

# TITLE 15 - CRIMES AND PUNISHMENTS

## CHAPTER 193 - GENERAL PROVISIONS

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**NRS 193.010 Definitions.** As used in this title, unless the context otherwise requires, the words and terms defined in [NRS 193.011](#) to [193.0245](#), inclusive, have the meanings ascribed to them in those sections.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#); [2013.64](#))

**NRS 193.011 “Boat” defined.** “Boat” includes ships, steamers and other structures adapted to navigation or movement from place to place by water.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0115 “Bond” defined.** “Bond” includes an undertaking.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.012 “Break” defined.** “Break,” when used in connection with the crime of burglary, includes:

1. Breaking or violently detaching any part, internal or external, of a building.
2. Opening, for the purpose of entering therein, any outer door of a building or of any room, apartment or set of apartments therein separately used and occupied, or any window, shutter, scuttle or other thing used for covering or closing any opening thereto or therein, or which gives passage from one part thereof to another.
3. Obtaining entrance into such building or apartment by any threat or artifice, used for that purpose, or by collusion with any person therein.
4. Entering such building, room or apartment by or through any pipe, chimney or other opening, or by excavating or digging through or under a building or the walls or foundation thereof.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0125 “Building” defined.** “Building” includes every house, shed, boat, watercraft, railway car, tent or booth, whether completed or not, suitable for affording shelter for any human being, or as a place where any property is or will be kept for use, sale or deposit.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.013 “Corrupt” and “corruptly” defined.** “Corrupt” and “corruptly” import a wrongful desire of a person to acquire or cause some pecuniary or other advantage to himself or herself or another person.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.014 “Dwelling house” defined.** “Dwelling house” includes every building or structure which has been usually occupied by a person lodging therein at night, and whenever it is so constructed as to consist of two or more parts or rooms occupied or intended to be occupied, whether permanently or temporarily, by different tenants separately by usually lodging therein at night, or for any other separate purpose, each part shall be deemed a separate dwelling house of the tenant occupying it.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0145 “Enter” defined.** “Enter,” when constituting an element or part of a crime, includes the entrance of the offender, or the insertion of any part of the body of the offender, or of any instrument or weapon held in the offender’s hand and used or intended to be used to threaten or intimidate a person, or to detach or remove property.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0148 “Gender identity or expression” defined.** “Gender identity or expression” means the gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

(Added to NRS by [2013.64](#))

**NRS 193.0155 “Indicted,” “indictment,” “informed against” and “information” defined.** “Indicted” and “indictment” include “informed against” and “information”; and “informed against” and “information” include “indicted” and “indictment.”

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.016 “Judge” defined.** “Judge” includes every judicial officer authorized, alone or with others, to hold or preside over a court of record.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0165 “Jurors” defined.** “Jurors” include a tales-juror, and extend to jurors in all courts, whether of record or not.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.017 “Knowingly” defined.** “Knowingly” imports a knowledge that the facts exist which constitute the act or omission of a crime, and does not require knowledge of its unlawfulness. Knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent person upon inquiry.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#); [1997.1600](#))

**NRS 193.0175 “Malice” and “maliciously” defined.** “Malice” and “maliciously” import an evil intent, wish or design to vex, annoy or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.018 “Neglect,” “negligence,” “negligent” and “negligently” defined.** “Neglect,” “negligence,” “negligent” and “negligently” import a want of such attention to the nature or probable consequences of an act or omission as an ordinarily prudent person usually exercises in his or her own business.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#); [1997.1600](#))

**NRS 193.0185 “Nighttime” defined.** “Nighttime” includes the period between sunset and sunrise.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.019 “Officer” and “public officer” defined.** “Officer” and “public officer” include all officers, members and employees of:

1. The State of Nevada;
2. Any political subdivision of this State;
3. Any other special district, public corporation or quasi-public corporation of this State; and
4. Any agency, board or commission established by this State or any of its political subdivisions,

È and all persons exercising or assuming to exercise any of the powers or functions of a public officer.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0195 “Owner” defined.** “Owner” of any property includes any person who has a general or special property in the whole or any part thereof, or lawful possession thereof, either actual or constructive.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0205 “Person” defined.** “Person” includes this State or any other state, government or country which may lawfully own property within this State whenever it is used to designate a party whose property may be the subject of an offense.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS 973, 355; [1983.815](#); [1985.510](#))

