



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Performance Objective Reference Material

The Performance Objective Reference Material is designed to accompany the P.O.S.T. mandated Performance Objectives of each N.A.C. mandated course for Category I, II, III, and Reserve peace officers.

Thoroughly reviewing this document will help in your preparation to teach the related course.

An instructor will not be successful by reviewing the Performance Objective Material the night before or the day of instruction. Instructors are expected to spend time studying this reference material, researching supplemental material, and developing student activities which will in effect enhance the learning for students. DO NOT be an instructor who shows up unprepared and expects a "canned" presentation to be given based on this reference material.

The Performance Objective Reference Material is to be used for the purpose of understanding the Course Performance Objectives and to be used as a guide for lesson plan development.

P.O.S.T. would like to thank you for being a part of the training of new Peace Officers in the State of Nevada.

Updated August 2019- Significant changes or notable sections are outlined in red.



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Title: Crimes Against Property
Category: I, II, Reserve, Reciprocity
NAC: 289. 140, 150, 170, 200

Arson (PO A1i-ia)

Arson is the intentional burning of almost any type of structure, building or forest land, with more severe degrees recognized if it causes bodily injury, or involves an inhabited building or intent to defraud insurers.

“Set fire to” defined. Any person shall be deemed to have “set fire to” a building, structure or any property mentioned in NRS 205.010 to 205.030, inclusive, whenever any part thereof or anything therein shall be scorched, charred or burned NRS 205.005.

Arson in the First degree. A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any:

- Dwelling house or other structure or mobile home, whether occupied or vacant; or
- Personal property which is occupied by one or more persons, whether the property of the person or of another, is guilty of arson in the first degree which is a category B felony NRS 205.010.

Arson in the Second degree. A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any abandoned building or structure, whether the property of the person or of another, is guilty of arson in the second degree which is a category B felony NRS 205.015.

Arson in the Third degree. A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of:

- Any unoccupied personal property of another which has the value of \$25 or more;
- Any unoccupied personal property owned by him or her in which another person has a legal interest; or
- Any timber, forest, shrubbery, crops, grass, vegetation or other flammable material not his or her own, is guilty of arson in the third degree which is a category D felony NRS 205.020.



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Arson in the Fourth degree. A person who willfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in NRS 205.010, 205.015 and 205.020, or who commits any act preliminary thereto or in furtherance thereof, is guilty of arson in the fourth degree which is a category D felony NRS 205.025.

Burglary (PO A2i)

Burglary is the unlawful entry into a **dwelling** or other closed structure, often by force or coercion, with the intent of stealing property from another or committing some other crime.

Burglary: Definition; penalties

- Any person who, by day or night, unlawfully enters or unlawfully remains in any (a) Dwelling with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of residential burglary.
- Business structure with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a business.
- Motor vehicle, or any part thereof, with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a motor vehicle.
- Structure other than a dwelling, business structure or motor vehicle with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a structure. NRS 205.060.

Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

- A person convicted of any burglary pursuant to this section who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the dwelling, structure or motor vehicle or upon leaving the dwelling, structure or motor



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vehicle, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

- The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted:(a)Two or more times for committing petit larceny within the immediately preceding 7 years; or (b) Of a felony.

Inference of burglarious intent. Every person who unlawfully breaks and enters or unlawfully enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car may reasonably be inferred to have broken and entered or entered it with intent to commit grand or petit larceny, assault or battery on any person or a felony therein, unless the unlawful breaking and entering or unlawful entry is explained by evidence satisfactory to the jury to have been made without criminal intent NRS 205.065.

Burglary Tool-Possession (PO A2ia)

Possession of instrument with burglarious intent; making, alteration or repair of instrument for committing offense; penalty.

- Every person who makes or mends or causes to be made or mended, or, has in his or her possession in the day or nighttime, any engine, machine, tool, false key, picklock, bit, nippers or, implement adapted, designed or, commonly used for the commission of burglary, invasion of the home, larceny or other crime, under circumstances evincing an intent to use or employ, or, allow the same to be used or employed in the commission of a crime, or, knowing that the same is intended to be so used, shall be guilty of a gross misdemeanor NRS 205.080.

The possession thereof except by a mechanic, artificer or tradesman at and in his or her established shop or place of business, open to public view, shall be prima facie evidence that such possession was had with intent to use or employ or allow the same to be used or employed in the commission of a crime.



