CHAPTER 53

MISCELLANEOUS CRIMES

53.100 Assault: Definition; penalties.
1. As used in this section, "assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.
2. Unless a greater penalty is provided in NRS 200.471, any person convicted of assault is guilty of a misdemeanor.

['2, Ord. No. 592; A Ord. No. 1127]

53.110 Battery: Definition; penalties.
1. As used in this section:
   (a) "Battery" means any willful and unlawful use of force or violence upon the person of another.
(b) "Child" means a person less than 18 years of age.

2. Any person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished for a misdemeanor if the battery is not committed with a deadly weapon and if no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in NRS 197.090.

['3, Ord. No. 592]

53.112 "Electronic stun device" defined. "Electronic stun device" means any device designed to deliver an electric shock to the body or person of another.

['2, Ord. No. 1246]

53.113 Unlawful use or possession of electronic stun device.

1. It shall be unlawful, within the unincorporated area of Washoe County, for any person other than a law enforcement officer acting within the scope of his public duty to use an electronic stun device for any purpose other than self defense.

2. It shall be unlawful for any person who:
   (a) has been convicted of a felony in this state or under the laws of any state, territory, or possession of the United States;
   (b) is a fugitive from justice;
   (c) is a minor, except for purposes of self defense within the residence of the minor or the minor=s parent or guardian;
   (d) has been judicially declared incompetent or insane; or
   (e) has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years;

   to possess an electronic stun device.

['3, Ord. No. 1246]

53.115 Abuse, neglect or endangerment of child: Penalties; definitions.

1. Any person who:
   (a) Willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect; or
   (b) Is responsible for the safety or welfare of a child and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect, is guilty of a misdemeanor.

2. As used in this section:
   (a) "Abuse or neglect" means physical or mental injury of a
nonaccidental nature, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in NRS 432B.070, 432B.090, 432B.140 and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

['1, Ord. No. 921]

53.120 Aiming firearm at human being; discharging weapon where person might be endangered. Every person who shall aim any gun, pistol, revolver or other firearm, whether loaded or not, at or toward any human being, or who shall willfully discharge any firearm, air gun or other weapon, or throw any deadly missile in a public place, or in any place where any person might be endangered thereby, although no injury results, shall be guilty of a misdemeanor.

['4, Ord. No. 592]

53.130 Drawing deadly weapon in threatening manner.

1. Any person having, carrying or procuring from another person any dirk, dirk knife, sword, sword cane, pistol, gun or other deadly weapon, who shall, in the presence of two or more persons, draw or exhibit any of such deadly weapons in a rude, angry or threatening manner not in necessary self-defense, or who shall in any manner unlawfully use the same in any fight or quarrel, shall be guilty of a misdemeanor.

2. No sheriff, deputy sheriff, marshal, constable or other peace officer shall be held to answer, under the provisions of subsection 1, for drawing or exhibiting any of the weapons mentioned therein while in the lawful discharge of his duties.

['5, Ord. No. 592]

53.140 Disturbing the peace. Every person who shall maliciously and willfully disturb the peace or quiet of any neighborhood or person or family by loud or unusual noises, or by tumultuous and offensive conduct, threatening, traducing, quarreling, challenging to fight, or fighting, shall be guilty of a misdemeanor.

['6, Ord. No. 592]

53.150 Affray. If two or more persons shall, by agreement, fight in a public place, to the terror of the citizens of this county, the persons so offending commit an affray and are guilty of a misdemeanor.

['7, Ord. No. 592]
53.160 Petit larceny: Definition; punishment. Every person who:

1. Steals, takes and carries, leads or drives away the personal goods or property of another, under the value of $250; or
2. Steals, takes and carries, leads, drives or entices away one or more domestic animals or poultry having an aggregate value under $250, except those described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 205.225, commits petit larceny and is guilty of a misdemeanor.

[‘8, Ord. No. 592; A Ord. No. 781]

53.170 Disorderly conduct.

1. It is unlawful to:
   (a) Engage in or solicit anyone to engage in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;
   (b) Solicit any act of prostitution;
   (c) Pimp, pander or procure or live in or about houses of prostitution;
   (d) Accost other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms;
   (e) Go from house to house begging food, money or other articles, or seek admission to such houses upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;
   (f) Keep a place where lost or stolen property is concealed;
   (g) Loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act;
   (h) Enter, prowl or wander upon the private property of another, in the nighttime, with the intent to peek in the door or window of any building or structure located thereon, without having the permission of, or lawful business with the owner or occupant thereof. For the purpose of this section, "nighttime" is defined as the period from one hour after sunset to sunrise;
   (i) Lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.
   (j) Disturb the peace and quiet of any person by drunkenness.

2. A person who violates a provision of subsection 1 shall be punished:
   (a) For the first violation of paragraphs (a), (b) or (c) of subsection 1 and for each subsequent violation of the same paragraph occurring more than 3 years after the violation, for a misdemeanor. For the second violation of the same paragraph, by imprisonment in the county jail for not less than 30
days and by a fine of not less than $250.

(c) For a violation of any provision of paragraphs (d) to (j), inclusive, of subsection 1, for a misdemeanor.