**NRS 193.021 “Personal property” defined.** “Personal property” includes dogs and all domestic animals and birds, water, gas and electricity, all kinds or descriptions of money, chattels and effects, all instruments or writings completed and ready to be delivered or issued by the maker, whether actually delivered or issued or not, by which any claim, privilege, right, obligation or authority, or any right or title to property, real or personal, is or purports to be, or upon the happening of some future event may be evidenced, created, acknowledged, transferred, increased, diminished, encumbered, defeated, discharged or affected, and every right and interest therein.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0215 “Prison” defined.** “Prison” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.022 “Prisoner” defined.** “Prisoner” includes any person held in custody under process of law, or under lawful arrest.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0225 “Property” defined.** “Property” includes both real and personal property.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.023 “Railway” or “railroad” defined.** “Railway” or “railroad” includes all railways, railroads and street railways, whether operated by steam, electricity or any other motive power.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0235 “Real property” defined.** “Real property” includes every estate, interest and right in lands, tenements and hereditaments, corporeal or incorporeal.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.024 “Signature” defined.** “Signature” includes any memorandum, mark or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.0245 “Writing” defined.** “Writing” includes printing.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] — (NRS A [1973.355](#); [1983.815](#); [1985.510](#))

**NRS 193.030 Construction of provisions of title.** Every provision of this title shall be construed according to the fair import of its terms.

[1911 C&P § 30; RL § 6295; NCL § 9979]

**NRS 193.040 Intent to defraud.** Whenever an intent to defraud:

1. Shall be made an element of an offense, it shall be sufficient if an intent appears to defraud any person, association or body politic or corporation, whatever.

2. Constitutes a part of a crime, it is not necessary to aver or prove an intent to defraud any particular person.

[Part 1911 C&P § 29; RL § 6294; NCL § 9978] + [1911 C&P § 41; RL § 6306; NCL § 9990]

**NRS 193.045 Repeated conviction as element or aggravation of offense: Place of former conviction immaterial.** Wherever it is provided in any section of this title that a repeated conviction constitutes an element of an offense or aggravates an offense and affects the determination of penalty, it is immaterial whether such former conviction was obtained in Nevada or elsewhere.

(Added to NRS by [1967.459](#))

**NRS 193.050 Conduct constituting crime; prohibited or unlawful acts; common law.**

1. No conduct constitutes a crime unless prohibited by some statute of this State or by some ordinance or like enactment of a political subdivision of this State.

2. An act which is declared to be unlawful by any statute, ordinance or like enactment is prohibited within the meaning of this section and of [NRS 193.170](#).

3. The provisions of the common law relating to the definition of public offenses apply to any public offense which is so prohibited but is not defined, or which is so prohibited but is incompletely defined.

4. This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.

[1911 C&P § 35; RL § 6300; NCL § 9984] — (NRS A [1967.458](#))

**NRS 193.060 Construction of provisions similar to existing laws.** The provisions of this title, insofar as they are substantially the same as existing statutes, shall be construed as continuations thereof and not as new enactments.

[1911 C&P § 36; RL § 6301; NCL § 9985]

**NRS 193.070 Effect of provisions upon past offenses.** Nothing contained in any provision of this title shall apply to an offense committed or act done at any time before the day when this title shall take effect. Such an offense shall be punished according to, and such act shall be governed by, the provisions of law existing when it is done or committed, in the same manner as if this title had not been passed.

[1911 C&P § 31; RL § 6296; NCL § 9980]

**NRS 193.075 Effect of repeal of statute: Penalty previously imposed; prior violations.**

1. Any repeal, express or implied, of any statute shall not release or extinguish any penalty, forfeiture or liability incurred under such statute, unless the repealing act expressly so provides.

2. The repeal of any law creating a criminal offense does not constitute a bar to the indictment or information and punishment of an act already committed in violation of the law so repealed, unless the intention to bar the indictment and information and punishment is expressly declared in the repealing statute.

(Added to NRS by [1971.144](#))

**NRS 193.080 Application to existing civil rights.** Nothing in this title shall be deemed to affect any civil right or remedy existing at the time when it shall take effect by virtue of the common law or of the provision of any statute.

