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MEMBERS PRESENT: Chairman Stewart  
Vice Chairman Sader  
Mr. Thompson  
Ms. Foley  
Mr. Beyer  
Mr. Price  
Mr. Chaney  
Mr. Malone  
Mrs. Cafferata  
Ms. Ham  
Mr. Banner

MEMBERS ABSENT: None

GUESTS PRESENT: Don Quilici, NV Wildlife Federation  
Hewitt C. Wells, Commissioner - NV Dept.  
of Wildlife  
Bill Parsons, NV Dept. of Wildlife  
Terry Redfern, Bishop Gorman H.S. Intern  
(Stewart)  
Keith Sargent, Bishop Gorman H.S. Intern  
(Price)  
Chris Curtis, Bishop Gorman H.S. Intern  
(Foley)  
Bob Erickson, Legislative Counsel Bureau  
Research Division  
Marcedes Parsons  
John Sweetland, Commissioner - NV Dept.  
of Wildlife  
Joe Greenley, NV Dept. of Wildlife  
Bill Curran, Clark County District Attorney's  
Office  
Tina Nappe, Commissioner - NV Dept. of  
Wildlife

Chairman Stewart called the meeting to order at 8:00 a.m. and opened the hearing on AB 178.

AB 178: Requires game wardens to enforce additional criminal statutes.

Mr. Bob Erickson, of the Research Division of the Legislative Counsel Bureau, testified in favor of this bill. Mr. Erickson explained that this bill was a result of an interim subcommittee study concerning access to public lands and the problems involved with this.

Mr. Erickson explained that ACR 37/60 outlined two major objectives

for the interim subcommittee: 1) Identify areas where property damage was occurring in the allowing of public access over private lands to reach public lands, and 2) Study incentives to landowners for leaving their gates open in order to allow access across their lands.

One of the factors learned during this study was that landowners objected to the vandalism caused by individuals crossing their land; it was pointed out that by the time a sheriff could be called and could reach the area, the vandals were long gone. This bill is an attempt to lessen, if not eliminate, this problem by authorizing Game Wardens additional authority to apprehend those people observed violating various laws on private lands.

Mr. Erickson then went through the bill, outlining those changes requested and explaining the referenced statutes (see EXHIBIT A).

Regarding page 2, lines 36-38, Mr. Sader asked about the current status of the Game Warden; is he currently considered to be a Peace Officer. Mr. Erickson deferred to the Department of Wildlife representative regarding this question, noting the representative would testify on the role of Game Wardens as Peace Officers in general.

Mr. Sader then noted, and Mr. Erickson agreed, that the rest of the changes in AB 178 were strictly clarification of the statute.

Mr. Beyer stated that Game Wardens have been involved in tracking down poachers, etc. but this bill gives them several additional responsibilities. He wondered if this didn't go beyond the scope of what Game Wardens should be doing.

Mr. Erickson said that the intent of the bill is that should a Game Warden observe these types of violations during the normal course of his duties, he will have the authority to make an arrest. It is not the intent to have these Game Wardens seek out such violations.

Mr. Erickson replied to Mr. Beyer that a rancher should still call the Sheriff's Department if he has a complaint along these lines; the intent of the bill is only in those cases when the Game Warden observes violations, at which time he should have the authority to make an arrest. He agreed, however, that the way the bill is currently worded there could be an overlapping of jurisdiction and that perhaps the bill could be reworked.

Mr. Thompson wondered if Game Wardens were ever involved in arrests of narcotics traffickers. Mr. Erickson replied that this had not been included in the scope of the interim study.

Next to testify was Mr. Bill Parsons, Chief of Law Enforcement for the Department of Wildlife. Mr. Parsons attempted to answer some of the questions which had been asked of Mr. Erickson.

It was explained that regarding a Game Warden's primary duties and responsibilities, he is a Peace Officer for the enforcement of the wildlife and boating safety laws. He is not regarded as a Peace Officer vis-a-vis the other laws. He is armed, and is provided with the same training as other Peace Officers.

Game Wardens do get involved in other types of enforcement, generally on an encounter basis; i.e., the officer is out on patrol and encounters other violations such as narcotics (this is a result of working in the back country where narcotics smuggling is a rather common occurrence), searches for felons (this occurs at the request of the Sheriff's Office), apprehension of murder, rape, or other suspects, etc.

