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## GENERAL PROVISIONS

**NRS 202.005 “Fugitive from justice” defined.** As used in this chapter, unless the context otherwise requires, the term “fugitive from justice” means a person who has been found in this State after:

1. Being charged in another state with the commission of a felony and fleeing from that state to avoid prosecution for the felony; or
2. Fleeing from another state to avoid giving testimony in any criminal proceeding.

(Added to NRS by [2009.485](#))

## ALCOHOLIC BEVERAGES

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

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

(Added to NRS by [1987.481](#); A [1991.168](#); [2001.1426](#); [2005.1326](#))

**NRS 202.020 Purchase, consumption or possession of alcoholic beverage by minor; penalties; exceptions.**

1. Except as otherwise provided in this section, a person under 21 years of age who purchases any alcoholic beverage or any such person who consumes any alcoholic beverage in any saloon, resort or premises where spirituous, malt or fermented liquors or wines are sold is guilty of a misdemeanor.
2. Except as otherwise provided in this section, a person under 21 years of age who, for any reason, possesses any alcoholic beverage in public is guilty of a misdemeanor.
3. A person under 21 years of age is not subject to the criminal penalty set forth in subsection 1 for consuming an alcoholic beverage or subsection 2 if the person requests emergency medical assistance for another person whom he or she reasonably believes is under 21 years of age if the person making the request:
  - (a) Reasonably believes that the person who consumed the alcohol is in need of such assistance because of the alcohol consumption;
  - (b) Is the first person to request emergency medical assistance for the person;
  - (c) Remains with the person until informed that his or her presence is no longer necessary by the emergency medical personnel who respond to the request for assistance for the person; and
  - (d) Cooperates with any provider of emergency medical assistance, any other health care provider who assists the person who may be in need of emergency medical assistance because of alcohol consumption and any law enforcement officer.

4. A person under 21 years of age for whom another person requests emergency medical assistance pursuant to subsection 3 is not subject to the criminal penalty set forth in subsection 1 for consuming an alcoholic beverage or subsection 2.

5. A person under 21 years of age is not subject to the criminal penalty set forth in subsection 1 for consuming an alcoholic beverage or subsection 2 if the person:

(a) Requests emergency medical assistance because he or she reasonably believes that he or she is in need of medical assistance because of alcohol consumption; and

(b) Cooperates with any provider of emergency medical assistance, any other health care provider who provides assistance to him or her and any law enforcement officer.

6. This section does not preclude a local governmental entity from enacting by ordinance an additional or broader restriction, except that any such ordinance must not conflict with the provisions of subsection 3, 4 or 5 or create criminal liability for a person to whom an exemption set forth in subsection 3, 4 or 5 applies.

7. For the purposes of this section, possession "in public" includes possession:

(a) On any street or highway;

(b) In any place open to the public; and

(c) In any private business establishment which is in effect open to the public.

8. The term does not include:

(a) Possession for an established religious purpose;

(b) Possession in the presence of the person's parent, spouse or legal guardian who is 21 years of age or older;

(c) Possession in accordance with a prescription issued by a person statutorily authorized to issue prescriptions;

(d) Possession in private clubs or private establishments; or

(e) The selling, handling, serving or transporting of alcoholic beverages by a person in the course of his or her lawful employment by a licensed manufacturer, wholesaler or retailer of alcoholic beverages.

[1:272:1947; 1943 NCL § 10594.02]—(NRS A [1967.482](#); [1987.482](#); [2015.1450](#))

**NRS 202.030 Minor loitering in place where alcoholic beverages sold.** Any person under 21 years of age who shall loiter or remain on the premises of any saloon where spirituous, malt or fermented liquors or wines are sold shall be punished by a fine of not more than \$500. Nothing in this section shall apply to:

1. Establishments wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar; or

2. Any grocery store or drugstore where spirituous, malt or fermented liquors or wines are not sold by the drink for consumption on the premises.

[1:99:1949; A 1955, 144]—(NRS A [1967.482](#))

**NRS 202.040 False representation by minor to obtain intoxicating liquor.** Every minor who shall falsely represent himself or herself to be 21 years of age in order to obtain any intoxicating liquor shall be guilty of a misdemeanor.

[Part 1911 C&P § 241; A 1925, 212; NCL § 10188]

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

1. Every person who knowingly:

(a) Sells, gives or otherwise furnishes an alcoholic beverage to any person under 21 years of age;

(b) Leaves or deposits any alcoholic beverage in any place with the intent that it will be procured by any person under 21 years of age;

or

(c) Furnishes, gives, or causes to be given any money or thing of value to any person under 21 years of age with the knowledge that the money or thing of value is to be used by the person under 21 years of age to purchase or procure any alcoholic beverage, is guilty of a misdemeanor.

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

3. Every person who sells, gives or otherwise furnishes alcoholic beverages through the use of the Internet shall adopt a policy to prevent a person under 21 years of age from obtaining an alcoholic beverage from the person through the use of the Internet. The policy must include, without limitation, a method for ensuring that the person who delivers the alcoholic beverages obtains the signature of a person who is over the age of 21 years when delivering the beverages and that the packaging or wrapping of the alcoholic beverages when they are shipped is clearly marked with words that describe the alcoholic beverages. A person who fails to adopt a policy pursuant to this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

(Added to NRS by [1967.482](#); A [1969.22](#); [1987.482](#); [2001.2788](#))

**NRS 202.057 Using person who is less than 18 years of age to distribute material that includes offer for alcoholic beverages.**

1. Except as otherwise provided in subsection 2, it is unlawful for a person to employ, allow or use a person who is less than 18 years of age to distribute promotional materials that include an offer for alcoholic beverages for a business, including, without limitation, a gaming establishment, a saloon, a resort or a restaurant.

2. This section does not prohibit the employment of a person who is less than 18 years of age to distribute a publication that includes an advertisement for the sale of alcoholic beverages which is incident to the publication.

3. A person who violates subsection 1 is guilty of a misdemeanor.

(Added to NRS by [2001.1426](#))

**NRS 202.060 Saloonkeeper allowing minor to remain in establishment.** Any proprietor, keeper or manager of a saloon or resort where spirituous, malt or fermented liquors or wines are sold, who shall, knowingly, allow or permit any person under the age of 21 years to remain therein shall be punished by a fine of not more than \$500. Nothing in this section shall apply to:

1. Establishments wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar; or

2. Any grocery store or drugstore where spirituous, malt or fermented liquors or wines are not sold by the drink for consumption on the premises.

[1:152:1911; A 1955, 85]—(NRS A [1967.483](#))

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

1. A person shall not sell an alcoholic beverage containing more than 80 percent of alcohol by volume.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

(Added to NRS by [1991.168](#))

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

1. A person shall not:

(a) Sell or offer for sale, purchase, possess or use an alcohol vaporizing device; or

(b) Use the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device.

2. A person who violates any provision of subsection 1 is guilty of a misdemeanor.
3. As used in this section:
  - (a) "Alcohol vaporizing device" means a machine or other device which mixes liquor with pure oxygen or any other gas to produce a vaporized product which is consumed by inhalation.
  - (b) "Liquor" has the meaning ascribed to it in [NRS 369.040](#).  
(Added to NRS by [2005.1325](#))

#### MISCELLANEOUS CRIMES CONCERNING PUBLIC HEALTH

**NRS 202.170 Willfully poisoning or adulterating food, water or medicine.** A person who willfully mingles poison or any other harmful substance, including, but not limited to, glass or a razor blade, in any food, drink or medicine intended or prepared for the use of a human being, and a person who willfully poisons any spring, well or reservoir of water, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.  
[1911 C&P § 276; RL § 6541; NCL § 10224]—(NRS A [1967.483](#); [1971.1060](#); [1979.1433](#); [1995.1204](#); [1997.519](#))

**NRS 202.175 Sale, offer for sale, distribution, purchase, possession or use of powdered alcohol.**

1. A person shall not sell, offer for sale or otherwise distribute or purchase, possess or use powdered alcohol.
2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.
3. As used in this section, "powdered alcohol" means any powdered or crystalline substance containing any amount of alcohol that is used for direct consumption or for reconstitution.  
(Added to NRS by [2015.1450](#))

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

1. Every person who:
  - (a) Shall deposit, leave or keep, on or near a highway or route of public travel, on land or water, any unwholesome substance;
  - (b) Shall establish, maintain or carry on, upon or near a highway or route of public travel, on land or water, any business, trade or manufacture which is detrimental to the public health;
  - (c) Shall deposit or cast into any lake, creek or river, wholly or partly in this State, the offal from or the dead body of any animal; or
  - (d) Shall knowingly burn stolen metallic wire to remove insulation,  
È shall be guilty of a gross misdemeanor.
2. As used in this section, "stolen metallic wire" means metallic wire that has been taken unlawfully from or without the permission of the owner, whether or not the person who took the metallic wire is or has been prosecuted or convicted for taking the metallic wire.  
[1911 C&P § 281; RL § 6546; NCL § 10229]—(NRS A [1999.279](#))

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

1. As used in this section:
  - (a) "Dead animals" means all dead animals or parts thereof, including condemned meats, not intended to be used as food.
  - (b) "Dirt" includes loose earth, ashes, manure from barns, stables, corrals and pens, offal from butcher houses and slaughterhouses, and all foul and filthy substances.
  - (c) "Garbage" includes solid or semisolid kitchen refuse subject to decay or putrefaction, and market waste of animal and vegetable matter which has been or was intended to be used as food for humans or animals.
  - (d) "Rubbish" means old tin and iron cans and containers, old wood and paper boxes, old metals, wire, rope, cordage, bottles, bags and bagging, rubber and rubber tires, paper, and all used or castoff articles or material, including old plaster, brick, cement, glass, and all old building material.
2. It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited on any public highway within the State of Nevada, or within a distance of 1,000 feet from the center of any public highway, any dead animal, dirt, garbage or rubbish as defined in subsection 1.
3. Any person violating the provisions of this section shall be guilty of a misdemeanor.  
[1:178:1925; NCL § 10554] + [2:178:1925; NCL § 10555] + [3:178:1925; NCL § 10556]—(NRS A [1967.571](#))—(Substituted in revision for NRS 405.220)

**NRS 202.200 Advertising goods and services to produce miscarriage.**

1. It shall be unlawful for any person:
  - (a) To advertise or publish, or cause to be advertised or published in a newspaper, pamphlet, handbill, book or otherwise, any medicine, nostrum, drug, substance, instrument or device to produce the miscarriage or premature delivery of a woman pregnant with child, or which purports to be, or is represented to be, productive of such miscarriage or premature delivery; or
  - (b) To advertise in any manner his or her services, aid, assistance or advice, or the services, assistance or advice of any other person, in the procurement of such miscarriage or premature delivery.
2. Every person who shall violate the provisions of subsection 1 shall be guilty of a gross misdemeanor.  
[1911 C&P § 187; RL § 6452; NCL § 10134] + [1911 C&P § 188; RL § 6453; NCL § 10135]—(NRS A [1967.483](#))

**NRS 202.210 Publishing advertisement containing prohibited matter.** The proprietor or proprietors and the manager or managers of any newspaper, periodical or other printed sheet published or printed within this state, which shall contain any advertisement prohibited by [NRS 202.200](#), shall, for each publication of such advertisement, be guilty of a misdemeanor.  
[1911 C&P § 189; RL § 6454; NCL § 10136]—(NRS A [1967.484](#))

**NRS 202.220 Circulation of publications containing prohibited matter.** Every person who shall knowingly sell, distribute, give away, or in any manner dispose of or exhibit to another person any newspaper, pamphlet, book, periodical, handbill, printed slip or writing, or cause the same to be so sold, distributed, disposed of, or exhibited, containing any advertisement prohibited in [NRS 202.200](#), or containing any description or notice of, or reference to, or information concerning, or direction how or where to procure any medicine, drug, nostrum, substance, device, instrument or service, the advertisement of which is prohibited or declared to be unlawful, shall be guilty of a misdemeanor.  
[Part 1911 C&P § 190; RL § 6455; NCL § 10137]—(NRS A [1967.484](#))

**NRS 202.230 [NRS 202.200](#), [202.210](#) and [202.220](#) not applicable to licensed physicians.** Nothing in [NRS 202.200](#), [202.210](#) and [202.220](#) shall be construed to interfere with or apply to legally licensed physicians in the legitimate practice of their profession.  
[Part 1911 C&P § 190; RL § 6455; NCL § 10137]—(NRS A [1967.484](#))

**NRS 202.240 Advertising treatment, cure or prevention of sexual disorders.**

1. It is unlawful for any person to publish or cause to be published, to deliver or distribute or cause to be delivered or distributed in any manner whatsoever, or to post, or display, or knowingly to permit to be posted, displayed, or to remain on any buildings, windows or

outhouses, or premises or other surface owned or controlled by him or her in the State of Nevada, or to manufacture or sell, or knowingly to have displayed in or on any window or place where the same could be read by passers-by or the public, any advertisement, label, statement, print or writing which refers to any person or persons from whom, or to any means by which, or to any office or place at which may be obtained any treatment or cure of syphilis, gonorrhea, chancroid, lost manhood, sexual weakness, lost vitality, impotency, seminal emissions, gleet, varicocele or self-abuse, whether described by such names, words, terms or phrases, or by any other names, words, terms or phrases, calculated or intended to convey to the reader the idea that any of the diseases, infirmities, disabilities, conditions or habits are meant or referred to, or which refers to any medicine, article, device or preparation that may be used for the treatment, cure or prevention of any of the diseases, infirmities, disabilities, conditions or habits mentioned in this section.