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Home Invasion (PO A2ii)

Invasion of the home: Definition; penalties;

- A person who, by day or night, forcibly enters a dwelling without permission of the owner, resident or lawful occupant, whether or not a person is present at the time of the entry, is guilty of invasion of the home NRS 205.067.
- A person convicted of invasion of the home is guilty of a category B
- Whenever an invasion of the home is committed on a vessel, Vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or, railroad car, in motion or in rest, in this State and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car traveled during the time the invasion was committed.

A person convicted of invasion of the home who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony NRS 205.067.

As used in section 205.067:

(a) "Forcibly enters" means the entry of an inhabited dwelling involving any act of physical force resulting in damage to the structure.

(b) "dwelling" has the meaning ascribed to it in NRS 205.060

Commission of another crime while committing burglary or invasion of the home. Every person who, in the commission of a burglary or invasion of the home, commits any other crime, may be prosecuted for each crime separately NRS 205.070.

Theft (PO A3i)

A criminal act in which property belonging to another is taken without that person's consent.



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The term *theft* is sometimes used synonymously with **Larceny**. *Theft*, however, is actually a broader term, encompassing many forms of deceitful taking of property, including swindling, **Embezzlement**, and **False Pretenses**.

“Property of another person” defined. “Property of another person” means real, personal or intangible property in which any person other than the defendant has an interest which the defendant is not privileged to infringe, including, without limitation, property in which the defendant also has an interest, notwithstanding that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in the possession of the defendant in which another person has only a security interest shall be deemed not to be the property of that other person, even if that person holds legal title to the property pursuant to a security agreement NRS 205.0828.

Actions which constitute theft.

- A person commits theft if, without lawful authority, the person knowingly:
- Controls any property of another person with the intent to deprive that person of the property, converts, makes an unauthorized transfer of an interest in, or, without authorization controls any property of another person, or, uses the services or property of another person entrusted to him or her or, placed in his or her possession for a limited, authorized period of determined or, prescribed duration or for a limited use, obtains real, personal or intangible property or, the services of another person by a material misrepresentation with intent to deprive that person of the property or services. “Material misrepresentation” means the use of any pretense, or the making of any promise, representation or statement of present, past or future fact which is fraudulent and which, when used or made, is instrumental in causing the wrongful control or transfer of property or services. The pretense may be verbal or it may be a physical act.
 - Comes into control of lost, mislaid or, undelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or, that of another person without reasonable efforts to notify the true owner, controls property of another person knowing or having reason to know that the property was stolen.
 - Obtains services, including, without limitation, audio or visual services, or parts, products or other items related to such services which the person knows or, in the case of audio or visual services, should have known are available only for compensation without paying or agreeing to pay compensation or diverts the services of another person to his or her own benefit or that of another person without lawful authority to do so, takes, destroys, conceals or disposes of property in which another person has a security interest, with intent to defraud that person commits any act that is declared to be theft by a specific statute.



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- Draws or passes a check, and in exchange obtains property or Services if the person knows that the check will not be paid when presented obtains gasoline or other fuel or automotive products which are available only for compensation without paying or agreeing to pay compensation NRS 205.0832.

Definitions of Theft (PO A3ia-c)

NRS 205.0821 Definitions. As used in NRS 205.0821 to 205.0835, inclusive, unless the context otherwise requires, the words and terms defined in NRS 205.0822 to 205.0831, inclusive, have the meanings ascribed to them in those sections.

- **"Check" defined.** "Check" means any check, draft or other negotiable instrument of any kind. NRS 205.0822
- **"Control" defined.** "Control" means to act so as to prevent a person from using his or her own property except on the actor's terms. NRS 205.0823
- **"Deprive" defined.** "Deprive" means to withhold a property interest of another person permanently or for so long a time that a substantial portion of its value, usefulness or enjoyment is lost, or to withhold it with the intent to restore it only upon the payment of a reward or other compensation, or to transfer or dispose of it so that it is unlikely to be recovered. NRS 205.0824
- **"Draw" defined.** "Draw" means making, drawing, uttering, preparing, writing or delivering a check. NRS 205.0825
- **"Intangible property" defined.** "Intangible property" means property that lacks a physical existence yet possesses value, including, without limitation, customer lists, trade secrets, copyrighted material or other confidential information. NRS 205.08255
- **"Issue" defined.** "Issue" means to deliver or cause to be delivered a check to a person who by that delivery acquires a right against the drawer of the check. A person who draws a check with intent that it be so delivered shall be deemed to have issued it if the delivery occurs. NRS 205.0826
- **"Obtain" defined.** "Obtain" means to bring about or receive the transfer of any interest in property, or to secure performance of a service. NRS 205.0827
- **"Property of another person" defined.** "Property of another person" means real, personal or intangible property in which any person other than the