[1911 C&P § 32; RL § 6297; NCL § 9981]

**NRS 193.090 Civil remedies preserved.** The omission to specify or affirm in this title any liability to any damages, penalty, forfeiture or other remedy imposed by law, and allowed to be recovered or enforced in any civil action or proceeding, for any act or omission declared punishable in this title, shall not affect any right to recover or enforce the same.

[1911 C&P § 37; RL § 6302; NCL § 9986]

**NRS 193.100 Proceedings to impeach or remove officers and others preserved.** The omission to specify or affirm in this title any ground of forfeiture of a public office, or other trust or special authority conferred by law, or any power conferred by law to impeach, remove, depose or suspend any public officer or other person holding any trust, appointment or other special authority conferred by law, shall not affect such forfeiture or power, or any proceeding authorized by law to carry into effect such impeachment, removal, deposition or suspension.

[1911 C&P § 33; RL § 6298; NCL § 9982]

**NRS 193.105 Termination of employment, removal from office or impeachment of public employee or officer upon conviction for sale of controlled substance.**

1. If, during the course of his or her employment, an employee of the State or of any political subdivision of the State is convicted on or after October 1, 1989, of violating any federal or state law prohibiting the sale of any controlled substance, the employer upon discovery of the conviction shall terminate the employment of the employee.

2. If, during the course of his or her tenure in office, an officer of any county, city or township of the State is convicted on or after October 1, 1989, of violating any federal or state law prohibiting the sale of any controlled substance, the court as part of the penalty for such a conviction shall remove the officer from office.

3. If, during the course of his or her tenure in office, an elected or appointed officer of the State is convicted on or after October 1, 1989, of violating any federal or state law prohibiting the sale of any controlled substance, the prosecuting officer who obtained the conviction shall file a certified copy of the judgment roll with the Secretary of State. The Secretary of State shall lay the certified copy of the judgment roll before the appropriate House of the Legislature at its next session.

4. This section does not apply to a justice or judge of the court system.

(Added to NRS by [1989.186](#); A [2009.1074](#))

**NRS 193.110 Authority of courts-martial unaffected; punishment for contempt unaffected.** This title does not affect any power conferred by law upon any court-martial, or other military authority, or officer, to impose or inflict punishment upon offenders; nor any power conferred by law upon any public body, tribunal or officer, to impose or inflict punishment for a contempt.

[1911 C&P § 34; RL § 6299; NCL § 9983]

**NRS 193.120 Classification of crimes.**

1. A crime is an act or omission forbidden by law and punishable upon conviction by death, imprisonment, fine or other penal discipline.

2. Every crime which may be punished by death or by imprisonment in the state prison is a felony.

3. Every crime punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than 6 months, is a misdemeanor.

4. Every other crime is a gross misdemeanor.

[1911 C&P § 1; RL § 6266; NCL § 9950] — (NRS A [1981.651](#))

**NRS 193.130 Categories and punishment of felonies.**

1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of [NRS 176A.100](#), upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.

[1911 C&P § 18; RL § 6283; NCL § 9967] — (NRS A [1967.458](#); [1995.1167](#); [1997.1177](#); [1999.1186](#))

**NRS 193.140 Punishment of gross misdemeanors.** Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

[1911 C&P § 19; RL § 6284; NCL § 9968] — (NRS A [1967.459](#); [1981.652](#); [2013.977](#))

**NRS 193.150 Punishment of misdemeanors.**

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such misdemeanor



prescribed a different penalty.

2. In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in [NRS 176.087](#).

[1911 C&P § 20; RL § 6285; NCL § 9969]—(NRS A [1967.459](#); [1981.487](#), [652](#); [1991.1931](#); [2001 Special Session.136](#))

**NRS 193.155 Penalty for public offense proportionate to value of property affected or loss resulting from offense.** Every person who is guilty of a public offense proportionate to the value of the property affected or the loss resulting from the offense shall be punished as follows:

1. Where the value of the loss is \$5,000 or more or where the damage results in impairment of public communication, transportation or police and fire protection, for a category C felony as provided in [NRS 193.130](#).