2. Any person violating any of the provisions of this section is guilty of a misdemeanor.

3. This section does not apply to publications, advertisements or notices of the United States Government, the State of Nevada or of any city or town or other political subdivision of the State of Nevada.

[1:221:1921; NCL § 10531] + [2:221:1921; NCL § 10532] + [3:221:1921; NCL § 10533] + [4:221:1921; NCL § 10534]—(NRS A [1967.484](#); [1985.513](#))

**NRS 202.245 Shoe-fitting device or machine using X-ray or radiation.**

1. A person shall not operate or maintain any shoe-fitting device or shoe-fitting machine which uses fluoroscopic, X-ray or radiation principles.

2. Any person violating the provisions of this section is guilty of a misdemeanor.

(Added to NRS by 1960, 119; A [1985.335](#))

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

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

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

(Added to NRS by [1967.822](#))

**NRS 202.248 Use or sale of liquid silicone.**

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

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

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

2. A person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

(Added to NRS by [1975.120](#); A [1979.1433](#); [1987.203](#); [1995.1204](#))

## TOBACCO

### Nevada Clean Indoor Air Act

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

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

(a) Child care facilities;

(b) Movie theatres;

(c) Video arcades;

(d) Government buildings and public places;

(e) Malls and retail establishments;

(f) All areas of grocery stores; and

(g) All indoor areas within restaurants.

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

3. Smoking tobacco is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to [NRS 463.350](#);

(b) Completely enclosed areas with stand-alone bars, taverns and saloons in which patrons under 21 years of age are prohibited from entering;

(c) Age-restricted stand-alone bars, taverns and saloons;

(d) Strip clubs or brothels;

(e) Retail tobacco stores;

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products; and

(g) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility.

4. A supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon shall not allow a person who is under 21 years of age to loiter in an age-restricted stand-alone bar, tavern or saloon or an area of a stand-alone bar, tavern or saloon where smoking is allowed pursuant to this section. A person who violates the provisions of this subsection is guilty of a misdemeanor.

5. If a supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon violates the provisions of subsection 4, the age-restricted stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon is liable for a civil penalty of:

(a) For the first offense, \$1,000.

(b) For a second or subsequent offense, \$2,000.

6. In any prosecution or other proceeding for a violation of the provisions of subsection 4 or 5, it is no excuse for a supervisor, employee, age-restricted bar, tavern or saloon, or stand-alone bar, tavern or saloon alleged to have committed the violation to plead that a supervisor or employee believed that the person who was permitted to loiter was 21 years of age or older.

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

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

9. "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is

prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

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

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

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

(a) "Age-restricted stand-alone bar, tavern or saloon" means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which patrons under 21 years of age are prohibited at all times from entering the premises; and

(4) That must be located within:

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

(II) A completely enclosed area of a larger structure, which may include, without limitation, a strip mall or an airport, provided that indoor windows must remain closed at all times and doors must remain closed when not actively in use.

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

(c) "Child care facility" has the meaning ascribed to it in [NRS 441A.030](#).

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

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

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

(2) The State of Nevada and used for any public purpose; or

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

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

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

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

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

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

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

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

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

(n) "Stand-alone bar, tavern or saloon" means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section; and

(4) That must be housed in either:

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

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

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

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

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

(Added to NRS by 2006 initiative petition, Ballot Question No. 5, effective December 8, 2006; A [2009, 3008](#); [2011, 1996, 3560, 3563](#))

### Provisions Enacted Before Nevada Clean Indoor Air Act

**NRS 202.2485 Definitions.** As used in [NRS 202.2485](#) to [202.2497](#), inclusive:

1. "Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. The term does not include:

(a) A vapor product;

(b) A product made or derived from tobacco; or

(c) Any product regulated by the United States Food and Drug Administration under Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

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

3. "Health authority" means the district health officer in a district, or his or her designee, or, if none, the Chief Medical Officer, or his or her designee.

4. "Product made or derived from tobacco" does not include any product regulated by the United States Food and Drug Administration pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

5. "Vapor product":

(a) Means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from nicotine in a solution or other form.

(b) Includes, without limitation:

(1) An electronic cigarette, cigar, cigarillo or pipe or a similar product or device; and

(2) A vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo or pipe or a similar product or device.

(c) Does not include any product regulated by the United States Food and Drug Administration pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

(Added to NRS by [1993, 2843](#); A [1995, 2603](#); [2001, 2788](#); [2013, 1530](#); [2015, 1936](#))

**NRS 202.249 Smoking tobacco: Declaration of public policy; enforcement; imposition of more stringent restrictions.**

1. It is the public policy of the State of Nevada and the purpose of [NRS 202.2491](#), [202.24915](#) and [202.2492](#) to place restrictions on the smoking of tobacco in public places to protect human health and safety.

2. The quality of air is declared to be affected with the public interest and [NRS 202.2491](#), [202.24915](#) and [202.2492](#) are enacted in the exercise of the police power of this state to protect the health, peace, safety and general welfare of its people.

3. Health authorities, police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of [NRS 202.2491](#), [202.24915](#) and [202.2492](#). Police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of [NRS 202.2493](#), [202.24935](#) and [202.2494](#).

4. Except as otherwise provided in subsection 5, an agency, board, commission or political subdivision of this state, including, without limitation, any agency, board, commission or governing body of a local government, shall not impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made or derived from tobacco than are provided by [NRS 202.2491](#), [202.24915](#), [202.2492](#), [202.2493](#), [202.24935](#) and [202.2494](#).

5. A school district may, with respect to the property, buildings, facilities and vehicles of the school district, impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made or derived from tobacco than are provided by [NRS 202.2491](#), [202.24915](#), [202.2492](#), [202.2493](#), [202.24935](#) and [202.2494](#).

(Added to NRS by [1975, 462](#); A [1991, 644](#); [1993, 2843](#); [1995, 2603](#); [1999, 1692](#); [2001, 2788](#); [2003, 1007](#); [2013, 1531](#))

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

1. Except as otherwise provided in subsections 5 and 6 and [NRS 202.24915](#), the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

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

(1) Medical facility or facility for the dependent as defined in [chapter 449](#) of NRS; or

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

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

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

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

(i) Video arcade.

2. The person in control of an area listed in paragraph (c), (d), (e) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking, except for a room or portion of the area of a store described in paragraph (e) of subsection 1 if the room or portion of the area:

(1) Is leased to or operated by a person licensed pursuant to [NRS 463.160](#); and

(2) Does not otherwise qualify for an exemption set forth in [NRS 202.24915](#).

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

È A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. As used in this section:

(a) "Child care facility" means an establishment operated and maintained to furnish care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children. The term does not include the home of a natural person who provides child care.

(b) "Licensed gaming establishment" has the meaning ascribed to it in [NRS 463.0169](#).

(c) "Public building" means any building or office space owned or occupied by:

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

(2) The State of Nevada and used for any public purpose, other than that used by the Department of Corrections to house or provide other services to offenders.

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

È If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.

(d) "School bus" has the meaning ascribed to it in [NRS 483.160](#).

(e) "Video arcade" means a facility legally accessible to persons under 18 years of age which is intended primarily for the use of pinball and video machines for amusement and which contains a minimum of 10 such machines.

(Added to NRS by [1975, 462](#); A [1977, 649, 958](#); [1985, 1755](#); [1987, 428](#); [1989, 870, 1626](#); [1991, 591, 644, 1132, 1695](#); [1993, 363, 2227](#); [1999, 1692](#); [2001, 1108](#); [2001 Special Session, 230](#); [2003, 289](#); [2005, 462](#))

**NRS 202.24915 Smoking tobacco: Allowed under certain circumstances in certain stores that are principally devoted to sale of food for human consumption off premises.**

1. A store that is principally devoted to the sale of food for human consumption off the premises may allow the smoking of tobacco in a public area of the store that is leased to or operated by a person who is licensed pursuant to [NRS 463.160](#) if:

(a) The entire interior public area of the store is 10,000 square feet or less; or

(b) The area:

(1) Is segregated from the other public areas of the store by two or more walls or partial walls, or any combination thereof, in a configuration that includes at least one corner; and



(2) Contains a method of ventilation which substantially removes smoke from the area.

2. Except as otherwise provided in subsection 3, until January 1, 2007, a store that is principally devoted to the sale of food for human consumption off the premises may allow the smoking of tobacco in a public area of the store that is leased to or operated by a person who is licensed pursuant to [NRS 463.160](#) if the store was constructed before October 1, 1999, or received final approval for construction before October 1, 1999. On or after January 1, 2007, such a store may allow smoking in that public area only if the area contains a method of ventilation which substantially removes smoke from the area.

3. If at any time before January 1, 2007, a store described in subsection 2 remodels 25 percent or more of the square footage of the entire public area within the store, the store may continue to allow the smoking of tobacco in a public area of the store that is leased to or operated by a person who is licensed pursuant to [NRS 463.160](#) only if the store includes as part of the remodeling a method of ventilation which substantially removes smoke from the area.

4. For the purposes of this section, "partial wall" or "wall" may include, without limitation, one or more gaming devices, as defined in [NRS 463.0155](#), if the gaming devices are configured together or in conjunction with other structures to create a barrier that is similar to a partial wall or wall.

(Added to NRS by [1999.1691](#); A [2003.1007](#))

**NRS 202.2492 Smoking tobacco: Penalty; issuance of citations.**

1. A person who violates [NRS 202.2491](#) or [202.24915](#) is guilty of a misdemeanor.

2. In each health district, the district health officer shall, and, for areas of this state which are not within a health district, the Chief Medical Officer shall, designate one or more of his or her employees to prepare, sign and serve written citations on persons accused of violating [NRS 202.2491](#) or [202.24915](#). Such an employee:

(a) May exercise the authority to prepare, sign and serve those citations only within the geographical jurisdiction of the district or Chief Medical Officer by which he or she is employed; and

(b) Shall comply with the provisions of [NRS 171.1773](#).