Mr. Parsons reiterated that the Game Wardens are not looking for an expansion of their duties--there are 22 Wardens state-wide--but they are looking for protection in the event they run across a crime; i.e., that the Warden be regarded as a Peace Officer.

Next Mr. Parsons reviewed the various portions of the bill, further explaining the need for the changes. He stated the only question arising from the bill concerned section 3 regarding enforcement of NRS 207.255: unlawful diversion of irrigation water. He said this might be difficult to enforce because of a need for knowledge of the various water laws.

Regarding section 4, Mr. Stewart asked if Game Wardens currently serve warrants and subpoenas, and if so, what kind. Mr. Parsons said they did currently serve these, and that they usually consisted of failure to appear--and occasionally arrest--warrants and witness subpoenas.

Mr. Stewart noted that AB 178 contained no mention of authority to issue citations. Mr. Parsons replied that the Game Wardens have this authority under NRS 501.356. Mr. Parsons further explained that section 3 simply gives Game Wardens the authority to enforce the provisions of the NRS sections cited therein (see line 26).

Mr. Price questioned the wisdom of granting the Director such broad powers of appointment as listed in lines 22-25. He felt the term "others" was simply too general. In the ensuing discussion the following points were raised:

a) The Director currently designates as Deputy Wardens individuals from other agencies; e.g., conservation, forestry, firefighters, etc. These are issued under statute and must provide for their training; thus, there are restrictions and limitations as to who can be appointed and have been since 1949.

b) By statute, these individuals must meet the Peace Officer Standards Training (POST) requirements. In addition, the Game Wardens also undergo specialized training.

c) This bill appears to give Game Wardens even more powers than Police Officers have; e.g., Police Officers cannot conduct reasonable searches with or without a warrant (page 2, line 40).

d) Page 2, lines 41 and 49 appear to conflict, in that one permits search of a structure with or without a warrant, while the other states a dwelling house may be searched only in pursuance of a warrant.

e) These powers might better be granted under the Highway Patrol.

f) Some Game Wardens have attended the Highway Patrol Academy, some have attended the Police Academy, but normally the Wardens are sent to POST for their standard training session. Additionally, the full-time Warden is required to take Intermediate POST, and many take criminal justice courses. Finally, there is specific wildlife enforcement training. (This is substituted for part of the Advanced or Intermediate POST training; i.e., some of the police training is not applicable to wildlife enforcement, thus requiring the more duty-specific training.)

g) The Department of Wildlife had suggested to the drafters of AB 178 the following language: "These wardens are Peace Officers with respect to all the laws of the state when in pursuit or apprehension of a person suspected of violating the provisions of this Title (i.e., wildlife laws) or of Chapter 488 of NRS (NV boat act) and when making an arrest for crimes committed in their presence while in the performance of their duties prescribed in this Title and chapter 488 of NRS."

h) When deputizing Wardens the Director has been guided by the principle that these persons should be in a position to contribute to the overall law enforcement effort; e.g. those people in the Division of Forestry are also out in the back country and have contributed and are contributing to the enforcement of the fish and game laws. This group has been deputized almost in toto--if they have had the appropriate training (circa 23 individuals).

i) Members of the U.S. Fish and Wildlife Service are also deputized; i.e., the special agents assigned here in Nevada (2 individuals).

j) Designation as a Peace Officer carries certain privileges, as well as responsibilities; e.g., harrassment of a Peace Officer is a felony, they are eligible for a \$50,000 policy if killed in the line of duty, etc.

k) Every Sheriff, Constable and Police Chief has the authority to deputize those individuals they deem fit when needed.

l) It is possible to limit whom the Director can deputize by designating specific training requirements, etc.

m) The Board of Wildlife Commissioners reviews, by policy, any appointments to make certain they are made in conformance with the statutes.

n) Game Wardens work together with other Peace Officers on occasion because of their expertise in and knowledge of the back country; however the Game Wardens don't have the protection of Peace Officer status while the others do.

o) Game Wardens attempt to handle most situations by issuing citations, as opposed to physical arrest. Last year they issued approximately 2,600 citations, a 40% increase over the last 10 years.