['9, Ord. No. 592; A Ord. Nos. 986, 1128]

53.180 Trespass on land, in building of another after warning; warning by posting, fencing.

1. Every person who without authority granted by law goes upon the land or into any building of another with the intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act, or willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass, is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. Every owner or other occupant of any land is deemed to have given a sufficient warning against trespassing, within the meaning of this section, who:

(a) Posts in a conspicuous manner on each side thereof, upon or near the boundary, at intervals of not more than 700 feet, signs, legibly printed or painted in the English language, warning persons not to trespass; or

(b) Fences the area.

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

4. An entry man on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section, "fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, and includes a wall, hedge or board, chain link or wire mesh fence, but does not include a barbed-wire fence.

['10, Ord. No. 592]

53.185 Possession of one ounce or less of marijuana prohibited; penalties.

1. As used in this section:

(a) AMarijuana@ has the meaning ascribed to it in NRS 453.096.

(b) ACourt@ means a justice court in Washoe County in which a fine is imposed for a violation of subsection 2 of this section.

2. A person shall not knowingly or intentionally possess one ounce or less of marijuana unless the marijuana was obtained directly from, or pursuant to, a prescription of a physician, osteopathic physician=s assistant, physician=s assistant, dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the course of his professional practice, or except as otherwise authorized by the provisions of NRS 453.005
to 453.552, inclusive.

3. A person who violates the provisions of subsection 2 of this section is guilty of a misdemeanor and upon conviction shall be punished:

(a) For the first offense:
(1) By a fine of not more than $600.00 or
(2) Shall be examined by an approved facility for the treatment of abuse of drugs to determine whether he is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that he is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.
(b) For the second offense:
(1) By a fine of not more than $1,000.00 or
(2) Shall be assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

4. Fines imposed by a court pursuant to subsection 3 of this section shall be remitted monthly to the County Treasurer and shall be placed in a special account. Money in the account may only be disbursed when requested by the court and must be evenly allocated by the Treasurer among:

(a) Nonprofit programs for the treatment of abuse of alcohol or drugs that are certified by the Health Division of the Department; 
(b) A program of treatment and rehabilitation established by a court pursuant to NRS 453.580, if any; and 
(c) Local law enforcement agencies, in a manner determined by the court.

['1, Ord. No. 1306 eff. 7-7-06]

53.190 Possession of drugs which may not be introduced into interstate commerce: Penalty; exemptions.

1. Any person within this state who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this state who have been authorized by the Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the Food and Drug Administration; or

(b) To any substance which has been licensed by the state board of health for manufacture in this state but has not been approved as a drug by the Food and Drug Administration. The exemption granted
in this paragraph does not grant authority to transport such a substance out of the county of Washoe.

['11, Ord. No. 592]

53.195 Use and possession of drug paraphernalia; penalties; definitions.

1. Any person who uses, or possesses with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance is guilty of a misdemeanor.

2. "Controlled substance" means any Schedule I, II, III, IV or V substance as enumerated through regulation by the state board of pharmacy.

3. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. The term includes, but is not limited to:

(a) Kits used, primarily intended or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, primarily intended or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances;

(c) Isomerization devices used, primarily intended or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used, primarily intended or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used, primarily intended or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, primarily intended or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, primarily intended or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, primarily intended or designed for use in compounding controlled substances;
(i) Capsules, balloons, envelopes and other containers used, primarily intended or designed for use in packaging small quantities of controlled substances;
(j) Containers and other objects used, primarily intended or designed for use in storing or concealing controlled substances; and
(k) Objects used, primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
   (i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
   (ii) Water pipes;
   (iii) Smoking masks;
   (iv) Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
   (v) Cocaine spoons and cocaine vials;
   (vi) Carburetor pipes and carburetion tubes and devices;
   (vii) Chamber pipes;
   (viii) Electric pipes;
   (ix) Air-driven pipes;
   (x) Chillums;
   (xi) Bongs; and
   (xii) Ice pipes or chillers.

4. In determining whether an object is an item of drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
   (a) Statements by an owner or by anyone in control of the object concerning its use;
   (b) Prior controlled substance convictions, if any, of an owner or of anyone in control of the object;
   (c) The proximity of the object, in time and space, to another controlled substance violation;
   (d) The proximity of the object to controlled substances;
   (e) The existence of any residue of controlled substances on the object;
   (f) Direct or circumstantial evidence of the intent of any owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a controlled substance violation;
   (g) Instructions, oral or written, provided with the object concerning its use;
   (h) Descriptive materials accompanying the object which explain or depict its use;
   (i) National and local advertising concerning its use;
   (j) Expert testimony concerning its use.
['1, Ord. No. 930]
53.200  Resisting public officer. Every person who, in any case or under any circumstances not otherwise specially provided for, willfully resists, delays or obstructs a public officer in discharging or attempting to discharge any legal duty of his office shall be punished for a misdemeanor if no dangerous weapon is used in the course of such resistance, obstruction or delay.

['12, Ord. No. 592]

53.210  Failure to appear after admission to bail. Every person who has been admitted to bail, whether provided by deposit, surety or upon his own recognizance, and has not been recommitted to custody who fails to appear at the time and place required by the order admitting him to bail or any modification thereof, unless he surrenders himself within 30 days or is excused by the court, shall be punished for a misdemeanor, if admitted incident to prosecution for a misdemeanor.

['13, Ord. No. 592]

53.220  Penalty. Any person who violates any of the provisions of sections 53.100 to 53.210, inclusive, is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

['14, Ord. No. 592]