(Added to NRS by [1975.463](#); A [1985.250](#); [1993.2844](#); [1999.1694](#))

**NRS 202.24925 Smoking tobacco: Civil penalty; Account for Health Education for Minors created; administration of Account.**

1. In addition to any criminal penalty, a person who violates [NRS 202.2491](#) or [202.24915](#) is liable for a civil penalty of \$100 for each violation.

2. A health authority within whose jurisdiction a violation of [NRS 202.2491](#) or [202.24915](#) is committed shall:

(a) Collect the civil penalty, and may commence a civil proceeding for that purpose; and

(b) Deposit any money collected pursuant to this section with the State Treasurer for credit to the Account for Health Education for Minors, which is hereby created in the State General Fund.

3. The Superintendent of Public Instruction:

(a) Shall administer the Account for Health Education for Minors; and

(b) May, with the advice of the Chief Medical Officer, expend money in the Account only for programs of education for minors regarding human health.

4. The interest and income earned on the money in the Account for Health Education for Minors, after deducting any applicable charges, must be credited to the Account.

5. All claims against the Account for Health Education for Minors must be paid as other claims against the State are paid.

(Added to NRS by [1993.2843](#); A [1999.1694](#))

**NRS 202.2493 Cigarettes, smokeless products made or derived from tobacco and alternative nicotine products to be sold in unopened package only; sale and distribution of cigarettes, other tobacco products, vapor products and alternative nicotine products to minor prohibited; owner of retail establishment required to display notice concerning prohibition against sale of tobacco products, vapor products and alternative nicotine products to minors; sale of cigarettes by retailer through use of certain displays prohibited; penalties.**

1. A person shall not sell, distribute or offer to sell cigarettes, any smokeless product made or derived from tobacco or any alternative nicotine product in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of \$100 and a civil penalty of \$100. As used in this subsection, "smokeless product made or derived from tobacco" means any product that consists of cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products, the person:

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

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

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

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

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

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

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

6. The owner of a retail establishment shall, whenever any product made or derived from tobacco, vapor product or alternative nicotine product is being sold or offered for sale at the establishment, display prominently at the point of sale:

(a) A notice indicating that:

(1) The sale of cigarettes, other tobacco products, vapor products and alternative nicotine products to minors is prohibited by law; and

(2) The retailer may ask for proof of age to comply with this prohibition; and

(b) At least one sign that complies with the requirements of [NRS 442.340](#).

È A person who violates this subsection shall be punished by a fine of not more than \$100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

È except a vending machine used in compliance with [NRS 202.2494](#). A person who violates this subsection shall be punished by a fine of not more than \$500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and [NRS 202.2494](#).

[1911 C&P § 237; RL § 6502; NCL § 10184] + [1911 C&P § 238; RL § 6503; NCL § 10185] + [1:271:1949; 1943 NCL § 1046.01]— (NRS A 1959, 675; 1961, 379, 625; [1967.482](#); [1989.1955](#); [1995.2604](#); [2007.2058](#); [2011.825](#); [2013.1531](#); [2015.1936](#))

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

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

2. A person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500. Any money recovered pursuant to this section as a civil penalty must be deposited in the same manner as money is deposited pursuant to subsection 8 of [NRS 202.2493](#).

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

(Added to NRS by [2001.2787](#); A [2007.2060](#); [2013.1532](#))

**NRS 202.2494 Cigarette vending machines lawful in certain public areas; restrictions on coin-operated machines.**

1. A cigarette vending machine may be placed in a public area only if persons who are under 21 years of age are prohibited from loitering in that area pursuant to [NRS 202.030](#) or [463.350](#).

2. A coin-operated vending machine containing cigarettes must not be used to dispense any product not made or derived from tobacco.

(Added to NRS by [1993.2843](#); A [1995.2605](#); [2003.1203](#); [2013.1533](#))

**NRS 202.2496 Random inspections to enforce compliance with [NRS 202.2493](#) and [202.2494](#); assistance of child in conducting inspection.**

1. As necessary to comply with any applicable federal law, the Attorney General shall conduct random, unannounced inspections at locations where tobacco, products made or derived from tobacco, vapor products and alternative nicotine products are sold, distributed or offered for sale to inspect for and enforce compliance with [NRS 202.2493](#) and [202.2494](#), as applicable. For assistance in conducting any such inspection, the Attorney General may contract with:

- (a) Any sheriff’s department;
- (b) Any police department; or
- (c) Any other person who will, in the opinion of the Attorney General, perform the inspection in a fair and impartial manner.

2. If the inspector desires to enlist the assistance of a child under the age of 18 for such an inspection, the inspector shall obtain the written consent of the child’s parent for such assistance.

3. A child assisting in an inspection pursuant to this section shall, if questioned about his or her age, state his or her true age and that he or she is under 18 years of age.

4. If a child is assisting in an inspection pursuant to this section, the person supervising the inspection shall:

(a) Refrain from altering or attempting to alter the child’s appearance to make the child appear to be 18 years of age or older.

(b) Photograph the child immediately before the inspection is to occur and retain any photographs taken of the child pursuant to this paragraph.

5. The person supervising an inspection using the assistance of a child shall, within a reasonable time after the inspection is completed:

(a) Inform a representative of the business establishment from which the child attempted to purchase tobacco, products made or derived from tobacco, vapor products or alternative nicotine products that an inspection has been performed and the results of that inspection.

(b) Prepare a report regarding the inspection. The report must include the following information:

(1) The name of the person who supervised the inspection and that person’s position;

(2) The age and date of birth of the child who assisted in the inspection;

(3) The name and position of the person from whom the child attempted to purchase tobacco, products made or derived from tobacco, vapor products or alternative nicotine products;

(4) The name and address of the establishment at which the child attempted to purchase tobacco, products made or derived from tobacco, vapor products or alternative nicotine products;

(5) The date and time of the inspection; and

(6) The result of the inspection, including whether the inspection resulted in the sale, distribution or offering for sale of tobacco, products made or derived from tobacco, vapor products or alternative nicotine products to the child.

6. No civil or criminal action based upon an alleged violation of [NRS 202.2493](#) or [202.2494](#) may be brought as a result of an inspection for compliance in which the assistance of a child has been enlisted unless the inspection has been conducted in accordance with the provisions of this section.

(Added to NRS by [1995.2602](#); A [2013.1533](#); [2015.1938](#))

**NRS 202.2497 Attorney General to compile results of inspections.** The Attorney General shall compile the results of inspections performed pursuant to [NRS 202.2496](#) during the immediately preceding fiscal year as is necessary to prepare and submit a report pursuant to 42 U.S.C. § 300x-26(b)(2)(B).

(Added to NRS by [1995.2603](#))

## WEAPONS

### Dangerous Weapons and Firearms

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

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

2. “Firearm” means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

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

4. “Motor vehicle” means every vehicle that is self-propelled.

(Added to NRS by [1977.879](#); A [1979.157](#); [1989.1239](#); [1995.1151](#), [2533](#), [2726](#); [1997.662](#), [826](#); [2001.805](#); [2003.1350](#); [2005.594](#))

**NRS 202.254 Private person authorized to obtain background check on person who wishes to obtain firearm; no fee to be charged for background check; immunity from civil liability.**

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

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

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

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

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

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

5. The Central Repository may not charge a fee for performing a background check and notifying a person of the results of the background check pursuant to this section.

6. A private person who transfers a firearm to another person is immune from civil liability for failing to request a background check pursuant to this section or for any act or omission relating to a background check requested pursuant to this section if the act or omission was taken in good faith and without malicious intent.

7. The Director of the Department of Public Safety may request an allocation from the Contingency Account pursuant to [NRS 353.266](#), [353.268](#) and [353.269](#) to cover the costs incurred by the Department to carry out the provisions of subsection 5.

(Added to NRS by [1997, 825](#); A [2015, 1805](#))

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

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

(a) If no injury results therefrom to any human being, for a gross misdemeanor.

(b) If injuries not fatal result therefrom to any human being, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

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

(1) Under circumstances not rendering the act murder, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000; or

(2) Otherwise, for murder which is a category A felony as provided in [NRS 200.030](#).

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

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

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

[1911 C&P § 302; RL § 6567; NCL § 10250]—(NRS A 1960, 336; [1967, 485](#); [1979, 1433](#); [1995, 1205](#))

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

1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.10 or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm, to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to [NRS 484C.160](#) to [484C.250](#), inclusive, except that submission to the evidentiary test is required of any person who is requested by a police officer to submit to the test. If a person to be tested fails to submit to a required test as requested by a police officer, the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to [NRS 179.1156](#) to [179.1205](#), inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

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

(Added to NRS by [1995, 2533](#); A [1999, 2470](#); [2003, 2565](#); [2015, 2534](#))

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

1. A person who unlawfully possesses, manufactures or disposes of any explosive or incendiary device with the intent to destroy life or property is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

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

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

[1911 C&P § 306; RL § 6571; NCL § 10254]—(NRS A [1973, 552](#); [1979, 1434](#); [1995, 1205](#); [2001, 805](#))

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

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

2. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

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

(Added to NRS by [2001.804](#))

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

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

- (a) In or upon any public street or highway in this state;
- (b) In or near any private habitation, public place or any place open to the public; or
- (c) In, on or near any public conveyance.

2. A person who violates subsection 1 is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

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

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

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

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

(Added to NRS by [2001.804](#))

**NRS 202.263 Unlawful manufacture, purchase, possession, sale, advertisement or transportation of hoax bomb: Penalty; exceptions.**

1. A person shall not knowingly manufacture, purchase, possess, sell, advertise for sale or transport a hoax bomb with the intent to:

- (a) Make a reasonable person believe that the hoax bomb is an explosive or incendiary device;
- (b) Cause alarm or reaction by an officer, an employee or a volunteer of a public safety agency; or
- (c) Cause the evacuation of any private or public building, whether or not any threat has been conveyed.

2. A person who violates subsection 1:

(a) Is guilty of a gross misdemeanor, unless a greater penalty is provided pursuant to paragraph (b) or (c).

(b) In a manner that causes the evacuation of any private or public building, is guilty of a category E felony and shall be punished as provided in [NRS 193.130](#), unless a greater penalty is provided pursuant to paragraph (c).

(c) In the furtherance of any other crime punishable as a felony, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

3. This section does not prohibit:

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

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

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

4. As used in this section:

(a) "Hoax bomb" means anything that by its design, construction, content, characteristics or representation appears to be or to contain:

- (1) An inoperative facsimile or imitation of an explosive or incendiary device; or
- (2) An explosive or incendiary device.

(b) "Public building" has the meaning ascribed to it in [NRS 203.119](#).

(c) "Public safety agency" has the meaning ascribed to it in [NRS 239B.020](#).

(Added to NRS by [1991.816](#); A [2001.805](#); [2013.757](#))

**NRS 202.265 Possession of dangerous weapon on property or in vehicle of school or child care facility; penalty; exceptions.**

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

- (a) An explosive or incendiary device;
- (b) A dirk, dagger or switchblade knife;
- (c) A nunchaku or trefoil;
- (d) A blackjack or billy club or metal knuckles;
- (e) A pneumatic gun;
- (f) A pistol, revolver or other firearm; or
- (g) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:

(a) A private or public school or child care facility by a:

- (1) Peace officer;
- (2) School security guard; or

(3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

5. For the purposes of this section:

(a) "Child care facility" means any child care facility that is licensed pursuant to [chapter 432A](#) of NRS or licensed by a city or county.

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

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

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

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

(f) "Vehicle" has the meaning ascribed to "school bus" in [NRS 484A.230](#).

