category D offense** for any person maliciously to tear down, mutilate or destroy any sign, signboard or other notice forbidding trespass within an enclosure.

SECTION 207.220 Penalty for not closing gates.

1. Any person or persons opening and passing through gates or bars when gates or bars are placed in fences enclosing fields, or in fences partly enclosing lands, and not shutting and fastening the same, shall be deemed guilty of a **Category D offense**.

2. The provisions of this section shall not apply to gates in towns and cities nor gates in residential areas.

SECTION 207.225 Unlawful diversion of irrigation water. Any person who knowingly diverts or causes to be diverted to his own or some other person's use any irrigation water to which another person has a vested right, without such rightful user's permission, is guilty of a **Category C offense**.

SECTION 207.230 Acting without lawful authority. Every person who shall, in any case not otherwise specially provided for, do any act for the doing of which a license or other authority is required by law, without having such license or other authority as required by law, shall be guilty of a **Category C offense**.

SECTION 207.235 Dog racing as gaming activity. A person who conducts dog racing as a gaming activity on this Reservation is guilty of a **Category D offense**.

SECTION 207.245 Use of system providing telephone number to be used in emergency when no actual or perceived emergency exists.

1. As used in this section, "system" means a system established to provide a telephone number to be used in an emergency.

2. It is unlawful for any person knowingly or willfully to make or cause to be made any telephonic access to a system if no actual or perceived emergency exists.

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

SECTION 207.260 Unlawful contact with child or mentally ill person.

1. A person who, without lawful authority, willfully and maliciously engages in a course of conduct with a child who is under 16 years of age and who is at least 5 years younger than the person which would cause a reasonable child of like age to feel terrorized, frightened, intimidated or harassed, and which actually causes the child to feel terrorized, frightened, intimidated or harassed, commits the crime of unlawful contact with a child.

2. A person who, without lawful authority, willfully and maliciously engages in a course of conduct with a mentally ill person which would cause a mentally ill person of like mental condition to feel terrorized, frightened, intimidated or harassed, and which actually causes the mentally ill person to feel terrorized, frightened, intimidated or harassed, commits the crime of unlawful contact with a mentally ill person.

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

4. Unless a greater penalty is provided by specific statute, a person who commits the crime of unlawful contact with a child or unlawful contact with a mentally ill person is guilty of:

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

(b) For the second and each subsequent offense, a **Category A offense**.

5. As used in this section:

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

(b) "Mentally ill person" means a person who has any mental dysfunction leading to impaired ability to maintain himself and to function effectively in his life situation without external support.

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

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

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

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

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

SECTION 207.270 Loitering about school or public place where children congregate. Any person who, without legitimate reason to supervise any of such children or other legitimate reason to be at leisure in such place, loiters about any school or public place at or near which children attend or normally

congregate is guilty of a **Category C offense**.

SECTION 207.280 False reporting of crimes unlawful. Every person who deliberately reports to any tribal police officer, prosecuting, or member of the Department of Public Safety that a offense has been committed, which causes a law enforcement agency to conduct a criminal or internal investigation, knowing such report to be false, is guilty of a **Category C offense**.

SECTION 207.290 Giving or accepting bribe to influence outcome of sporting event. A person who:

1. Gives, offers or promises to give, or attempts to give or offer, any compensation, gratuity or thing of value, or any promise thereof, to any participant or player or any judge, referee, manager or other official of a sporting event or contest; or

2. Asks or receives or offers to receive directly or indirectly any compensation, gratuity, reward or thing of value or any promise thereof, as a participant or player, or as a judge, referee, manager or other official of a sporting event or contest, with the intention, understanding or agreement that the player or participant or judge, referee, manager or other official of the sporting event will not use his best efforts to win, or will so conduct himself as to limit his or his team's margin of victory, or will corruptly judge, referee, manage or otherwise officiate the sporting event or contest with the intention or purpose that the result of the sporting event will be affected thereby, is guilty of a **Category A offense**.