Next to testify was Mr. Don Quilici, Northern Vice President of the Nevada Wildlife Federation. He noted that while the Federation basically favors AB 178, they do have some problems with it.

Mr. Quilici pointed out it was not clear how any officer other than an Irrigation District Ditch Rider could enforce the section on the illegal diversion of irrigation water.

Finally, Mr. Quilici stated that with the addition of those responsibilities cited in AB 178, a) Wardens should be recognized as full Peace Officers; b) Wardens should receive retirement as Peace Officers under the Public Employees Retirement system; and c) there should be an increase in General Fund support, since wildlife enforcement is presently understaffed.

Mr. Beyer asked about the Peace Officer status of Game Wardens. As Mr. Quilici could not answer this question, Mr. Parsons offered to supply the information.

Mr. Parsons explained that the Peace Officer status is limited to the enforcement of wildlife laws and the Boat Safety Act; other powers would have to be specified in the statute. Thus, if a Game Warden came across vandalism, without the added powers of AB 178 he would be required to either make a citizen's arrest or else call upon the Sheriff's Office for assistance, because legally he is not currently a Peace Officer. This is the reason for AB 178; currently, outside of the enforcement of wildlife laws and the Boat Safety Act, the Game Warden is in no better position than a private citizen.

As there was no further testimony on AB 178, Chairman Stewart closed the public hearing on this bill.

AB 202: . Increases penalty for assault.

Mr. Bill Curran, representing the Clark County District

Attorney's Office and the State District Attorneys Association, testified in favor of this bill. He noted that often there is very little difference between attempted murder and assault with a deadly weapon except for the aim of the defendant.

Mr. Curran stated that often, if the person is not actually wounded, the case is handled as assault with a deadly weapon, a gross misdemeanor. He felt it appropriate that the penalty be raised to a felony.

Mr. Curran explained that the language "assault for an offer" on page 1, line 8 is archaic language meaning assault.

In reply to Ms. Foley it was noted that the current punishment for a gross misdemeanor is a maximum of 1 year in prison, but this is seldom given.

Mr. Curran told Mr. Malone that this bill would probably affect at least one hundred people a year in Clark County alone.

Mr. Curran explained to Mr. Stewart that assault not made with use of a deadly weapon is covered in section 2 of AB 202, and that it is a misdemeanor.

Finally, Mr. Curran explained that page 2, line 7 "present ability to use a deadly weapon" implies that the weapon be brandished in some threatening manner; e.g., even if the gun isn't loaded, the effect on the victim is the same as if it were, therefore it is a felony.

As there was no further testimony on this bill, Chairman Stewart closed the hearing and moved on to AB 203.

AB 203: Establishes minimum punishment for certain attempts.

Mr. Curran was the only one to testify on this bill. He explained that this bill was a clarification of the punishment for attempting to commit a crime which is punishable by life imprisonment or death. Basically, it states that the minimum sentence which can be given is 1 full year; this was not clear in the original version of this law.

Following Mr. Curran's testimony, Chairman Stewart closed the public hearing on this bill.

AB 178: Requires game wardens to enforce additional criminal statutes.

Mr. Stewart suggested, and the Committee agreed, that the bill be amended by removing section 207.225 from section 3, subsection 2 of the bill (page 2, line 27).

Mr. Sadler moved DO PASS AS AMENDED AB 178, seconded by Mr. Malone, and passed unanimously, with Mr. Banner absent at the time of 703 the vote.

During the discussion of this motion, the provision allowing search with or without warrant was questioned. It was noted that this language didn't really matter, since there is a great deal of Constitutional law which already governs this and which safeguard the individual. It is up to the court to decide what is admissible evidence.

AB 202: Increases penalty for assault.

Mrs. Cafferata moved DO PASS AB 202, seconded by Mr. Malone, and passed unanimously, with Mr. Banner absent at the time of the vote.

AB 203: Establishes minimum punishment for certain attempts.

Mrs. Cafferata moved DO PASS AB 203, seconded by Ms. Foley, and passed unanimously, with Mr. Banner absent at the time of the vote.