(Added to NRS by [1989.656](#); A [1993.364](#); [1995.1151](#); [2001.806](#); [2007.1913](#); [2015.1586](#))

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

1. Except as provided in subsection 2, it is unlawful to manufacture or sell any metal-penetrating bullet capable of being fired from a handgun.
2. A person may manufacture and sell metal-penetrating bullets pursuant to an agreement with a law enforcement agency for the sale of such bullets to that agency.
3. A person who violates the provisions of this section is guilty of a gross misdemeanor.
4. As used in this section, "metal-penetrating bullet" means a bullet whose core:
  - (a) Reduces the normal expansion of the bullet upon impact; and
  - (b) Is at least as hard as the maximum hardness attainable using solid red metal alloys,and which can be used in a handgun. The term does not include any bullet with a copper or brass jacket and a core of lead or a lead alloy, or a bullet made of lead or lead alloys.  
(Added to NRS by [1983, 800](#))

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

1. Except as otherwise provided in subsection 3, a person who knowingly or willfully possesses, manufactures or disposes of any short-barreled rifle or short-barreled shotgun is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).
2. For purposes of this section:
  - (a) "Short-barreled rifle" means:
    - (1) A rifle having one or more barrels less than 16 inches in length; or
    - (2) Any weapon made from a rifle, whether by alteration, modification or other means, with an overall length of less than 26 inches.
  - (b) "Short-barreled shotgun" means:
    - (1) A shotgun having one or more barrels less than 18 inches in length; or
    - (2) Any weapon made from a shotgun, whether by alteration, modification or other means, with an overall length of less than 26 inches.
3. This section does not prohibit:
  - (a) The possession or use of any short-barreled rifle or short-barreled shotgun by any peace officer when authorized to do so in the performance of official duties;
  - (b) The possession of any short-barreled rifle or short-barreled shotgun by a person who is licensed as a firearms importer, manufacturer, collector or dealer by the United States Department of the Treasury, or by a person to whom such a rifle or shotgun is registered with the United States Department of the Treasury; or
  - (c) The possession of any short-barreled rifle or short-barreled shotgun that has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.  
(Added to NRS by [1977, 879](#); A [1979, 1434](#); [1991, 1136](#); [1995, 1206](#); [2005, 64](#))

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

1. A person shall not intentionally change, alter, remove or obliterate the serial number upon any firearm. Any person who violates the provisions of this subsection is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).
2. A person shall not knowingly possess a firearm on which the serial number has been intentionally changed, altered, removed or obliterated. Any person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).  
(Added to NRS by [1977, 880](#); A [2003, 1350](#))

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

1. Unless a greater penalty is provided in [NRS 202.287](#), a person, whether under the influence of liquor, a controlled substance or otherwise, who maliciously, wantonly or negligently discharges or causes to be discharged any pistol, gun or any other kind of firearm, in or upon any public street or thoroughfare, or in any theater, hall, store, hotel, saloon or any other place of public resort, or throws any deadly missile in a public place or in any place where any person might be endangered thereby, although no injury results, is guilty of a misdemeanor.
2. All civil, military and peace officers shall be vigilant in carrying the provisions of subsection 1 into full force and effect. Any peace officer who neglects his or her duty in the arrest of any such offender is guilty of a gross misdemeanor.  
[1911 C&P § 304; RL § 6569; NCL § 10252] + [1911 C&P § 305; RL § 6570; NCL § 10253]—(NRS A [1967, 485](#); [1989, 1240](#))

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

1. A person who willfully and maliciously discharges a firearm at or into any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, railroad locomotive, car or tender:
  - (a) If it has been abandoned, is guilty of a misdemeanor unless a greater penalty is provided in [NRS 202.287](#).
  - (b) If it is occupied, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.
2. Whenever a firearm is so discharged at or into any vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, railroad locomotive, car or tender, in motion or at rest, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, locomotive or railroad car may have run on the trip during which the firearm was discharged at or into it.  
(Added to NRS by [1979, 157](#); A [1989, 1240](#); [1995, 1206](#))

**NRS 202.287 Discharging firearm within or from structure or vehicle; penalties.**

1. A person who is in, on or under a structure or vehicle and who maliciously or wantonly discharges or maliciously or wantonly causes to be discharged a firearm within or from the structure or vehicle:
  - (a) If the structure or vehicle is not within an area designated by city or county ordinance as a populated area for the purpose of prohibiting the discharge of weapons, is guilty of a misdemeanor.
  - (b) If the structure or vehicle is within an area designated by city or county ordinance as a populated area for the purpose of prohibiting the discharge of weapons, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.
2. If a firearm is discharged within or out of any vehicle that is in motion or at rest and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vehicle may have run on the trip during which the firearm was discharged.
3. The provisions of this section do not apply to:
  - (a) A person who lawfully shoots at a game mammal or game bird pursuant to subsection 2 of [NRS 503.010](#).
  - (b) A peace officer while engaged in the performance of his or her official duties.
  - (c) A person who discharges a firearm in a lawful manner and in the course of a lawful business, event or activity.

4. As used in this section:

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

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

(Added to NRS by [1989.1239](#); A [1993.2774](#); [1995.1152](#), [1207](#), [2403](#), [2409](#); [2003.987](#))

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

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

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

is guilty of a gross misdemeanor.

[1911 C&P § 344; RL § 6609; NCL § 10292]—(NRS A [1989.820](#), [1240](#), [1243](#))

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

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

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

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

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

(c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) At his or her residence.

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

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

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

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

(a) An occupant of a motor vehicle;

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

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

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

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

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

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

[1911 C&P § 345; RL § 6610; NCL § 10293]—(NRS A 1963, 3; [1991.1154](#); [1995.1152](#); [1997.516](#), [1181](#))

**NRS 202.310 Sale of firearms to minors; penalty.** Any person in this state who sells or barter to a child who is under the age of 18 years, with reckless disregard of whether the child is under the age of 18 years, or with knowledge or reason to know that the child is under the age of 18 years, a pistol, revolver or a firearm capable of being concealed upon the person is guilty of a category B felony and

shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

[1:164:1955]—(NRS A [1995.1154](#); [1997.519](#), [1183](#))

**NRS 202.320 Drawing deadly weapon in threatening manner.**

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

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

[1911 C&P § 174; RL § 6439; NCL § 10121]—(NRS A [1967.486](#); [1989.1240](#))

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

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

(a) The head of the police force or department of an incorporated city if the possession thereof was detected by any member of the police force of the city; or

(b) The chief administrator of a state law enforcement agency, for disposal pursuant to [NRS 333.220](#), if the possession thereof was detected by any member of the agency.

È In all other cases, the instrument or weapon must be surrendered to the sheriff of the county or the sheriff of the metropolitan police department for the county in which the instrument or weapon was taken.

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

(a) Retain the confiscated instrument or weapon for use by the law enforcement agency headed by the officer;

(b) Sell the confiscated instrument or weapon to another law enforcement agency;

(c) Destroy or direct the destruction of the confiscated instrument or weapon if it is not otherwise required to be destroyed pursuant to subsection 5;

(d) Trade the confiscated instrument or weapon to a properly licensed retailer or wholesaler in exchange for equipment necessary for the performance of the agency's duties; or

(e) Donate the confiscated instrument or weapon to a museum, the Nevada National Guard or, if appropriate, to another person for use which furthers a charitable or public interest.

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

(a) The governing body of a county or city must be deposited with the county treasurer or the city treasurer and the county treasurer or the city treasurer shall credit the proceeds to the general fund of the county or city.

(b) A metropolitan police committee on fiscal affairs must be deposited in a fund which was created pursuant to [NRS 280.220](#).

4. Any officer receiving an order pursuant to subsection 2 shall comply with the order as soon as practicable.

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

(a) Except as otherwise provided in paragraph (c), destroy or direct to be destroyed any instrument or weapon which is determined to be dangerous to the safety of the public.

(b) Except as otherwise provided in paragraph (c), return any instrument or weapon, which has not been destroyed pursuant to paragraph (a):

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

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

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

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

6. Before any disposition pursuant to subsection 5, the officer who is in possession of the confiscated instrument or weapon shall submit a full description of the instrument or weapon to a laboratory which provides forensic services in this State. The director of the laboratory shall determine whether the instrument or weapon:

(a) Must be sent to the laboratory for examination as part of a criminal investigation; or

(b) Is a necessary addition to a referential collection maintained by the laboratory for purposes relating to law enforcement.

[1:93:1913; 1919 RL p. 2710; NCL § 2300] + [2:93:1913; A 1953, 546]—(NRS A 1959, 547; [1967.1719](#); [1989.12](#), [143](#), [144](#); [1995.304](#), [1154](#), [1161](#))

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

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

(a) Manufacture or cause to be manufactured, or import into the State, or keep, offer or expose for sale, or give, lend or possess any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sand-club, sandbag or metal knuckles;

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

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

(d) Carry concealed upon his or her person any:

(1) Explosive substance, other than ammunition or any components thereof;

(2) Machete; or

(3) Pistol, revolver or other firearm, other dangerous or deadly weapon or pneumatic gun.

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

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

(1) For the first offense, of a gross misdemeanor.

(2) For any subsequent offense, of a category D felony and shall be punished as provided in [NRS 193.130](#).

(b) Paragraph (b) or subparagraph (1) or (3) of paragraph (d) of subsection 1 is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

3. Except as otherwise provided in this subsection, the sheriff of any county may, upon written application by a resident of that county showing the reason or the purpose for which a concealed weapon is to be carried, issue a permit authorizing the applicant to carry in this State the concealed weapon described in the permit. This subsection does not authorize the sheriff to issue a permit to a person to carry a pistol, revolver or other firearm.

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

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

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

(c) Any full-time paid peace officer of an agency of the United States or another state or political subdivision thereof when carrying out official duties in the State of Nevada.

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

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

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

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

8. As used in this section:

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

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

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

(d) "Nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods connected by a rope, cord, wire or chain used as a weapon in forms of Oriental combat.

(e) "Pneumatic gun" has the meaning ascribed to it in [NRS 202.265](#).

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

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

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

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

[1:47:1925; NCL § 2302] + [3:47:1925; NCL § 2304]—(NRS A 1959, 548; 1963, 90; [1967, 486](#); [1973, 190, 900](#); [1977, 269, 880](#); [1979, 1435](#); [1985, 452, 593, 792](#); [1989, 653](#); [1995, 1207, 2726](#); [1997, 826, 1601](#); [1999, 421, 1208](#); [2001, 575](#); [2003, 1351](#); [2005, 594](#); [2015, 1587](#))

**NRS 202.355 Manufacture or sale of switchblade knives: Application for permit; eligibility; public hearing; restrictions.** Repealed. (See chapter 314, Statutes of Nevada 2015, at page 1591.)

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

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

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

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

(b) Is a fugitive from justice;

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

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

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

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

(a) Is a child under 18 years of age;

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the other person has received a pardon and the pardon does not restrict his or her right to bear arms;

(c) Is a fugitive from justice;

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

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

5. A person who violates the provisions of:

(a) Subsection 1 or paragraph (a) or (b) of subsection 2 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

(b) Paragraph (c) or (d) of subsection 2 is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

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

7. A person who violates the provisions of subsection 4 is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

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

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

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

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

(Added to NRS by [2005, 266](#))

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

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

(a) Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a) (33);



(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(c) Is a fugitive from justice;

(d) Is an unlawful user of, or addicted to, any controlled substance; or

(e) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

Ê A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

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

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

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

Ê A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

3. As used in this section:

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

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

[2:47:1925; A 1955, 185] + [3:47:1925; NCL § 2304]—(NRS A 1959, 548; [1967, 487](#); [1979, 1435](#); [1983, 926](#); [1985, 453, 594](#); [1991, 72](#); [1995, 1208](#); [1997, 828](#); [2003, 1352](#); [2015, 1782, 1806](#))

### **NRS 202.362 Sale, transfer or disposal of firearm or ammunition to certain persons prohibited; purchase of firearm on behalf of certain persons prohibited; penalty; exceptions.**

1. Except as otherwise provided in subsection 3, a person within this State shall not sell, transfer or otherwise dispose of any firearm or ammunition to another person or purchase a firearm on behalf of or for another person with the intent to transfer the firearm to that person if he or she has reasonable cause to believe that the other person:

(a) Is under indictment for, or has been convicted of, a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the other person has received a pardon and the pardon does not restrict his or her right to bear arms;

(b) Is prohibited from possessing a firearm pursuant to [NRS 202.360](#); or

(c) Is a known member of a criminal gang as defined in [NRS 193.168](#).