SECTION 207.295 Commercial bribery. Any person who, with corrupt intent:

1. Offers, confers or agrees to confer any benefit upon any employee, agent or fiduciary without the consent of the employer or principal of that employee, agent or fiduciary in order to influence adversely that person's conduct in relation to the commercial affairs of his employer or principal; or

2. While an employee, agent or fiduciary, solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that the benefit will influence adversely his conduct in relation to the commercial affairs of his employer or principal, commits commercial bribery and is guilty of a **Category C offense**.

SECTION 207.297 Discrimination: Definitions. As used in SECTION 207.300 and 207.310:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Familial status" means the fact that a person:

(a) Lives with a child under the age of 18 and has:

(1) Lawful custody of the child; or

(2) Written permission to live with the child from the person who has lawful custody of the child;

(b) Is pregnant; or

(c) Has begun a proceeding to adopt or otherwise obtain lawful custody of a child.

SECTION 207.300 Discrimination: Transactions involving real property. It is unlawful for any person to refuse to rent, lease, sell or otherwise convey any real property solely because of race, religious creed, color, national origin, disability, ancestry, familial status or sex.

SECTION 207.325 Unsolicited transmission of advertisement to facsimile machine.

1. Except as otherwise provided in subsection 2, a person shall not make or cause to be made an unsolicited electronic or telephonic transmission to a facsimile machine to solicit a person to purchase real property, goods or services.

2. The provisions of subsection 1 do not apply to an unsolicited electronic or telephonic transmission sent to a person who has a preexisting business relationship with the person who makes or causes the transmission to be made.

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

4. As used in this section, "facsimile machine" means a device which receives and copies a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.

SECTION 207.330 Sale of identifying card or document. It is unlawful for any person to sell to another any card or other document purporting to establish the identity of the holder unless the purchaser appears personally before the seller and declares his identity in writing under the penalty of perjury. This section does not apply to any governmental agency.

SECTION 207.345 Impersonation of officer or employee of utility.

1. A person shall not:

(a) Impersonate an officer or employee of a utility or, without authority, assume any characteristic, such as a uniform or insignia, or any identification by which an officer or employee of a utility is distinguished, known or identified; and

(b) Use the impersonation or the assumed characteristic or identity to commit or attempt to commit any unlawful act or any act in which the person purports to represent the utility or an officer or employee of the utility.

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

(a) A **Category B offense**; or

(b) A **Category A offense** if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

RACKETEERING

SECTION 207.350 Definitions. As used in SECTION 207.350 to 207.520, inclusive, unless the context otherwise requires, the words and terms defined in SECTION 207.360 to 207.390, inclusive, have the meanings ascribed to them in those sections.

SECTION 207.360 "Crime related to racketeering" defined. "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;

2. Manslaughter, except vehicular manslaughter as described in SECTION 484.3775;

3. Mayhem;

4. Battery which is punished as a **Category A offense**;

5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of SECTION 205.322;
13. Forgery;
14. Any violation of SECTION 199.280 which is punished as a **Category A offense**;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a Category A offense;
18. Battery with intent to commit a crime in violation of SECTION 200.400;
19. Assault with a deadly weapon;
20. Any violation of SECTION 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;
21. Receiving or transferring a stolen vehicle;
22. Any violation of SECTION 202.260, 202.275 or 202.350 which is punished as a **Category A offense**;
23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of SECTION;
24. Receiving, possessing or withholding stolen goods valued at \$250 or more;
25. Embezzlement of money or property valued at \$250 or more;
26. Obtaining possession of money or property valued at \$250 or more, or obtaining a signature by means of false pretenses;
27. Perjury or subornation of perjury;
28. Offering false evidence;
29. Any violation of SECTION 201.300 or 201.360;
30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to SECTION 686A.291;
31. Any violation of SECTION 205.506, 205.920 or 205.930; or
32. Any violation of SECTION 202.445 or 202.446.

SECTION 207.370 "Criminal syndicate" defined. "Criminal syndicate" means any combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activity.

SECTION 207.380 "Enterprise" defined. "Enterprise" includes:

1. Any natural person, sole proprietorship, partnership, corporation, business trust or other legal entity; and
2. Any union, association or other group of persons associated in fact although not a legal entity. The term includes illicit as well as licit enterprises and governmental as well as other entities.