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defendant has an interest which the defendant is not privileged to infringe, including, without limitation, property in which the defendant also has an interest, notwithstanding that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in the possession of the defendant in which another person has only a security interest shall be deemed not to be the property of that other person, even if that person holds legal title to the property pursuant to a security agreement. NRS 205.0828

- **"Services" defined.** "Services" includes labor, professional services, transportation, cable television or other video service, telephone, gas or electricity services, accommodations in hotels, restaurants, leased premises or elsewhere, admissions to exhibitions and the use of vehicles or other movable property. NRS 205.0829
- **"Transfer" defined.** "Transfer" means to change the possession or control of property. NRS 205.083
- **"Value" defined.** "Value" means the fair market value of the property or services at the time of the theft. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner. NRS 205.0831

Determination of amount involved in particular theft: The amount involved in a theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained. Amounts involved in thefts committed pursuant to a scheme or continuing course of conduct, whether from one or more persons, may be aggregated in determining the grade of the offense. NRS 205.0834

Larceny (PO A4i-iii)

Grand larceny:

205.0835 Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits



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theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

If the value of the property or services involved in the theft is less than \$1,200, the person who committed the theft is guilty of a misdemeanor.

If the value of the property or services involved in the theft is \$1,200 or more but less than \$5,000, the person who committed the theft is guilty of a category D felony and shall be punished as provided in NRS 193.130

If the value of the property or services involved in the theft is \$5,000 or more but less than \$25,000, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

If the value of the property or services involved in the theft is \$25,000 or more but less than \$100,000, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

If the value of the property or services involved in the theft is \$100,000 or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.

Grand larceny of firearm; NRS 205.226

- A person who intentionally steals, takes and carries away a firearm owned by another person commits grand larceny of a firearm
- A person who commits grand larceny of a firearm is guilty of a category B felony

Grand larceny of motor vehicle; NRS 205.228

- A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle
- A person who commits grand larceny of a motor vehicle is guilty of a category C felony



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- If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is \$3,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony

Petit larceny; NRS 205.240

A person commits petit larceny if the person:

- Intentionally steals, takes and carries away, leads away or drives away: Personal goods or property, with a value of less than **\$1,200** owned by another person;
- Bedding, furniture or other property, with a value of less than **\$1,200**, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or
- Real property, with a value of less than **\$1,200**, that the person has converted into personal property by severing it from real property owned by another person
- Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than **\$1,200** owned by another person
- A person who commits petit larceny is guilty of a misdemeanor

Penalty for taking property from person of another NRS 205.270

A person who, under circumstances not amounting to robbery, with the intent to steal or appropriate to his or her own use, takes property from the person of another, without the other person's consent, is guilty of: **a category C felony**

Motor Vehicles (PO 5ia-c)

Unlawful taking of vehicle: NRS 205.2715

- Every person who takes and carries away or drives away the vehicle of another without the intent to permanently deprive the owner thereof but without the consent of the owner of such vehicle is **guilty of a gross misdemeanor**



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- Every person who is in possession of a vehicle without the consent of the owner of such vehicle may reasonably be inferred to have taken and carried away or driven away the vehicle

"Vehicle" as used in this section means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Offense involving stolen vehicle: Definition; NRS 205.273

A person commits an offense involving a stolen vehicle if the person:

- With the intent to procure or pass title to a motor vehicle which the person knows or has reason to believe has been stolen, receives or transfers possession of the vehicle from or to another person; or has in his or her possession a motor vehicle which the person knows or has reason to believe has been stolen, a person who violates the provisions is guilty of **a category C felony**.

Injuring or tampering with vehicle; NRS 205.274

Any person who shall individually or in association with one or more other persons willfully:

- Break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, or who shall in any manner willfully or
- Maliciously interfere with or prevent the running or operation of such vehicle, shall be guilty of a public offense proportionate to the value of the loss resulting therefrom.

Any person who shall without the consent of the owner or person in charge of a vehicle climb into or upon such vehicle with the intent to commit any crime, malicious mischief, or injury thereto, or who while a vehicle is at rest and unattended shall attempt to manipulate any of the levers, starting crank or other starting device, brakes or other mechanism thereof, or to set such vehicle in motion, shall be guilty of a misdemeanor.