2. A person who violates the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

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

(a) A licensed importer, licensed manufacturer, licensed dealer or licensed collector who, pursuant to 18 U.S.C. § 925(b), is not precluded from dealing in firearms or ammunition; or

(b) A person who has been granted relief from the disabilities imposed by federal laws pursuant to 18 U.S.C. § 925(c) or [NRS 179A.163](#).

4. For purposes of this section, a person has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(Added to NRS by [2003, 1349](#); A [2009, 2490](#); [2015, 1807](#))

### **Concealed Firearms**

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

1. "Concealed firearm" means a loaded or unloaded handgun which is carried upon a person in such a manner as not to be discernible by ordinary observation.

2. "Department" means the Department of Public Safety.

3. "Handgun" has the meaning ascribed to it in 18 U.S.C. § 921(a)(29).

4. "Permit" means a permit to carry a concealed firearm issued pursuant to the provisions of [NRS 202.3653](#) to [202.369](#), inclusive.

(Added to NRS by [1995, 2721](#); A [1997, 1175](#); [1999, 850](#); [2001, 2579](#); [2005, 596](#); [2007, 3151](#); [2013, 1138](#))

**NRS 202.3657 Application for permit; eligibility; denial or revocation of permit.**

1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to [NRS 202.360](#); and

(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

Ê Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately

preceding 5 years, the person has been:

- (1) Convicted of violating the provisions of [NRS 484C.110](#); or
- (2) Committed for treatment pursuant to [NRS 458.290](#) to [458.350](#), inclusive.
- (e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.
- (f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.
- (g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.
- (h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.
- (i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:
  - (1) Withholding of the entry of judgment for a conviction of a felony; or
  - (2) Suspension of sentence for the conviction of a felony.
- (j) Has made a false statement on any application for a permit or for the renewal of a permit.

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

- (a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;
  - (b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;
  - (c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;
  - (d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;
  - (e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;
  - (f) A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of [NRS 202.366](#); and
  - (g) A nonrefundable fee set by the sheriff not to exceed \$60.
- (Added to NRS by [1995, 2721](#); A [1997, 1175](#); [2001, 612, 618, 2579](#); [2003, 8, 11](#); [2007, 3151](#); [2011, 751, 1779, 3107](#); [2013, 1139](#))

**NRS 202.366 Investigation of applicant for permit; issuance or denial of permit; expiration of permit.**

1. Upon receipt by a sheriff of an application for a permit, including an application for the renewal of a permit pursuant to [NRS 202.3677](#), the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The investigation also must include a report from the National Instant Criminal Background Check System. The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to [NRS 202.3653](#) to [202.369](#), inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County.....	Permit Number.....
Expires.....	Date of Birth.....
Height.....	Weight.....
Name.....	Address.....
City.....	Zip.....
	Photograph
Signature.....	
Issued by.....	
Date of Issue.....	

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

5. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.  
(Added to NRS by [1995, 2723](#); A [1999, 2094](#); [2001, 614, 620](#); [2003, 13, 2846](#); [2007, 3153](#); [2011, 754, 1781, 3109](#); [2013, 1141](#))

**NRS 202.3662 Confidentiality of information about applicant for permit and permittee.**

- 1. Except as otherwise provided in this section and [NRS 202.3665](#) and [239.0115](#):
  - (a) An application for a permit, and all information contained within that application;
  - (b) All information provided to a sheriff or obtained by a sheriff in the course of the investigation of an applicant or permittee;
  - (c) The identity of the permittee; and
  - (d) Any records regarding the suspension, restoration or revocation of a permit,

are confidential.  
2. Any records regarding an applicant or permittee may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution.

3. Statistical abstracts of data compiled by a sheriff regarding permits applied for or issued pursuant to [NRS 202.3653](#) to [202.369](#), inclusive, including, but not limited to, the number of applications received and permits issued, may be released to any person.  
(Added to NRS by [1997, 1174](#); A [1999, 851](#); [2007, 2077](#); [2011, 754, 3110](#))

**NRS 202.3663 Judicial review of denial of application for permit.** If an application for a permit is denied by a sheriff, the applicant who submitted the application may seek a judicial review of the denial by filing a petition in the district court for the county in which the applicant filed the application for a permit. A judicial review conducted pursuant to this section must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in [chapter 233B](#) of NRS for reviewing a final decision of an agency.

(Added to NRS by [1995, 2724](#); A [2001, 615](#))

**NRS 202.3665 Duties of sheriff upon receiving notification that applicant or permittee has been charged with or convicted of crime involving use or threatened use of force or violence.**

1. If a sheriff who is processing an application for a permit receives notification pursuant to [NRS 202.3657](#) that the applicant has been:

(a) Charged with a crime involving the use or threatened use of force or violence, the sheriff shall notify any victim of the crime of the fact that the sheriff has, pursuant to [NRS 202.3657](#):

(1) Suspended the processing of the application until the final disposition of the charges against the applicant; or

(2) Resumed the processing of the application following the dropping of charges against the applicant or the acquittal of the applicant.

(b) Convicted of a crime involving the use or threatened use of force or violence, the sheriff shall notify any victim of the crime of the fact that the sheriff has, pursuant to [NRS 202.3657](#), denied the application.

2. If a sheriff who has issued a permit to a permittee receives notification pursuant to [NRS 202.3657](#) that the permittee has been:

(a) Charged with a crime involving the use or threatened use of force or violence, the sheriff shall notify any victim of the crime of the fact that the sheriff has, pursuant to [NRS 202.3657](#):

(1) Suspended the permit of the permittee until the final disposition of the charges against the permittee; or

(2) Restored the permit of the permittee following the dropping of charges against the permittee or the acquittal of the permittee.

(b) Convicted of a crime involving the use or threatened use of force or violence, the sheriff shall notify any victim of the crime of the fact that the sheriff has, pursuant to [NRS 202.3657](#), revoked the permit of the permittee.

3. The sheriff shall notify a victim pursuant to subsection 1 or 2 not later than 10 days after the date on which the sheriff performs one of the actions listed in subsection 1 or 2 concerning an application or a permit.

(Added to NRS by [1999, 850](#))

**NRS 202.3667 Permittee to carry permit and proper identification when in possession of concealed firearm; penalty.**

1. Each permittee shall carry the permit, or a duplicate issued pursuant to the provisions of [NRS 202.367](#), together with proper identification whenever the permittee is in actual possession of a concealed firearm. Both the permit and proper identification must be presented if requested by a peace officer.

2. A permittee who violates the provisions of this section is subject to a civil penalty of \$25 for each violation.

(Added to NRS by [1995, 2724](#))

**NRS 202.367 Duplicate permit; notification to sheriff of recovered permit; penalty.**

1. A permittee shall notify the sheriff who issued his or her permit in writing within 30 days if the permittee's:

(a) Permanent address changes; or

(b) Permit is lost, stolen or destroyed.

2. The sheriff shall issue a duplicate permit to a permittee if the permittee:

(a) Submits a written statement to the sheriff, signed under oath, stating that his or her permit has been lost, stolen or destroyed; and

(b) Pays a nonrefundable fee of \$15.

3. If any permittee subsequently finds or recovers his or her permit after being issued a duplicate permit pursuant to this section, the permittee shall, within 10 days:

(a) Notify the sheriff in writing; and

(b) Return the duplicate permit to the sheriff.

4. A permittee who fails to notify a sheriff pursuant to the provisions of this section is subject to a civil penalty of \$25.

(Added to NRS by [1995, 2724](#))

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

1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of [NRS 202.265](#).

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in paragraph (a) of subsection 5 of [NRS 202.265](#).

(b) "Public building" means any building or office space occupied by:

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

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

È If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

(Added to NRS by [1995, 2725](#); A [1997, 63](#); [1999, 2767](#); [2007, 1914](#))

**NRS 202.3677 Application for renewal of permit; fees; demonstrated continued competence required.**

1. If a permittee wishes to renew his or her permit, the permittee must:
    - (a) Complete and submit to the sheriff who issued the permit an application for renewal of the permit; and
    - (b) Undergo an investigation by the sheriff pursuant to [NRS 202.366](#) to determine if the permittee is eligible for a permit.
  2. An application for the renewal of a permit must:
    - (a) Be completed and signed under oath by the applicant;
    - (b) Contain a statement that the applicant is eligible to receive a permit pursuant to [NRS 202.3657](#);
    - (c) Be accompanied by a nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of [NRS 202.366](#); and
    - (d) Be accompanied by a nonrefundable fee of \$25.
- È If a permittee fails to renew his or her permit on or before the date of expiration of the permit, the application for renewal must include an additional nonrefundable late fee of \$15.
3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with handguns by successfully completing a course prescribed by the sheriff renewing the permit.  
(Added to NRS by [1995.2725](#); A [2007.3154](#); [2011.755](#), [1782](#), [3110](#); [2013.1142](#))

**NRS 202.3678 Application for certification as qualified retired law enforcement officer; law enforcement agency required to offer certain officers opportunity to obtain qualifications necessary for certification; fees.**

1. A retired law enforcement officer who is a resident of this State may apply, on a form prescribed by regulation of the Department, to the sheriff of the county in which he or she resides for any certification required pursuant to 18 U.S.C. § 926C(d) to become a qualified retired law enforcement officer. Application forms for certification must be provided by the sheriff of each county upon request.
2. A law enforcement agency in this State shall offer a retired law enforcement officer who retired from the law enforcement agency the opportunity to obtain the firearms qualification that is necessary to obtain the certification from the sheriff pursuant to subsection 1 at least twice per year at the same facility at which the law enforcement agency provides firearms training for its active law enforcement officers. The law enforcement agency may impose a nonrefundable fee in the amount necessary to pay the expenses for providing the firearms qualification.
3. The sheriff shall provide the certification pursuant to subsection 1 to a retired law enforcement officer who submits a completed application and pays any fee required pursuant to this subsection if the sheriff determines that the officer meets the standards for training and qualifications. The sheriff may impose a nonrefundable fee in the amount necessary to pay the expenses in providing the certification.
4. As used in this section:
  - (a) "Law enforcement agency" has the meaning ascribed to it in [NRS 239C.065](#).
  - (b) "Qualified retired law enforcement officer" has the meaning ascribed to it in 18 U.S.C. § 926C.  
(Added to NRS by [2005.593](#); A [2009.563](#))

**NRS 202.368 Fees to be deposited with county treasurer.** All fees collected pursuant to the provisions of [NRS 202.3653](#) to [202.369](#), inclusive, must be deposited with the county treasurer of the county in which the fees are collected and:

1. If the county has a metropolitan police department created pursuant to [chapter 280](#) of NRS, credited to the general fund of that metropolitan police department; or
2. If the county does not have a metropolitan police department created pursuant to [chapter 280](#) of NRS, credited to the general fund of that county.  
(Added to NRS by [1995.2725](#); A [2005.596](#))

**NRS 202.3683 Immunity of state and local governments from civil liability.** The State or any political subdivision of the State, the Department, a sheriff, law enforcement agency, firearm safety or training instructor or any other person who, in good faith and without gross negligence, acts pursuant to the provisions of [NRS 202.3653](#) to [202.369](#), inclusive, is immune from civil liability for those acts. Such acts include, but are not limited to, the receipt, review or investigation of an application for a permit, the certification of a retired law enforcement officer, or the issuance, denial, suspension, revocation or renewal of a permit.  
(Added to NRS by [1995.2725](#); A [2005.596](#))