2. Where the value of the loss is \$250 or more but less than \$5,000, for a gross misdemeanor.

3. Where the value of the loss is \$25 or more but less than \$250, for a misdemeanor.

4. Where the value of the loss is less than \$25, by a fine of not more than \$500.

(Added to NRS by [1967.459](#); A [1995.1168](#))

**NRS 193.160 Penalty for misdemeanor by corporations when not fixed by statute.** In all cases where a corporation is convicted of an offense for the commission of which a natural person would be punishable as for a misdemeanor, and there is no other punishment prescribed by law, the corporation is punishable by a fine not exceeding \$1,000.

[1911 C&P § 21; RL § 6286; NCL § 9970]—(NRS A [1981.652](#))

**NRS 193.1605 Minimum punishment for gross misdemeanor committed on property of school, at activity sponsored by school or on school bus.**

1. Any person who commits a gross misdemeanor on the property of a public or private school, at an activity sponsored by a public or private school, or on a school bus or at a bus stop used to load and unload a school bus while the bus is engaged in its official duties:

(a) Shall be punished by imprisonment in the county jail for not fewer than 15 days but not more than 364 days; and

(b) In addition to imprisonment, may be punished by a fine of not more than \$2,000.

2. For the purposes of this section, "school bus" has the meaning ascribed to it in [NRS 483.160](#).

(Added to NRS by [1997.1281](#); A [2013.977](#))

**NRS 193.161 Additional or alternative penalty: Felony committed on property of school, at activity sponsored by school or on school bus.**

1. Except as otherwise provided in subsection 3 and [NRS 193.169](#), any person who commits a felony on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus is engaged in its official duties shall, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of the additional penalty imposed, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

Ê The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

2. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

3. Unless a greater penalty is provided by specific statute and except as otherwise provided in [NRS 193.169](#), in lieu of an additional term of imprisonment as provided pursuant to subsections 1 and 2, if a felony that resulted in death or substantial bodily harm to the victim was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties, and the person who committed the felony intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person, the felony may be deemed a category A felony and the person who committed the felony may 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 20 years has been served; or

(c) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

4. Subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 3 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

5. For the purposes of this section, "school bus" has the meaning ascribed to it in [NRS 483.160](#).

(Added to NRS by [1989.2065](#); A [1991.1058](#); [1995.1424](#); [1999.1334](#); [2007.3186](#))

**NRS 193.162 Additional penalty: Felony committed by adult with assistance of child.**

1. Except as otherwise provided in [NRS 193.169](#) and [454.306](#), an adult who, with the assistance of a child:

(a) Commits a crime that is punishable as a category A or a category B felony shall, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years.

(b) Commits any felony other than a category A or a category B felony shall, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

Ê The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. An additional sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

4. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

5. As used in this section:

- (a) "Adult" means a person who is 18 years of age or older.
  - (b) "Child" means a person who is less than 18 years of age.
- (Added to NRS by [1997.260](#); A [2007.3187](#))

**NRS 193.163 Additional penalty: Use of handgun containing metal-penetrating bullet in commission of crime.**

1. Except as otherwise provided in [NRS 193.169](#), any person who uses a handgun containing a metal-penetrating bullet in the commission of a crime shall, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of the additional penalty imposed, the court shall consider the following information:

- (a) The facts and circumstances of the crime;
- (b) The criminal history of the person;
- (c) The impact of the crime on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

Ê The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

2. The sentence prescribed by this section:

- (a) Must not exceed the sentence imposed for the crime; and
- (b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

4. As used in this section, "metal-penetrating bullet" has the meaning ascribed to it in [NRS 202.273](#).

(Added to NRS by [1983.800](#); A [1991.1059](#); [2007.3187](#))

**NRS 193.165 Additional penalty: Use of deadly weapon or tear gas in commission of crime; restriction on probation.**

1. Except as otherwise provided in [NRS 193.169](#), any person who uses a firearm or other deadly weapon or a weapon containing or capable of emitting tear gas, whether or not its possession is permitted by [NRS 202.375](#), in the commission of a crime shall, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of the additional penalty imposed, the court shall consider the following information:

- (a) The facts and circumstances of the crime;
- (b) The criminal history of the person;
- (c) The impact of the crime on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

Ê The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

2. The sentence prescribed by this section:

- (a) Must not exceed the sentence imposed for the crime; and
- (b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

4. The provisions of subsections 1, 2 and 3 do not apply where the use of a firearm, other deadly weapon or tear gas is a necessary element of such crime.