Mr. Beyer informed the Committee that he had discussed the proposed amendment to AB 228 regarding assigning an individual out of the Attorney General's Office as secretary to the Commission with the Governor, who was opposed to this change. He noted the Governor's objection was based on the possibility the secretary would be privy to information which should not be available to the Attorney General. Mr. Beyer went on to suggest that because of this it might be better to leave it up to the Commission to do as they feel appropriate, possibly hiring a person part-time and paying accordingly.

It was further noted that the present Attorney General was not in favor of taking on this assignment, but that this was very different from there being reasons why he shouldn't take it on.

It was agreed that the subcommittee would meet with the Attorney General and discuss the following possibilities:

- a) The Attorney General's Office assuming this responsibility;
- b) Some other State agency providing this support staff;
- c) The Commission hiring a person part-time.

It was further noted that a or b above would reduce costs and thus would give the bill a better chance of being passed.

As there was no further business, the meeting was adjourned at 9:25 a.m.

Respectfully submitted,

*Pamela B. Sleeper*

Pamela B. Sleeper  
Assembly Attache

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: Tuesday, 10 March 1981

SUBJECT: AB 178: Requires game wardens to enforce  
additional criminal statutes.

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MOTION: DO PASS AS AMENDED XX  
DO PASS      AMEND      INDEFINITELY POSTPONE       
RECONSIDER     

MOVED BY: MR. SADER                  SECONDED BY: MR. MALONE

AMENDMENT:

Delete reference to NRS 207.255 from section 3, subsection 2  
(page 2, line 27).

MOVED BY:         SECONDED BY:   

AMENDMENT:

MOVED BY:         SECONDED BY:   

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	MOTION		AMEND		AMEND	
VOTE:	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>
Thompson	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Foley	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Beyer	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Price	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Sader	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Stewart	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Chaney	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Malone	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Cafferata	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Ham	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Banner	<u>ABSENT</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
TALLY:	<u>10</u>	<u>0</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>

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ORIGINAL MOTION: Passed           Defeated           Withdrawn     

AMENDED & PASSED XX                  AMENDED & DEFEATED     

AMENDED & PASSED                       AMENDED & DEFEATED     

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ATTACHED TO MINUTES OF Tuesday, 10 March 1981



61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: Tuesday, 10 March 1981

SUBJECT: AB 202: Increases penalty for assault.

MOTION:

DO PASS XX AMEND \_\_\_\_\_ INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_

MOVED BY: MRS. CAFFERATA SECONDED BY: MR. MALONE

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	---	---	---	---	---
Foley	<u>X</u>	---	---	---	---	---
Beyer	<u>X</u>	---	---	---	---	---
Price	<u>X</u>	---	---	---	---	---
Sader	<u>X</u>	---	---	---	---	---
Stewart	<u>X</u>	---	---	---	---	---
Chaney	<u>X</u>	---	---	---	---	---
Malone	<u>X</u>	---	---	---	---	---
Cafferata	<u>X</u>	---	---	---	---	---
Ham	<u>X</u>	---	---	---	---	---
Banner	<u>ABSENT</u>	---	---	---	---	---
TALLY:	<u>10</u>	<u>0</u>	---	---	---	---

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF Tuesday, 10 March 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: Tuesday, 10 March 1981

SUBJECT: AB 203: Establishes minimum punishment for certain attempts.

MOTION:

DO PASS XX AMEND \_\_\_\_\_ INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_

MOVED BY: MRS. CAFFERATA SECONDED BY: MS. FOLEY

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	---	---	---	---	---
Foley	<u>X</u>	---	---	---	---	---
Beyer	<u>X</u>	---	---	---	---	---
Price	<u>X</u>	---	---	---	---	---
Sader	<u>X</u>	---	---	---	---	---
Stewart	<u>X</u>	---	---	---	---	---
Chaney	<u>X</u>	---	---	---	---	---
Malone	<u>X</u>	---	---	---	---	---
Cafferata	<u>X</u>	---	---	---	---	---
Ham	<u>X</u>	---	---	---	---	---
Banner	<u>ABSENT</u>	---	---	---	---	---
TALLY:	<u>10</u>	<u>0</u>	---	---	---	---

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF Tuesday, 10 March 1981

**206.010 Destruction, damage to property by unlawful assembly.** Whenever any persons unlawfully assembled pull down, damage or destroy any dwelling house or other building, or any shop, steamboat, vessel or other property, they severally are guilty of a public offense proportionate to the value of the property damaged or destroyed.