**NRS 202.3687 Temporary permits.**

1. The provisions of [NRS 202.3653](#) to [202.369](#), inclusive, do not prohibit a sheriff from issuing a temporary permit. A temporary permit may include, but is not limited to, provisions specifying the period for which the permit is valid.
2. Each sheriff who issues a permit pursuant to the provisions of [NRS 202.3653](#) to [202.369](#), inclusive, shall provide such information concerning the permit and the person to whom it is issued to the Central Repository for Nevada Records of Criminal History.  
(Added to NRS by [1995.2726](#); A [1999.2095](#); [2007.3154](#))

**NRS 202.3688 Circumstances in which holder of permit issued by another state may carry concealed firearm in this State.**

1. Except as otherwise provided in subsection 2, a person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to [NRS 202.3689](#) may carry a concealed firearm in this State in accordance with the requirements set forth in [NRS 202.3653](#) to [202.369](#), inclusive.
2. A person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to [NRS 202.3689](#) may not carry a concealed firearm in this State if the person:
  - (a) Becomes a resident of this State; and
  - (b) Has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State.  
(Added to NRS by [2007.3150](#); A [2015.1783](#))

**NRS 202.3689 Department to prepare list of states that meet certain requirements concerning permits; Department to provide copy of list to law enforcement agencies in this State; Department to make list available to public.**

1. On or before July 1 of each year, the Department shall:
  - (a) Determine whether each state requires a person to complete any training, class or program before the issuance of a permit to carry a concealed firearm in that state.
  - (b) Determine whether each state has an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm issued by that state and which a law enforcement officer in this State may access at all times through a national law enforcement telecommunications system.
  - (c) Prepare a list of states that meet the requirements of paragraphs (a) and (b).
  - (d) Provide a copy of the list prepared pursuant to paragraph (c) to each law enforcement agency in this State.
2. The Department shall, upon request, make the list prepared pursuant to subsection 1 available to the public.  
(Added to NRS by [2007.3150](#); A [2015.1783](#), [2691](#))

**NRS 202.369 Regulations.** The Department may adopt such regulations as are necessary to carry out the provisions of [NRS 202.3653](#) to [202.369](#), inclusive.  
(Added to NRS by [1995.2726](#); A [2005.596](#))

## TEAR GAS BOMBS AND WEAPONS

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

1. "Shell," "cartridge" or "bomb" includes all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosions will cause or permit the release or emission of tear gas.
2. "Tear gas" includes all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air. The term does not include a liquid, gaseous or solid substance whose active ingredient is composed of natural substances or products derived from natural substances which cause no permanent injury through being vaporized or otherwise dispersed in the air.
3. "Weapon designed for the use of such shell, cartridge or bomb" includes all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.  
[2:273:1955]—(NRS A [1977, 887](#); [1981, 2051](#))

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

1. The provisions of [NRS 202.370](#) to [202.440](#), inclusive, do not apply to the sale or purchase by any adult, or the possession or use by any person, including a minor but not including a convicted person as defined in [NRS 179C.010](#), of any form of:
  - (a) Cartridge which contains not more than 2 fluid ounces in volume of "CS" tear gas that may be propelled by air or another gas, but not an explosive, in the form of an aerosol spray; or
  - (b) Weapon designed for the use of such a cartridge which does not exceed that size, and which is designed and intended for use as an instrument of self-defense.
2. A seller, before delivering to a purchaser a cartridge or weapon which may be sold pursuant to subsection 1, must record and maintain for not less than 2 years the name and address of the purchaser and the brand name, model number or type, and serial number if there is one, of the weapon or cartridge, or both.
3. The provisions of [NRS 202.370](#) to [202.440](#), inclusive, do not prohibit police departments or regular salaried peace officers thereof, sheriffs and their regular salaried deputies, the Director, deputy director and superintendents of, and guards employed by, the Department of Corrections, personnel of the Nevada Highway Patrol or the military or naval forces of this state or of the United States from purchasing, possessing or transporting any shells, cartridges, bombs or weapons for official use in the discharge of their duties.
4. As used in this section, "CS" tear gas means a crystalline powder containing ortho-chlorobenzalmalononitrile.  
(Added to NRS by [1981, 2050](#); A [2001 Special Session, 232](#))

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

1. A person, other than a convicted person, who within this state knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of [NRS 202.370](#) to [202.440](#), inclusive, is guilty of a gross misdemeanor.
2. A convicted person who owns or has in his or her possession or under his or her custody or control any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such a shell, cartridge or bomb, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.
3. As used in this section, the term "convicted person" has the meaning ascribed to it in [NRS 179C.010](#).  
[1:273:1955]—(NRS A [1967, 487](#); [1975, 116](#); [1977, 867](#); [1981, 2051](#); [1995, 1209](#))

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

1. Each tear gas weapon sold, transported or possessed under the authority of [NRS 202.370](#) to [202.440](#), inclusive, shall bear the name of the manufacturer and a serial number applied by the manufacturer.
2. No person shall change, alter, remove or obliterate the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon. Possession of any such weapon upon which the same shall have been changed, altered, removed or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same.
3. Any person who violates any of the provisions of this section is guilty of a gross misdemeanor.  
[3:273:1955] + [4:273:1955]—(NRS A [1967, 488](#))

**NRS 202.400 Permit for possession, transportation and use in protective system to be issued by sheriff.**

1. The sheriff of any county may issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons to any applicant who submits proof that good cause exists for issuance of the permit.
2. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.  
[5:273:1955]—(NRS A [1973, 338](#); [1975, 116](#))

**NRS 202.410 Applications for permits: Contents.**

1. All applications for such permits shall:
  - (a) Be filed in writing;
  - (b) Be signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation; and
  - (c) State the name, business in which engaged, business address, a full description of the place or vehicle in which such shells, cartridges, bombs or weapons are to be transported, kept, installed or maintained.
2. If such shells, cartridges, bombs or weapons are to be used in connection with or to constitute a protective system, the application shall also contain the name of the person who is to install such protective system.  
[6:273:1955]

**NRS 202.420 Inspection of permits.** Every person, firm or corporation to whom a permit is issued shall either carry the same upon his or her person or keep the same in the place described in the permit. The permit shall be open to inspection by any peace officer or other person designated by the authority issuing the permit.  
[7:273:1955]—(NRS A [1975, 116](#))

**NRS 202.430 Revocation of permits.** Permits issued in accordance with [NRS 202.370](#) to [202.440](#), inclusive, may be revoked by the issuing authority at any time when it shall appear that the need for the possession or transportation of such shells, cartridges, bombs, weapons, or protective system involving the use of the same, has ceased, or that the holder of the permit has engaged in an unlawful business or occupation or has wrongfully made use of such shells, cartridges, bombs or weapons or the permit issued.  
[8:273:1955]

**NRS 202.440 License for retail sale of bombs or weapons; conditions.** The sheriff of any county may also grant licenses in a form to be prescribed by the sheriff, effective for not more than 1 year from the date of issuance, to permit the sale at retail, at the place

specified in the license, of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons, subject to the following conditions, upon breach of any of which the license shall be subject to forfeiture:

1. Such business shall be carried on only in the building designated in the license.
2. Such license or certified copy thereof must be displayed on the premises in a place where it may easily be read.
3. No such shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of [NRS 202.370](#) to [202.440](#), inclusive. No protective system involving the use of such shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.
4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of shells, cartridges, bombs or weapons is displayed to the seller and the information herein required is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the sheriff.

[9:273:1955]—(NRS A [1973.338](#); [1975.116](#))

## ACTS OF TERRORISM; WEAPONS OF MASS DESTRUCTION; LETHAL AGENTS; TOXINS; HOAX SUBSTANCES

**NRS 202.441 Definitions.** As used in [NRS 202.441](#) to [202.449](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 202.4415](#) to [202.4445](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1999.3](#); A [2003.2949](#); [2007.996](#))

### **NRS 202.4415 “Act of terrorism” defined.**

1. “Act of terrorism” means any act that involves the use or attempted use of sabotage, coercion or violence which is intended to:
  - (a) Cause great bodily harm or death to the general population; or
  - (b) Cause substantial destruction, contamination or impairment of:
    - (1) Any building or infrastructure, communications, transportation, utilities or services; or
    - (2) Any natural resource or the environment.
2. As used in this section, “coercion” does not include an act of civil disobedience.

(Added to NRS by [2003.2947](#))

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

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

(Added to NRS by [1999.3](#); A [2003.2949](#))

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

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

(Added to NRS by [2003.2947](#))

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

(Added to NRS by [1999.3](#); A [2003.2949](#))

### **NRS 202.4431 “For use as a weapon” defined.**

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

(Added to NRS by [2003.2947](#))

**NRS 202.4432 “Hoax substance” defined.** “Hoax substance” means any item that appears to a reasonable person to be a weapon of mass destruction, biological agent, chemical agent, radioactive agent or other lethal agent, any toxin or any delivery system for use as a weapon.

(Added to NRS by [2007.995](#))

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

(Added to NRS by [2003.2947](#))

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

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

(Added to NRS by [2003.2947](#))

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

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

3. Substantial damage to natural resources or the environment.  
(Added to NRS by [2003, 2948](#))

**NRS 202.4439 “Terrorist” defined.** “Terrorist” means a person who intentionally commits, causes, aids, furthers or conceals an act of terrorism or attempts to commit, cause, aid, further or conceal an act of terrorism.  
(Added to NRS by [2003, 2948](#))

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

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

(Added to NRS by [1999, 3](#); A [2003, 2949](#))

**NRS 202.4445 “Weapon of mass destruction” defined.** “Weapon of mass destruction” means any weapon or device that is designed or intended to create a great risk of death or substantial bodily harm to a large number of persons.  
(Added to NRS by [2003, 2948](#))

**NRS 202.445 Acts of terrorism or attempted acts of terrorism prohibited; penalties.**

1. A person shall not knowingly or intentionally commit or cause an act of terrorism or attempt to commit or cause an act of terrorism.
  2. A person shall not knowingly or intentionally:
    - (a) Aid, further or conceal or attempt to aid, further or conceal an act of terrorism;
    - (b) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal an act of terrorism; or
    - (c) Provide material support with the intent that such material support be used, in whole or in part, to:
      - (1) Commit, cause, aid, further or conceal an act of terrorism; or
      - (2) Aid a terrorist or conceal a terrorist from detection or capture.
  3. A person who violates subsection 1 is guilty of a category A felony and:
    - (a) Shall be punished by imprisonment:
      - (1) For life without the possibility of parole;
      - (2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or
      - (3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served; and
    - (b) Shall further be punished by a fine of at least \$50,000 but not more than \$100,000.
  4. A person who violates subsection 2 is guilty of a category A felony and:
    - (a) Shall be punished by imprisonment:
      - (1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or
      - (2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served; and
    - (b) Shall be further punished by a fine of at least \$25,000 but not more than \$50,000.
  5. In addition to any other penalty, the court shall order a person who violates the provisions of this section to pay restitution:
    - (a) To each victim for any injuries that are a result of the violation; and
    - (b) To the State of Nevada or a local government for any costs that arise from the violation.
- (Added to NRS by [2003, 2948](#))