5. The court shall not grant probation to or suspend the sentence of any person who is convicted of using a firearm, other deadly weapon or tear gas in the commission of any of the following crimes:

- (a) Murder;
- (b) Kidnapping in the first degree;
- (c) Sexual assault; or
- (d) Robbery.

6. As used in this section, "deadly weapon" means:

- (a) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death;
- (b) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death; or
- (c) A dangerous or deadly weapon specifically described in [NRS 202.255](#), [202.265](#), [202.290](#), [202.320](#) or [202.350](#).

(Added to NRS by [1973.1593](#); A [1975.720](#); [1979.225](#); [1981.2050](#); [1991.1059](#); [1995.1431](#); [2007.3188](#))

**NRS 193.166 Additional penalty: Felony committed in violation of order for protection or order to restrict conduct; restriction on probation.**

1. Except as otherwise provided in [NRS 193.169](#), a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of [NRS 33.400](#), subsection 5 of [NRS 200.591](#) or subsection 5 of [NRS 200.378](#), in violation of:

- (a) A temporary or extended order for protection against domestic violence issued pursuant to [NRS 33.020](#);
- (b) An order for protection against harassment in the workplace issued pursuant to [NRS 33.270](#);
- (c) A temporary or extended order for the protection of a child issued pursuant to [NRS 33.400](#);
- (d) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;
- (e) A temporary or extended order issued pursuant to [NRS 200.591](#); or
- (f) A temporary or extended order issued pursuant to [NRS 200.378](#).

Ê shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than 20 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person 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 5 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

- (a) The facts and circumstances of the crime;
- (b) The criminal history of the person;
- (c) The impact of the crime on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

Ê The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in [NRS 200.481](#) or [200.485](#) if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

(Added to NRS by [2003, 1514](#); A [2005, 953](#); [2007, 58, 3189](#); [2009, 86, 227](#))

**NRS 193.167 Additional penalty: Certain crimes committed against person 60 years of age or older or against vulnerable person.**

1. Except as otherwise provided in [NRS 193.169](#), any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of, or attempting or conspiring to embezzle, money or property of a value of \$650 or more;

(i) Obtaining, or attempting or conspiring to obtain, money or property of a value of \$650 or more by false pretenses; or

(j) Taking money or property from the person of another,

shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a 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 20 years.

2. Except as otherwise provided in [NRS 193.169](#), any person who commits a criminal violation of the provisions of [chapter 90](#) or [91](#) of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a 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 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in [NRS 200.5092](#).

(Added to NRS by [1979, 831](#); A [1989, 1850](#); [1991, 1059](#); [1993, 1](#); [1999, 42](#); [2003, 2566](#); [2005, 1106](#); [2007, 3190](#); [2011, 157](#); [2013, 390](#); [2015, 803](#))

**NRS 193.1675 Additional penalty: Commission of crime because of certain actual or perceived characteristics of victim.**

1. Except as otherwise provided in [NRS 193.169](#), any person who willfully violates any provision of [NRS 200.030](#), [200.050](#), [200.280](#), [200.310](#), [200.366](#), [200.380](#), [200.400](#), [200.460](#) to [200.465](#), inclusive, paragraph (b) of subsection 2 of [NRS 200.471](#), [NRS 200.481](#) which is punishable as a felony, [NRS 200.508](#), [200.5099](#), subsection 2 of [NRS 200.575](#), [NRS 205.010](#) to [205.025](#), inclusive, [205.060](#), [205.067](#), [205.075](#), [NRS 205.0832](#) which is punishable as a felony, [NRS 205.220](#), [205.226](#), [205.228](#), [205.270](#), [206.150](#), [NRS 206.330](#) which is punishable as a felony or [NRS 207.190](#) because the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of the victim was different from that characteristic of the perpetrator may, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. A sentence imposed pursuant to this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

(Added to NRS by [1995, 2704](#); A [1997, 59, 1347](#); [2001, 664](#); [2005, 87](#); [2007, 3191](#); [2013, 64, 1852](#))

**NRS 193.168 Additional penalty: Felony committed to promote activities of criminal gang; restriction on probation; expert testimony.**