[1911 C&P § 347; RL § 6612; NCL § 10295]—(NRS A 1967, 512; 1979, 1453)

**206.015 Destruction, damage to crops, gardens, trees and shrubs.** Every person who willfully and maliciously:

1. Cuts down, destroys or injures, other than by burning, any wood, timber, grain, grass or crop, standing or growing, or which has been cut down and is lying upon the lands of another, or of the state;

2. Cuts down, laps, girdles or otherwise injures or destroys, other than by burning, a fruit, shade or ornamental tree standing on the land of another, or of the state, or in any road or street; or

3. Cuts down, destroys or in any way injures, other than by burning, any shrub, tree, vine or garden produce grown or growing within any orchard, garden, vineyard or yard, or any framework or erection therein,

is guilty of a public offense proportionate to the value of the loss resulting therefrom.

(Added to NRS by 1967, 513; A 1979, 329)

**206.040 Entering property with intention to damage, destroy property.** Every person who willfully and maliciously enters, without the consent of the owner or occupant, any real property of another under circumstances not amounting to a burglary, with intent to take, injure or destroy any real or personal property there situated, is guilty of a misdemeanor.

[Part 1911 C&P § 488; RL § 6753; NCL § 10435]—(NRS A 1979, 1454)

**206.140 Nuisance in building; trespass upon grounds; disturbing assembly.** Every person who:

1. Commits any nuisance in any building, public or private;

2. Commits any trespass upon the grounds attached thereto, or any fixtures placed thereon, or any enclosure or sidewalk about the building; or

3. In any manner interferes with or disturbs those peaceably assembled within the building,

shall be guilty of a public offense proportionate to the value of any property damaged or destroyed, but in no event less than a misdemeanor.

[Part 1911 C&P § 495; RL § 6760; NCL § 10442] + [1911 C&P § 496; RL § 6761; NCL § 10443]—(NRS A 1967, 513; 1979, 1454)

**206.150 Maiming, poisoning, killing another person's animal.**

1. Except as provided in subsection 2, any person who willfully and maliciously kills, maims or disfigures any animal belonging to another, or exposes any poison or noxious substance with intent that it should be taken by the animal is guilty of a public offense proportionate to the value of the loss resulting therefrom but in no event less than a gross misdemeanor.

2. The provisions of subsection 1 do not apply to any person who kills a dog pursuant to NRS 575.020.

[Part 1911 C&P § 488; RL § 6753; NCL § 10435]—(NRS A 1961, 402; 1967, 513; 1979, 1395)

**206.160 Leading, driving horse away without authority. Every person who shall willfully and maliciously:**

1. Untie, unfasten or liberate, without authority, the horse or team of another; or

2. Lead, ride or drive away, without authority, the horse or team of another from the place where left by the owner or person in charge thereof,

shall be guilty of a misdemeanor.

[Part 1911 C&P § 488; RL § 6753; NCL § 10435]—(NRS A 1961, 269)

**206.200 Billposting, signboards, show posters unlawful. Any person who shall willfully, unlawfully or maliciously:**

1. Without the consent of the owner, agent or occupant of the premises or property herein mentioned, deface, disfigure or cover up any fruit tree or ornamental tree, fence, wall, house, shop or building, the property of another, by pasting upon, or in any way fastening thereto, any printed bill, signboard, show poster or other device whatsoever; or

2. Without a written permit from the board of county commissioners in the county wherein such written permit may be issued, deface, disfigure or cover up by pasting upon, or in any way fastening thereto, any printed bill, signboard, show poster or other device whatsoever upon any public building, monument, gravestone, ornamental tree or other object or property under the supervision and control of the board of county commissioners of the respective counties in this state, or under the supervision and control of any municipal government, or of any association or society whatsoever; or

3. Place upon or affix to any real property, or any rock, tree, wall, fence or other structure thereupon, without the consent of the owner thereof, any word, character or device designed to advertise any article, business, profession, exhibition, matter or event, shall be guilty of a misdemeanor.

[Part 1911 C&P § 489; RL § 6754; NCL § 10436]—(NRS A 1967, 514)

of any court, such person, on conviction, shall be fined not more than \$500.