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

1. A person shall not knowingly:
  - (a) Develop, manufacture, produce, assemble, stockpile, transfer, transport, acquire, retain, store, test or possess any weapon of mass destruction, any biological agent, chemical agent, radioactive agent or other lethal agent, any toxin or any delivery system for use as a weapon; or
  - (b) Send, deliver, disperse, release, discharge, disseminate or use any weapon of mass destruction, any biological agent, chemical agent, radioactive agent or other lethal agent, any toxin or any delivery system:
    - (1) With the intent to cause harm, whether or not such harm actually occurs; or
    - (2) Under circumstances reasonably likely to cause harm, whether or not such harm actually occurs.
2. A person shall not knowingly:
  - (a) Attempt to do any act described in subsection 1; or
  - (b) Assist, solicit or conspire with another person to do any act described in subsection 1.
3. A person who violates any provision of subsection 1 is guilty of a category A felony and shall be punished:
  - (a) If the crime does not result in substantial bodily harm or death:
    - (1) By imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and shall further be punished by a fine of not more than \$20,000; or
    - (2) By imprisonment in the state prison for a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served, and shall further be punished by a fine of not more than \$20,000.
  - (b) If the crime results in substantial bodily harm or death:
    - (1) By imprisonment in the state prison for life without the possibility of parole, and shall further be punished by a fine of not more than \$50,000;
    - (2) By imprisonment in the state prison for life, with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served, and shall further be punished by a fine of not more than \$50,000; or
    - (3) By imprisonment in the state prison for a definite term of 40 years, with eligibility for parole beginning when a minimum of 20 years has been served, and shall further be punished by a fine of not more than \$50,000.
4. A person who violates any provision of subsection 2 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall further be punished by a fine of not more than \$10,000.
5. In addition to any other penalty, the court shall order a person who violates the provisions of this section to pay restitution:
  - (a) To each victim for any injuries that are a result of the violation; and
  - (b) To the State of Nevada or a local government for any costs that arise from the violation.
6. The provisions of this section do not apply to any act that is committed in a lawful manner and in the course of a lawful business, event or activity.  
(Added to NRS by [1999, 3](#); A [2003, 2949](#))

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

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

- (a) Injure, intimidate or alarm any person, whether or not any person is actually injured, intimidated or alarmed thereby;
- (b) Cause panic or civil unrest, whether or not such panic or civil unrest actually occurs;
- (c) Extort or profit thereby, whether or not the extortion is actually successful or any profit actually occurs; or
- (d) Interfere with the operations of or cause economic or other damage to any person or any officer, agency, board, bureau, commission, department, division or other unit of federal, state or local government, whether or not such interference or damage actually occurs.

2. A person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$5,000.

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

(Added to NRS by [1999, 4](#); A [2003, 2950](#); [2007, 996](#))

**NRS 202.449 Dispersing hoax substance prohibited; penalties.**

1. A person shall not, through the use of any means of delivery, including, without limitation, mail, package delivery services, mail couriers or drop payment boxes, disperse or cause to be dispersed any hoax substance with the intent to:

- (a) Injure, intimidate, alarm or cause mental anguish to any person, whether or not any person is actually injured, intimidated, alarmed or caused mental anguish thereby;
- (b) Cause any reasonable person to believe that the person was contaminated by or exposed to a biological agent, chemical agent, radioactive agent or other lethal agent, any toxin or any nuclear or explosive substance;
- (c) Cause panic or civil unrest, whether or not such panic or civil unrest actually occurs;
- (d) Extort or profit thereby, whether or not the extortion is actually successful or any profit actually occurs; or
- (e) Interfere with the operations of or cause economic or other damage to any person or business, whether or not such interference or damage actually occurs.

2. Except as otherwise provided in subsection 3, a person who violates any provision of subsection 1 is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

3. Unless a greater penalty is provided by specific statute, if a person violates any provision of subsection 1 and the violation proximately causes the death of, or substantial bodily harm to, any other person, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$5,000.

4. In addition to any other penalty, the court shall order a person who violates any provision of subsection 1 to pay restitution to any public agency for any expenses of a response to a hoax substance that arise from the violation.

5. As used in this section:

(a) "Expenses of a response to a hoax substance" includes, without limitation, the reasonable costs incurred by a public agency in making an appropriate response to or investigation of a hoax substance, including, without limitation, the salary or wages of any person responding to or investigating a hoax substance, the deemed wages of any volunteer of a public agency participating in the response or investigation, the costs for use or operation of any equipment and the costs for the use or expenditure of any resources, fuel or other materials.

(b) "Public agency" means an agency, bureau, board, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada that provides police, fire-fighting, rescue or emergency medical services.

(Added to NRS by [2007, 995](#))

**PUBLIC NUISANCES**

**NRS 202.450 Definition.**

1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

- (a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;
- (b) Wherein any fighting between animals or birds is conducted;
- (c) Wherein any dog races are conducted as a gaming activity;
- (d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;
- (e) Wherein a controlled substance, immediate precursor or controlled substance analog is unlawfully sold, served, stored, kept, manufactured, used or given away;
- (f) That is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang; or
- (g) Where vagrants resort,

is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

- (a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;
- (b) Offends public decency;
- (c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or
- (d) In any way renders a considerable number of persons insecure in life or the use of property,

is a public nuisance.

4. A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by the board of health and:

- (a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have been removed from or remediated on the building or place by an entity certified or licensed to do so; or
- (b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

5. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

6. A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

- (a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or
- (b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.



7. As used in this section:

- (a) "Board of health" has the meaning ascribed to it in [NRS 439.4797](#).
- (b) "Controlled substance analog" has the meaning ascribed to it in [NRS 453.043](#).
- (c) "Criminal gang" has the meaning ascribed to it in [NRS 193.168](#).
- (d) "Immediate precursor" has the meaning ascribed to it in [NRS 453.086](#).
- (e) "Shooting range" has the meaning ascribed to it in [NRS 40.140](#).

[1911 C&P § 296; A 1941, 64; 1949, 143; 1943 NCL § 10244]—(NRS A [1973.463](#); [1977.1039](#); [1985.874](#); [1997.951](#), [1472](#), [1473](#), [3129](#); [1999.641](#); [2007.3129](#); [2009.827](#), [1311](#))

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

[1911 C&P § 297; RL § 6562; NCL § 10245]

**NRS 202.470 Maintaining or permitting nuisance: Penalty.** Every person who:

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

[1911 C&P § 298; RL § 6563; NCL § 10246]

**NRS 202.480 Abatement of nuisance; civil penalty.**

1. Any court or magistrate before whom there may be pending any proceeding for a violation of [NRS 202.470](#) shall, in addition to any fine or other punishment which it may impose for such a violation, order:

(a) The defendant to abate the nuisance. The abatement must begin within 3 days after the court or magistrate enters the order to abate and must be completed within the time period specified by the court or magistrate. The responsible agency shall supervise the abatement and report to the court or magistrate regarding whether the abatement was successfully completed within the time period specified by the court or magistrate.

(b) The defendant to pay a civil penalty of not less than \$500 but not more than \$5,000. If ordered by the court or magistrate, the penalty may be paid in installments. The responsible agency may attempt to collect a civil penalty or installment that is in default in any manner provided by law for the enforcement of a judgment.

2. If a defendant is ordered to abate a nuisance pursuant to subsection 1 and fails to abate the nuisance within the time period specified by the court or magistrate, the responsible agency may assume responsibility and abate the nuisance, at the expense of the defendant. If the responsible agency abates the nuisance, the responsible party shall report to the court or magistrate upon the successful completion of the abatement.

3. Any civil penalty collected pursuant to subsection 1 must be deposited with the treasurer of the responsible agency in an account used solely to pay costs associated with any abatement ordered by a court or magistrate.

4. As used in this section, "responsible agency" means an agency, officer, bureau, board, commission, department, division or any other unit of government of the State or a local government that is designated by a court or magistrate as the party responsible for carrying out any action pursuant to this section.

[1911 C&P § 299; RL § 6564; NCL § 10247]—(NRS A [2009.405](#))

## MISCELLANEOUS CRIMES CONCERNING PUBLIC SAFETY

**NRS 202.500 Dangerous or vicious dogs: Unlawful acts; penalties.**

1. For the purposes of this section, a dog is:

(a) "Dangerous" if:

(1) It is so declared pursuant to subsection 2; or

(2) Without provocation, on two separate occasions within 18 months, it behaved menacingly, to a degree that would lead a reasonable person to defend himself or herself against substantial bodily harm, when the dog was:

(I) Off the premises of its owner or keeper; or

(II) Not confined in a cage, pen or vehicle.

(b) "Provoked" when it is tormented or subjected to pain.

(c) "Vicious" if:

(1) Without being provoked, it killed or inflicted substantial bodily harm upon a human being; or

(2) After its owner or keeper had been notified by a law enforcement agency that the dog is dangerous, the dog continued the behavior described in paragraph (a).

2. A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper.

3. A dog may not be found dangerous or vicious:

(a) Based solely on the breed of the dog; or

(b) Because of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.

4. A person who knowingly:

(a) Owns or keeps a vicious dog, for more than 7 days after the person has actual notice that the dog is vicious; or

(b) Transfers ownership of a vicious dog after the person has actual notice that the dog is vicious,

È is guilty of a misdemeanor.

5. If substantial bodily harm results from an attack by a dog known to be vicious, its owner or keeper is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#). In lieu of, or in addition to, a penalty provided in this subsection, the judge may order the vicious dog to be humanely destroyed.

6. A local authority shall not adopt or enforce an ordinance or regulation that deems a dog dangerous or vicious based solely on the breed of the dog.

7. This section does not apply to a dog used by a law enforcement officer in the performance of his or her duty.

8. As used in this section, "local authority" means the governing board of a county, city or other political subdivision having authority to enact laws or ordinances or promulgate regulations relating to dogs.

[1911 C&P § 176; RL § 6441; NCL § 10123]—(NRS A [1967.488](#); [1993.2887](#); [1995.1209](#); [2013.426](#))

**NRS 202.510 Doors of public buildings to swing outward.**

1. The doors of all theaters, opera houses, school buildings, churches, public halls, or places used for public entertainments, exhibitions or meetings, which are used exclusively or in part for admission to or egress from the same, or any part thereof, shall be so hung and arranged as to open outwardly, and during any exhibition, entertainment or meeting shall be kept unlocked and unfastened, and in such condition that in case of danger or necessity, immediate escape from such building shall not be prevented or delayed.

2. Every agent or lessee of any such building who shall rent the same or allow it to be used for any of the public purposes mentioned in subsection 1 without having the doors thereof hung and arranged as provided in this section shall, for each violation of any provision of this section, be guilty of a misdemeanor.

[1911 C&P § 316; RL § 6581; NCL § 10264]

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

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

[1911 C&P § 324; RL § 6589; NCL § 10272]—(NRS A [2001.996](#))

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

[1911 C&P § 325; RL § 6590; NCL § 10273]

**NRS 202.550 Placing of lethal bait on public domain.**

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

[1911 C&P § 326.1; added 1953, 524] + [1911 C&P § 326.2; added 1953, 524]—(NRS A [1985.748](#))

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

1. Any person who discards or abandons in any place accessible to children, or who has in his or her possession, any refrigerator, icebox or deep-freeze locker, having a capacity of 1 1/2 cubic feet or more which is no longer in use and which has not had the door removed, shall be punished by a fine of not more than \$500.

2. Any owner, lessee or manager who knowingly permits such abandoned or discarded refrigerator, icebox or deep-freeze locker to remain on premises under his or her control without having the door removed shall be punished by a fine of not more than \$500.

3. Guilt of a violation of this section shall not in itself render one guilty of manslaughter, battery or other crime against a person who may suffer death or injury from entrapment in such refrigerator, icebox, or deep-freeze locker.

4. The provisions of this section shall not apply to any vendor or seller of refrigerators, iceboxes or deep-freeze lockers who keeps or stores them for sale purposes, if the vendor or seller takes reasonable precautions to secure effectively the door of any such refrigerator, icebox or deep-freeze locker so as to prevent entrance by children small enough to fit therein.

[1911 C&P § 326.5; added 1953, 206]—(NRS A [1967.488](#))

**NRS 202.575 Leaving child unattended in motor vehicle; penalty; exception.**

1. A parent, legal guardian or other person responsible for a child who is 7 years of age or younger shall not knowingly and intentionally leave that child in a motor vehicle if:

- (a) The conditions present a significant risk to the health and safety of the child; or
- (b) The engine of the motor vehicle is running or the keys to the vehicle are in the ignition,

È unless the child is being supervised by and within the sight of a person who is at least 12 years of age.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor. The court may suspend the proceedings against a person who is charged with violating subsection 1 and dismiss the proceedings against the person if the person presents proof to the court, within the time specified by the court, that the person has successfully completed an educational program satisfactory to the court. The educational program must include, without limitation, information concerning the dangers of leaving a child unattended or inadequately attended in a motor vehicle.