SECTION 207.390 "Racketeering activity" defined. "Racketeering activity" means engaging in at least two crimes related to racketeering that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents, if at least one of the incidents occurred after July

1, 1983, and the last of the incidents occurred within 5 years after a prior commission of a crime related to racketeering.

SECTION 207.400 Unlawful acts; penalties.

1. It is unlawful for a person:

(a) Who has with criminal intent received any proceeds derived, directly or indirectly, from racketeering activity to use or invest, whether directly or indirectly, any part of the proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of:

(1) Any title to or any right, interest or equity in real property;
or

(2) Any interest in or the establishment or operation of any enterprise.

(b) Through racketeering activity to acquire or maintain, directly or indirectly, any interest in or control of any enterprise.

(c) Who is employed by or associated with any enterprise to conduct or participate, directly or indirectly, in:

(1) The affairs of the enterprise through racketeering activity; or

(2) Racketeering activity through the affairs of the enterprise.

(d) Intentionally to organize, manage, direct, supervise or finance a criminal syndicate.

(e) Knowingly to incite or induce others to engage in violence or intimidation to promote or further the criminal objectives of the criminal syndicate.

(f) To furnish advice, assistance or direction in the conduct, financing or management of the affairs of the criminal syndicate with the intent to promote or further the criminal objectives of the syndicate.

(g) Intentionally to promote or further the criminal objectives of a criminal syndicate by inducing the commission of an act or the omission of an act by a public officer or employee which violates his official duty.

(h) To conspire to violate any of the provisions of this section.

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

SECTION 207.420 Criminal forfeiture: Property subject to forfeiture; substitution for unreachable property.

1. If a complaint filed regarding a violation of SECTION 207.400 alleges that real or personal property was derived from, realized through, or used or intended for use in the course of the unlawful act and the extent of that property:

(a) The jury; or

(b) If the trial is without a jury, the court, shall, upon a conviction, determine at a separate hearing the extent of the property to be forfeited. If the criminal complaint does not include such an allegation, the property is not subject to criminal forfeiture.

2. The property subject to criminal forfeiture pursuant to subsection 1 includes:

(a) Any title or interest acquired or maintained by the unlawful conduct;

(b) Any proceeds derived from the unlawful conduct;

(c) Any property or contractual right which affords a source of influence over any enterprise established, operated, controlled, participated in or conducted in violation of SECTION 207.400;

(d) Any position, office, appointment, tenure or contract of employment:

(1) Which was acquired or maintained in violation of SECTION 207.400;

(2) Through which the convicted person conducted or participated in the conduct of such unlawful affairs of an enterprise; or

(3) Which afforded him a source of influence or control over the

affairs of an enterprise which he exercised in violation of SECTION 207.400;

(e) Any compensation, right or benefit derived from a position, office, appointment, tenure or contract of employment that accrued to him during the period of unlawful conduct; and

(f) Any amount payable or paid under any contract for goods or services which was awarded or performed in violation of SECTION 207.400.

3. If property which is ordered to be criminally forfeited pursuant to subsection 1:

(a) Cannot be located;

(b) Has been sold to a purchaser in good faith for value;

(c) Has been placed beyond the jurisdiction of the court;

(d) Has been substantially diminished in value by the conduct of the defendant;

(e) Has been commingled with other property which cannot be divided without difficulty or undue injury to innocent persons; or

(f) Is otherwise unreachable without undue injury to innocent persons, the court shall order the forfeiture of other property of the defendant up to the value of the property that is unreachable.

SECTION 207.430 Criminal forfeiture: Temporary restraining order to preserve property.

1. The tribal prosecutor may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to criminal forfeiture under SECTION 207.420 if:

(a) An criminal complaint has been filed regarding a violation of SECTION 207.400 and the extent of criminally forfeitable property is included therein or the court believes there is probable cause for such an inclusion;

(b) The property is in the possession or control of the party against whom the order will be entered; and

(c) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

2. A temporary restraining order which is issued without notice may be issued for not more than 10 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

SECTION 207.440 Criminal forfeiture: Orders to secure property.