1. Except as otherwise provided in subsection 5 and [NRS 193.169](#), any person who is convicted of a felony committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang, shall, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of the additional penalty imposed, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;



- (c) The impact of the crime on any victim;
  - (d) Any mitigating factors presented by the person; and
  - (e) Any other relevant information.
- Ê The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.
2. The sentence prescribed by this section:
    - (a) Must not exceed the sentence imposed for the crime; and
    - (b) Runs consecutively with the sentence prescribed by statute for the crime.
  3. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.
  4. The court shall not impose an additional penalty pursuant to this section unless:
    - (a) The indictment or information charging the defendant with the primary offense alleges that the primary offense was committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang; and
    - (b) The trier of fact finds that allegation to be true beyond a reasonable doubt.
  5. The court shall not impose an additional penalty pursuant to this section if the primary offense is a violation of [NRS 201.570](#).
  6. Except as otherwise provided in this subsection, the court shall not grant probation to or suspend the sentence of any person convicted of a felony committed for the benefit of, at the direction of, or in affiliation with, a criminal gang if an additional term of imprisonment may be imposed for that primary offense pursuant to this section. The court may, upon the receipt of an appropriate motion, reduce or suspend the sentence imposed for the primary offense if it finds that the defendant rendered substantial assistance in the arrest or conviction of any other principals, accomplices, accessories or coconspirators to the crime, or of any other persons involved in the commission of a felony which was committed for the benefit of, at the direction of, or in affiliation with, a criminal gang. The agency which arrested the defendant must be given an opportunity to support or oppose such a motion before it is granted or denied. If good cause is shown, the motion may be heard in camera.
  7. In any proceeding to determine whether an additional penalty may be imposed pursuant to this section, expert testimony is admissible to show particular conduct, status and customs indicative of criminal gangs, including, but not limited to:
    - (a) Characteristics of persons who are members of criminal gangs;
    - (b) Specific rivalries between criminal gangs;
    - (c) Common practices and operations of criminal gangs and the members of those gangs;
    - (d) Social customs and behavior of members of criminal gangs;
    - (e) Terminology used by members of criminal gangs;
    - (f) Codes of conduct, including criminal conduct, of particular criminal gangs; and
    - (g) The types of crimes that are likely to be committed by a particular criminal gang or by criminal gangs in general.
  8. As used in this section, "criminal gang" means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:
    - (a) Has a common name or identifying symbol;
    - (b) Has particular conduct, status and customs indicative of it; and
    - (c) Has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense.
- (Added to NRS by [1991, 1057](#); A [2007, 3191](#); [2009, 415](#))

**NRS 193.1685 Additional or alternative penalty: Felony committed with intent to commit, cause, aid, further or conceal act of terrorism.**

1. Except as otherwise provided in this section and [NRS 193.169](#), any person who commits a felony with the intent to commit, cause, aid, further or conceal an act of terrorism shall, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:
    - (a) The facts and circumstances of the crime;
    - (b) The criminal history of the person;
    - (c) The impact of the crime on any victim;
    - (d) Any mitigating factors presented by the person; and
    - (e) Any other relevant information.
  - Ê The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.
  2. The sentence prescribed by this section:
    - (a) Must not exceed the sentence imposed for the crime; and
    - (b) Runs consecutively with the sentence prescribed by statute for the crime.
  3. Unless a greater penalty is provided by specific statute and except as otherwise provided in [NRS 193.169](#), in lieu of an additional term of imprisonment as provided pursuant to subsections 1 and 2, if a felony that resulted in death or substantial bodily harm to the victim was committed with the intent to commit, cause, aid, further or conceal an act of terrorism, the felony may be deemed a category A felony and the person who committed the felony may 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 20 years has been served; or
    - (c) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.
  4. Subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 3 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.
  5. The provisions of this section do not apply to an offense committed in violation of [NRS 202.445](#).
  6. As used in this section, "act of terrorism" has the meaning ascribed to it in [NRS 202.4415](#).
- (Added to NRS by [2003, 2943](#); A [2007, 3193](#))