3. A law enforcement officer or other person rendering emergency services who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle.

4. No person may be prosecuted under this section if the conduct would give rise to prosecution under any other provision of law.

5. The provisions of this section do not apply to a person who unintentionally locks a motor vehicle with a child in the vehicle.

6. As used in this section, "motor vehicle" means every vehicle which is self-propelled but not operated upon rails.

(Added to NRS by [2005.973](#))

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

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

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

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

4. As used in this section:

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

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

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

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

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

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

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

[1911 C&P § 487; RL § 6752; NCL § 10434]—(NRS A [1967.489](#); [1989.1044](#))

**NRS 202.582 Removal, damage or destruction of certain property to obtain scrap metal; penalties.**

1. A person who willfully and maliciously removes, damages or destroys any utility property, agricultural infrastructure or other agricultural property, property maintained by the State or a local government, construction site or existing structure to obtain scrap metal shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property removed, damaged or destroyed as described in subsection 1 is:

(a) Less than \$500, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) Five hundred dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

3. If the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any utility property, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

4. In addition to any other penalty, the court shall order a person who violates the provisions of subsection 1 to pay restitution and:

(a) For the first offense, to perform 100 hours of community service.

(b) For a second offense, to perform 200 hours of community service.

(c) For a third or subsequent offense, to perform up to 300 hours of community service for up to 1 year, as determined by the court.

5. In determining the value of the property removed, damaged or destroyed as described in subsection 1, the cost of replacing or repairing the property or repairing the utility property, agricultural infrastructure, agricultural property, construction site or existing structure, if necessary, must be added to the value of the property.

6. As used in this section:

(a) "Scrap metal" has the meaning ascribed to it in [NRS 647.017](#).

(b) "Utility property" means any facility, equipment or other property owned, maintained or used by a company or a city, county or other political subdivision of this State to furnish cable television or other video service, broadband service, telecommunication service, telephone service, natural gas service, water service, sewer service, storm water collection or disposal service or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

(Added to NRS by [2009.1242](#); A [2013.319](#), [1959](#))

**NRS 202.585 Directing light emitted from laser device at aircraft with intent to interfere with operation of aircraft; penalty.**

1. A person shall not willfully direct at an aircraft any light emitted from a laser device or other source which is capable of interfering with the vision of a person operating the aircraft with the intent to interfere with the operation of the aircraft.

2. A person who violates this section:

(a) If the violation does not result in injury to any person on the aircraft or damage to the aircraft, is guilty of a misdemeanor.

(b) If the violation results in injury to any person on the aircraft or damage to the aircraft or any equipment used to assist in the navigation or operation of the aircraft, is guilty of a category E felony and shall be punished as provided in [NRS 193.130](#).

3. As used in this section:

(a) "Aircraft" means any contrivance intended for and capable of transporting persons through airspace.

(b) "Laser device" means a device that uses the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible or infrared region of the spectrum and when discharged exceeds one milliwatt continuous wave.

(Added to NRS by [2007.209](#))

**NRS 202.595 Performance of act or neglect of duty in willful or wanton disregard of safety of persons or property; penalty.** Unless a greater penalty is otherwise provided by statute and except under the circumstances described in [NRS 484B.653](#), a person who performs any act or neglects any duty imposed by law in willful or wanton disregard of the safety of persons or property shall be punished:

1. If the act or neglect does not result in the substantial bodily harm or death of a person, for a gross misdemeanor.

2. If the act or neglect results in the substantial bodily harm or death of a person, for a category C felony as provided in [NRS 193.130](#).

(Added to NRS by [1995.466](#); A [1995.1332](#))

## EXPLOSIVES; BOMB THREATS

**NRS 202.750 "Explosive" defined.** As used in [NRS 202.750](#) to [202.840](#), inclusive, the term "explosive" means:

1. Gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compounds, mechanical mixtures or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture or device or any part thereof may cause an explosion; or

2. Any explosive material included in the list of explosive materials published in the Federal Register and revised annually by the Attorney General of the United States pursuant to 18 U.S.C. §§ 841 et seq.

(Added to NRS by [1971.1280](#); A [2009.21](#))

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

1. Who is under indictment for, or has been convicted in any court of, a crime relating to the practice of shipping or transporting explosives that is punishable by imprisonment for a term exceeding 1 year;

2. Who is a fugitive from justice;

3. Who is an unlawful user of or addicted to any depressant or stimulant drug or any controlled substance; or

4. Who has been judicially declared mentally ill or who has been committed to a hospital as mentally ill, to ship or transport any explosive within the State or to receive any explosive which has been shipped or transported within the State.

(Added to NRS by [1971.1280](#); A [1973.26](#); [1987.1548](#); [2003.2691](#))

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

(Added to NRS by [1971.1281](#))

**NRS 202.780 Transportation or receipt of explosives for unlawful purpose; penalties.** A person who transports or receives, or attempts to transport or receive within the State, any explosive with the knowledge or intent that it will be used to kill, injure or intimidate a person or unlawfully to damage or destroy any building, vehicle or real property is guilty of a category B felony and shall be punished:

1. If no substantial bodily harm results, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not less than \$2,000 nor more than \$10,000, or by both fine and imprisonment.

2. If substantial bodily harm results, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not less than \$2,000 nor more than \$20,000, or by both fine and imprisonment.

(Added to NRS by [1971, 1281](#); A [1973, 1806](#); [1995, 1210](#))

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

(Added to NRS by [1971, 1281](#))

**NRS 202.820 Use or possession of explosives during commission of felony; penalties.**

1. A person who:

(a) Uses an explosive to commit any felony; or

(b) Carries an explosive unlawfully during the commission of any felony,

is guilty of a separate felony unless the use of an explosive is a necessary element of the other crime.

2. A person who commits the offense described in subsection 1 is guilty of a category B felony and shall be punished:

(a) For the first offense, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(b) For the second or any subsequent offense, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

(Added to NRS by [1971, 1281](#); A [1979, 1436](#); [1995, 1210](#))

**NRS 202.830 Use of explosives to damage or destroy property prohibited; penalties.**

1. Unless a greater penalty is provided pursuant to subsection 2, a person who maliciously damages or destroys, attempts to damage or destroy, or conspires with another person to damage or destroy, by means of an explosive, any building, vehicle or real property in the State:

(a) If no substantial bodily harm results, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not less than \$2,000 nor more than \$10,000, or by both fine and imprisonment.

(b) If substantial bodily harm results, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not less than \$2,000 nor more than \$20,000, or by both fine and imprisonment.

2. A person who maliciously damages or destroys, attempts to damage or destroy, or conspires with another person to damage or destroy, by means of an explosive, any building, vehicle or real property in the State, knowing or having reason to believe that a human being is therein at the time, is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life without the possibility of parole;

(b) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(c) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served, in the discretion of the jury, or of the court upon a plea of guilty or guilty but mentally ill.

(Added to NRS by [1971, 1282](#); A [1973, 1807](#); [1995, 1210](#); [2009, 21](#))

**NRS 202.840 Bomb threats prohibited; penalties.** A person who through the use of the mail, written note, telephone, telegraph, radio broadcast or other means of communication, willfully makes any threat, or maliciously conveys false information knowing it to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure or intimidate any person or unlawfully to damage or destroy any building, vehicle, aircraft or other real or personal property by means of any explosive, bomb, spring trap or mechanism known or commonly thought to be dangerous to human life, limb or safety is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

(Added to NRS by [1971, 1282](#); A [1973, 552](#); [1979, 1436](#); [1995, 1211](#))

## REPORTING OF CERTAIN OFFENSES AGAINST CHILDREN

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

(Added to NRS by [1999, 3521](#))

**NRS 202.873 “Law enforcement agency” defined.** “Law enforcement agency” means:

1. The Office of the Attorney General or the office of a district attorney within this State and any attorney, investigator, special investigator or employee who is acting in his or her professional or occupational capacity for such an office; or

2. Any other law enforcement agency within this State and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.

(Added to NRS by [1999, 3521](#))

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

1. Murder or voluntary manslaughter pursuant to [NRS 200.010](#) to [200.260](#), inclusive.

2. Mayhem pursuant to [NRS 200.280](#).

3. Kidnapping pursuant to [NRS 200.310](#) to [200.340](#), inclusive.

4. Sexual assault pursuant to [NRS 200.366](#).

5. Robbery pursuant to [NRS 200.380](#).

6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to [NRS 200.390](#).

7. Battery with intent to commit a crime pursuant to [NRS 200.400](#).

8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to [NRS 200.405](#) or [200.408](#).

9. False imprisonment pursuant to [NRS 200.460](#) if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

10. Assault with a deadly weapon pursuant to [NRS 200.471](#).

11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in [NRS 200.481](#) or battery which is committed by strangulation as described in [NRS 200.481](#) or [200.485](#).

12. An offense involving pornography and a minor pursuant to [NRS 200.710](#) or [200.720](#).
13. Intentional transmission of the human immunodeficiency virus pursuant to [NRS 201.205](#).
14. Open or gross lewdness pursuant to [NRS 201.210](#).
15. Lewdness with a child pursuant to [NRS 201.230](#).
16. An offense involving pandering or sex trafficking in violation of [NRS 201.300](#) or prostitution in violation of [NRS 201.320](#).
17. Coercion pursuant to [NRS 207.190](#), if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
18. An attempt, conspiracy or solicitation to commit an offense listed in this section.  
(Added to NRS by [1999.3521](#); A [2009.93](#); [2013.1156](#), [2434](#))

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

1. Has “reasonable cause to believe” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts “as soon as reasonably practicable” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

3. May make a report by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the information.

(Added to NRS by [1999.3522](#))

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

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

(a) Report the commission of the violent or sexual offense against the child to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the other person has committed the violent or sexual offense against the child.

2. A person who knowingly and willfully violates the provisions of subsection 1 is guilty of a misdemeanor.

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

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

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

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

(Added to NRS by [1999.3523](#))

**NRS 202.885 Limitation on prosecution or conviction for failure to report.**

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

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

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

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

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

(b) The violation is discovered,  
È whichever occurs later.

3. For the purposes of this section:

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

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

(1) A plea of guilty, guilty but mentally ill or nolo contendere;

(2) A finding of guilty or guilty but mentally ill by a jury or a court sitting without a jury;

(3) An adjudication of delinquency or finding of guilty or guilty but mentally ill by a court having jurisdiction over juveniles; or

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

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

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

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

(d) “Culpable actor” means a person who:

(1) Causes or perpetrates an unlawful act;

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

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

(Added to NRS by [1999.3523](#); A [2003.1483](#); [2007.1440](#))

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

1. Is less than 16 years of age;

2. Is, by blood or marriage, the spouse, brother, sister, parent, grandparent, child or grandchild of:

(a) The child who is the victim of the violent or sexual offense; or

(b) The person who committed the violent or sexual offense against the child;

3. Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;

4. Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement agency would place the person or any other person who is related to him or her by blood or marriage or who resides in the same household as he or she resides, whether or not the other person is related to him or her by blood or marriage, in imminent danger of suffering substantial bodily harm;

5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in [chapter 49](#) of NRS; or

6. Is acting in his or her professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to [NRS 432B.220](#).

(Added to NRS by [1999, 3524](#))

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

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

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

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

(Added to NRS by [1999, 3524](#))

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

1. The appropriate agencies shall act upon the report pursuant to [chapter 432B](#) of NRS; and

2. The report may be used in the same manner as other reports that are made pursuant to [NRS 432B.220](#).

(Added to NRS by [1999, 3525](#))