1. After an information or indictment is filed regarding a violation of SECTION 207.400, the tribal prosecutor may request the court to:

(a) Enter a restraining order or injunction;

(b) Require the execution of a satisfactory bond;

(c) Appoint a receiver; or

(d) Take any other necessary action, to secure property which is subject to criminal forfeiture.

2. The court shall, after a hearing for which notice was given to any person whose rights in the property proposed for forfeiture would be affected, order such an action if the tribal prosecutor shows by a preponderance of the evidence that the action is necessary to preserve the defendant's property which is subject to criminal forfeiture.

3. If no criminal complaint has been filed regarding a violation of SECTION 207.400, the court may, after such a hearing and upon a showing of the tribal prosecutor that:

(a) There is probable cause to believe that the property for which the order is sought would be subject to criminal forfeiture; and

(b) The requested order would not result in substantial and irreparable harm or injury to the party against whom the order is to be entered that

outweighs the need to secure the property for the potential criminal forfeiture, order an action to secure the property. Such an order may not be effective for more than 90 days unless it is extended for good cause or an indictment or information is filed regarding a violation of SECTION 207.400 and the extent of the criminally forfeitable property is listed therein.

SECTION 207.450 Criminal forfeiture: Order of forfeiture; protection of property.

1. Upon entry of a judgment for a violation of SECTION 207.400, the court may order the forfeiture of the appropriate property.

2. Upon entry of such an order, the court may:

- (a) Enter a restraining order or injunction;
- (b) Require the execution of a satisfactory bond;
- (c) Appoint a receiver; or
- (d) Take any other necessary action, to protect the interests of the Tribe.

SECTION 207.460 Civil forfeiture: Property subject to forfeiture.

1. Except as otherwise provided in subsection 2, the following are subject to civil forfeiture to the Tribe:

- (a) All property, real or personal, including money used in the course of, intended for use in the course of, derived from or gained through conduct in violation of SECTION 207.400;
- (b) Any title or interest a person has acquired or maintained in violation of SECTION 207.400; and
- (c) Any property or contractual right which affords a source of influence over any enterprise established, operated, controlled, participated in or conducted in violation of SECTION 207.400.

2. Upon a showing by the owner of the requisite facts, the following is not subject to forfeiture under this section:

- (a) Except as otherwise provided in paragraph (b), property used without the knowledge or consent of its owner; and
- (b) A means of transportation used by a person in the transaction of his business as a common carrier unless it appears the owner or person in charge of the common carrier consented to or had knowledge of the violation of SECTION 207.400.

SECTION 207.470 Civil actions for damages resulting from racketeering.

1. Any person who is injured in his business or property by reason of any violation of SECTION 207.400 has a cause of action against a person causing such injury for three times the actual damages sustained. An injured person may also recover attorney's fees in the trial and costs of investigation and litigation reasonably incurred. The defendant or any injured person in the action may demand a trial by jury in any civil action brought pursuant to this section. Any injured person has a claim to forfeited property or the proceeds derived therefrom and this claim is superior to any claim the Tribe may have to the same property or proceeds if the injured person's claim is asserted before a final decree is issued which grants forfeiture of the property or proceeds to the Tribe.

2. A final judgment or decree rendered in favor of the Tribe in any criminal proceeding under SECTION 205.322 or 207.400 estops the defendant in any subsequent civil action or proceeding from denying the essential allegations of the criminal offense.

3. Any civil action or proceeding under this section may be instituted in the tribal court if the prospective defendant resides here or has committed any act which subjects him to criminal or civil liability under this section or SECTION

205.322, 207.400 or 207.460.

4. Any civil remedy provided pursuant to this section is not exclusive of any other available remedy or penalty.

SECTION 207.480 Order of court upon determination of civil liability. A tribal court may, following a determination of civil liability under SECTION 207.470 or 207.490, take such actions as it deems proper, including ordering the defendant to pay all costs and expenses of the proceedings.