**NRS 193.169 Additional or alternative penalty: Limitation on imposition; alternative allegations.**

1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of [NRS 193.161](#), [NRS 193.162](#), [193.163](#), [193.165](#), [193.166](#), [193.167](#), [193.1675](#), [193.168](#), subsection 1 of [NRS 193.1685](#), [NRS 453.3335](#), [453.3345](#), [453.3351](#) or subsection 1 of [NRS 453.3353](#) must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.
  2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of [NRS 193.161](#), subsection 3 of [NRS 193.1685](#) or subsection 2 of [NRS 453.3353](#) must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of [NRS 193.161](#), [NRS 193.162](#), [193.163](#), [193.165](#), [193.166](#), [193.167](#), [193.1675](#), [193.168](#), [453.3335](#), [453.3345](#) or [453.3351](#) even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.
  3. This section does not:
    - (a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1 or
- 2.



(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections listed in subsection 1 or 2 and introducing evidence to prove the alternative allegations.

(Added to NRS by [1991.1058](#); A [1995.2704](#); [1997.260](#); [1999.1335](#); [2003.339](#), [871](#), [1515](#), [2944](#); [2005.946](#); [2007.3194](#))

**NRS 193.170 Prohibited act is misdemeanor when no penalty imposed.** Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

[1911 C&P § 23; RL § 6288; NCL § 9972]

**NRS 193.190 To constitute crime there must be unity of act and intent.** In every crime or public offense there must exist a union, or joint operation of act and intention, or criminal negligence.

[1911 C&P § 6; RL § 6271; NCL § 9955]

**NRS 193.200 Intent: How manifested.** Intention is manifested by the circumstances connected with the perpetration of the offense, and the sound mind and discretion of the person accused.

[1911 C&P § 7; RL § 6272; NCL § 9956]

**NRS 193.210 When person considered to be of sound mind.** A person is of sound mind who is not affected with insanity and who has arrived at the age of 14 years, or before that age if the person knew the distinction between good and evil.

[1911 C&P § 4; RL § 6269; NCL § 9953] — (NRS A [1995.2466](#); [2001 Special Session, 136](#); [2003.1480](#))

**NRS 193.220 When voluntary intoxication may be considered.** No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his or her condition, but whenever the actual existence of any particular purpose, motive or intent is a necessary element to constitute a particular species or degree of crime, the fact of the person's intoxication may be taken into consideration in determining the purpose, motive or intent.

[1911 C&P § 17; RL § 6282; NCL § 9966] — (NRS A [1995.2466](#); [2003.1480](#))

**NRS 193.230 Lawful resistance to commission of public offense: Who may make.** Lawful resistance to the commission of a public offense may be made:

1. By the party about to be injured.
2. By other parties.

(Added to NRS by [1967.1469](#))

**NRS 193.240 Resistance by party about to be injured.** Resistance sufficient to prevent the offense may be made by the party about to be injured:

1. To prevent an offense against his or her person, family or some member of his or her family.
2. To prevent an illegal attempt, by force, to take or injure property in his or her lawful possession.

(Added to NRS by [1967.1469](#))

**NRS 193.250 Resistance by other persons.** Any other person, in aid or defense of a person about to be injured, may make resistance sufficient to prevent the offense.

(Added to NRS by [1967.1469](#))

**NRS 193.260 Persons acting by command of officers of justice.** Whenever the officers of justice are authorized to act in the prevention of public offenses, other persons, who by their command act in their aid, are justified in so doing.

(Added to NRS by [1967.1469](#))

**NRS 193.270 Acts punishable under foreign law.** An act or omission punishable as a crime in this state is not less so because it is also punishable under the laws of another state, government or country, unless the contrary is expressly declared in the law relating thereto.

[1911 C&P § 39; RL § 6304; NCL § 9988] — (Substituted in revision for NRS 208.010)

**NRS 193.280 Defendant allowed to introduce in evidence foreign acquittal.** Whenever, upon the trial of any person for a crime, it appears that the offense was committed in another state or country, under such circumstances that the courts of this state had jurisdiction thereof, and that the defendant has already been acquitted upon the merits, upon a criminal prosecution under the laws of such state or country, founded upon the act or omission with respect to which the defendant is upon trial, such former acquittal may be introduced in evidence by the defendant in the trial.