2. This section shall not extend to defacing, tearing down, obliterating or destroying any law, proclamation, publication, notification, advertisement or order after the time for which the same was by law to remain set up shall have expired.

[1911 C&P § 409; RL § 6674; NCL § 10361]—(NRS A 1967, 515)

**206.280 Tampering with papers.** Every person who shall willfully or maliciously and with intent to injure another destroy, alter, erase, obliterate or conceal any letter, telegraph message, book or record of account, or any writing or instrument 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, shall be guilty of a gross misdemeanor.

[1911 C&P § 447; RL § 6712; NCL § 10400]

**206.290 Opening, publishing sealed letters, telegrams.** Every person who shall:

1. Willfully open or read, or cause to be read, any sealed letter, message or telegram, not addressed to himself, without being authorized so to do either by the writer of the same or by the person to whom it shall be addressed, is guilty of a gross misdemeanor.

2. Maliciously publish the whole or any part of such letter, message or telegram, without the authority of the writer thereof or of the person to whom the same shall be addressed, knowing the same to have been so opened, is guilty of a gross misdemeanor.

[1911 C&P § 449; RL § 6714; NCL § 10402]—(NRS A 1967, 515)

**206.300 False signals endangering cars, vessels, motors.** Every person who, in such manner as might, if not discovered, endanger a vessel, railway engine, motor, train or car, shows, masks, extinguishes, alters or removes any light or signal, or exhibits any false light or signal, shall be punished:

1. Where physical injury or property damage results therefrom, by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$10,000.

2. Otherwise, for a gross misdemeanor.

[1911 C&P § 485; RL § 6750; NCL § 10432]—(NRS A 1967, 516; 1979, 1455)

**206.310 Injury to other property.** Every person who shall willfully or maliciously destroy or injure any real or personal property of another, for the destruction or injury of which no special punishment

is otherwise specially prescribed, shall be guilty of a public offense proportionate to the value of the property affected or the loss resulting from such offense.

[1911 C&P § 497; RL § 6762; NCL § 10444]—(NRS A 1967, 516)

**206.320 Unlawful removal of petrified wood from posted, designated sites; penalties; duties of certain officers.**

1. The board of trustees of the Nevada state museum shall have the power and authority, by itself or by its designated representative, to post or otherwise properly designate a petrified wood site deemed of sufficient importance to preserve in its natural state.

2. It shall be unlawful to disturb or remove from such site any petrified wood.

3. Any violation of this section is a misdemeanor.

4. The division of state parks of the state department of conservation and natural resources, and personnel thereof, the sheriffs, in their respective counties, and all other peace officers shall be charged with the enforcement of this section.

(Added to NRS by 1959, 292; A 1960, 94; 1963, 827)

The next page is 6759

**207.190 Coercion.**

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

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

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

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

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

(a) Where physical force or the immediate threat of such force is used, by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$5,000.

(b) Where no physical force or immediate threat of such force is used, for a misdemeanor.

[1911 C&P § 475; RL § 6740; NCL § 10424]—(NRS A 1967, 522; 1979, 1455)

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

1. Every person who goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act, or 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 entryman 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, including, but not limited to, a wall, hedge or chain link or wire mesh fence.

[1911 C&P § 500; RL § 6765; NCL § 10447]—(NRS A 1969, 96; 1975, 1169)

**207.205 Posting land without permission of owner, occupant unlawful.**

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

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

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

2. Any person violating any of the provisions of subsection 1 is guilty of a misdemeanor.

(Added to NRS by 1973, 1116)

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

[Part 1911 C&P § 503; RL § 6768; NCL § 10450]

**207.220 Penalty for not closing gates.**

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

2. The provisions of this section shall not apply to gates in towns and cities nor gates necessary in the approach to any building or works where the passing through or into fields or lands is not contemplated.

[1911 C&P § 504; RL § 6769; NCL § 10451]

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

(Added to NRS by 1977, 883)

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

[1911 C&P § 543; RL § 6808; NCL § 10489]

**207.250 Unlawful sales of motor vehicles.**

1. It is unlawful for any person, firm, company or corporation to sell, offer to sell, or display for sale any motor vehicle unless that person, firm, company or corporation is:

(a) The legal or registered owner of such vehicle;