SECTION 207.490 Criminal and civil forfeiture: Seizure of property before forfeiture and final disposition; order of forfeiture; interlocutory actions by court.

1. Property subject to forfeiture under SECTION 207.420 and 207.460 may be seized by a law enforcement agency upon process issued by a court. Before an order of civil forfeiture is issued and without legal process, notice of the claim for forfeiture of real property may be given in the manner provided in SECTION 14.010 and 14.015. A seizure of personal property may be made without legal process if the seizure is incident to:

- (a) A lawful arrest or search; or
- (b) An inspection under an administrative warrant.

2. Property seized or made the subject of notice under this section is deemed to be in the custody of the agency subject only to orders of the court which has jurisdiction over the proceedings for forfeiture. An agency which has seized such property without process shall begin the proceedings for forfeiture promptly. Such an action takes precedence over other civil proceedings. The seized property is subject to an action to claim the delivery of the property if the agency does not file the complaint for forfeiture within 60 days after the property is seized. If a complaint for forfeiture is filed after an affidavit claiming delivery, the complaint must be treated as a counterclaim.

3. When property is seized under this section, pending forfeiture and final disposition, the law enforcement agency may:

- (a) Place the property under seal.
- (b) Remove the property to a place designated by the court.
- (c) Require another agency authorized by law to take custody of the property and remove it to an appropriate location.

4. The tribal prosecutor or police may institute civil proceedings under this section for the forfeiture of property subject to forfeiture pursuant to SECTION 207.460.

5. In any action so brought, the tribal court shall proceed as soon as practicable to the hearing and determination. Pending final determination in an action brought under this section or SECTION 207.470, the tribal court may at any time enter such injunctions, prohibitions or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court deems proper in connection with any property or interest subject to forfeiture.

6. Upon a finding of civil liability under this section or SECTION 207.470, the court may order the forfeiture of the appropriate property and interests.

SECTION 207.500 Use, sale and other disposal of forfeited property by Tribe; payment of certain encumbrances.

1. The Tribe may sell or retain for its official use the property or interests so forfeited. If the forfeited property or interest is to be sold or otherwise disposed of, the Tribe shall do so as soon as commercially feasible. Except as otherwise provided in subsection 2, the proceeds from such a sale must be used:

- (a) First to satisfy a claim of an injured person as provided in SECTION

207.470;

(b) Then for payment of all proper expenses of any proceedings for the forfeiture and sale, including any expenses for the seizure and maintenance of the property, advertising and court costs; and

(c) Then to repay any money received pursuant to SECTION 207.415 and to pay the amount required to be paid by that section. The balance of the proceeds, if any, must be deposited in the General Fund of the Tribe as the court provides in the order of forfeiture.

2. If the property forfeited is encumbered by a bona fide security interest and the secured party shows that he did not consent or have knowledge of the violation causing the forfeiture, the Tribe shall pay the existing balance or return the property to the secured party.

SECTION 207.510 Parties to proceedings for forfeiture of property. No person, except one:

1. Who holds a community property interest in the property;
2. Whose name or interest appears on the document of title or certificate of registration of the property;
3. Who is injured in his business or property by the violation; or
4. Who can otherwise prove ownership or a bona fide security interest in the property or interest subject to forfeiture, may be a party to proceeding for a forfeiture brought pursuant to SECTION 207.490.

SECTION 207.520 Limitation of actions. A criminal action or proceeding under SECTION 205.322 or 207.400 may be commenced at any time within 5 years after the conduct in violation of the section occurs. Except as otherwise provided in NRS 217.007, a civil action or proceeding under SECTION 207.470 may be commenced at any time within 5 years after the violation occurs or after the injured person sustains the injury, whichever is later. If a criminal prosecution or civil action or other proceeding is brought to punish, prevent or restrain any violation of the provisions of SECTION 205.322 or 207.400, the running of the period of limitations prescribed by this section with respect to any cause of action arising under SECTION 207.470, which is based in whole or in part upon any matter complained of in the prosecution or proceeding, is suspended during the pendency of the prosecution or proceeding and for 2 years following termination of the prosecution or proceeding.