[1911 C&P § 14; RL § 6279; NCL § 9963] — (NRS A [2009.2734](#)) — (Substituted in revision for NRS 208.020)

**NRS 193.290 Conviction or acquittal in other county is sufficient defense.** Whenever, upon the trial of any person for a crime, it shall appear that the defendant has already been acquitted or convicted upon the merits, of the same crime, in a court having jurisdiction of such offense in another county of this state, such former acquittal or conviction is a sufficient defense.

[1911 C&P § 15; RL § 6280; NCL § 9964] — (Substituted in revision for NRS 208.030)

**NRS 193.300 Punishment for contempt.** A criminal act which at the same time constitutes contempt of court, and has been punished as such, may also be punished as a crime, but in such case the punishment for contempt may be considered in mitigation.

[1911 C&P § 40; RL § 6305; NCL § 9989] — (Substituted in revision for NRS 208.040)

**NRS 193.310 Sending letters: When offense deemed complete; venue.** Whenever any statute makes the sending of a letter criminal, the offense shall be deemed complete from the time it is deposited in any post office or other place, or delivered to any person with intent that it shall be forwarded; and the sender may be proceeded against in the county wherein it was so deposited or delivered, or in which it was received by the person to whom it was addressed.

[1911 C&P § 42; RL § 6307; NCL § 9991] — (Substituted in revision for NRS 208.050)

**NRS 193.320 Omission to perform duty: When not punishable.** No person shall be punished for an omission to perform an act when such act has been performed by another acting in the person's behalf and competent to perform it.

[1911 C&P § 16; RL § 6281; NCL § 9965] — (Substituted in revision for NRS 208.060)

**NRS 193.330 Punishment for attempts.**

1. An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. A person who attempts to commit a crime, unless a different penalty is prescribed by statute, shall be punished as follows:

(a) If the person is convicted of:

(1) Attempt to commit a category A felony, for a category B felony 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.

(2) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is greater than 10 years, 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.

(3) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is 10 years or less, for a category C felony as provided in [NRS 193.130](#).

(4) Attempt to commit a category C felony, for a category D felony as provided in [NRS 193.130](#), or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(5) Attempt to commit a category D felony, for a category E felony as provided in [NRS 193.130](#), or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(6) Attempt to commit a category E felony, for a category E felony as provided in [NRS 193.130](#), or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(b) If the person is convicted of attempt to commit a misdemeanor, a gross misdemeanor or a felony for which a category is not designated by statute, by imprisonment for not more than one-half the longest term authorized by statute, or by a fine of not more than one-half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both fine and imprisonment.

2. Nothing in this section protects a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed. A person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

[1911 C&P § 26; RL § 6291; NCL § 9975]—(NRS A [1981.158](#); [1995.1168](#); [1997.1178](#); [2013.977](#))

**NRS 193.340 Required disclosure of certain information by provider of Internet service; penalty; issuance and enforcement of administrative subpoena; fee for information.**

1. A provider of Internet service who violates the provisions of 18 U.S.C. § 2703 is guilty of a misdemeanor and shall be punished by a fine of not less than \$50 or more than \$500 for each violation.

2. In investigating criminal activity that involves or may involve the use of a computer, the Attorney General, a district attorney, the sheriff of any county in this State, the head of any organized police department of any municipality in this State, the head of any department of this State engaged in the enforcement of any criminal law of this State and any sheriff or chief of police of a municipality may, if there is reasonable cause to believe that an individual subscriber or customer of a provider of Internet service has committed an offense through the use of the services of the provider of Internet service, issue a subpoena to carry out the procedure set forth in 18 U.S.C. § 2703 to compel the provider of Internet service to provide information concerning the individual subscriber or customer that the provider of Internet service is required to disclose pursuant to 18 U.S.C. § 2703.

3. If a person who has been issued a subpoena pursuant to subsection 2 charges a fee for providing the information, the fee must not exceed the actual cost for providing the information.

4. If a person who has been issued a subpoena pursuant to subsection 2 refuses to produce any information that the subpoena requires, the person who issued the subpoena may apply to the district court for the judicial district in which the investigation is being carried out for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.

5. As used in this section, “provider of Internet service” has the meaning ascribed to it in [NRS 205.4758](#), but does not include a public library when it is engaged in providing access to the Internet.

(Added to NRS by [2001.2784](#); A [2003.429](#))