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Buying or Receiving Stolen Goods – NRS 205.275 (PO A6i-ii)

A person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property knowing that it is stolen property; or under such circumstances as should have caused a reasonable person to know that it is stolen property, a person who commits an offense involving stolen property is in violation:

- If the value of the property is less than \$1,200, is guilty of a misdemeanor;
- If the value of the property is \$1,200 or more but less than \$5,000, is guilty of a category D felony or if the value of the property is \$5,000 or more but less than \$25,000 is guilty of a category C felony.
- If the value of the property is \$25,000 or more, but less than \$100,000, or if the property is a firearm, is guilty of a category B felony.
- If the value of the property is \$100,000 or more, is guilty of a category B felony.
- Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Embezzlement - NRS 205.300 (PO A7i)

NRS 205.300

Any bailee of any money, goods or property, who converts it to his or her own use, with the intent to steal it or to defraud the owner or owners thereof and any agent, manager or clerk of any person, corporation, association or partnership, or any person with whom any money, property or effects have been deposited or entrusted, who uses or appropriates the money, property or effects or any part thereof in any manner or for any other purpose than that for which they were deposited or entrusted, is guilty of embezzlement, and shall be punished in the manner prescribed by law for the stealing or



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larceny of property of the kind and name of the money, goods, property or effects so taken, converted, stolen, used or appropriated.

The value of all the money, goods, property or effects misappropriated in separate acts of embezzlement must be combined for the purpose of imposing punishment for the offense charged if:

- The separate acts were committed against the same person within 6 months before the offense;
- None of the individual acts is punishable as a felony; and
- The cumulative value of all the money, goods, property and effects misappropriated is sufficient to make the offense punishable as a felony

Any use of the money, goods or property by any **bailee** thereof, other than that for which it was borrowed, hired, deposited, carried, received or collected, is prima facie evidence of conversion and of intent to steal the same and defraud the owner or owners thereof.

The term "**bailee**," as used in this section, means all persons with whom any money, goods or property has been deposited, all persons to whom any goods or property has been loaned or hired, all persons to whom any goods or property has been delivered, and all persons who are, either as agent, collector or servant, empowered, authorized or entrusted to carry, collect or receive any money, goods or property of another.

Prima facie evidence of embezzlement NRS 205.305

If any clerk, apprentice, servant, or any other person whatsoever, whether bound or hired, to whom any money or goods, or chattels, or other property, shall be entrusted, for any purpose whatsoever, by his or her master, employer, or any other person or persons, corporation or corporations, by whom he or she may be entrusted, shall withdraw himself or herself and shall go away with the money, goods, chattels or property, or any part thereof, with the intent to steal the same, and defraud the master, employer or any other person or persons, corporation or corporations, of the same, or being in the service of his or her master, or employer, corporation or corporations, or any other person or firm, shall embezzle the money, goods, chattels or property, or any part thereof, or shall otherwise convert the same to his or her own use, it shall be prima facie evidence of the intent to steal the same, and every such person or persons so offending shall be punished in the manner prescribed by law for feloniously stealing property of the value of the articles so taken, embezzled, stolen or converted.



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Extortion (PO A8i)

Threats NRS 205.320

A person who, with the intent to extort or gain any money or other property or to compel or induce another to make, subscribe, execute, alter or destroy any valuable security or instrument or writing affecting or intended to affect any cause of action or defense, or any property, or to influence the action of any public officer, or to do or abet or procure any illegal or wrongful act, whether or not the purpose is accomplished, threatens directly or indirectly:

- To accuse any person of a crime;
- To injure a person or property;
- To publish or connive at publishing any libel;
- To expose or impute to any person any deformity or disgrace; or
- To expose any secret,
- Is guilty of a category B felony

Extortionate Collection NRS 205.322

- Uses such threats that place debtor in reasonable apprehension that physical harm to debtor or any other person, or property damage, will result if debt not paid timely
- Category B Felony

Forgery – NRS 205.085 (PO A9i-ii)

Within the provisions of this chapter relating to forgery or other offense, a “written instrument,” or a “writing,” or a “paper,” shall include an instrument partly written and partly printed or wholly printed with a written signature thereto, or any signature or writing purporting to be a signature of or intended to bind an individual, partnership, corporation or association or an officer thereof.

The words “forge,” “forgery,” “forged,” and “forging,” shall include false making, “counterfeiting” and the alteration, erasure or obliteration of a genuine instrument in whole or in part, the false making or counterfeiting of the signature of a party or witness, real or fictitious, and the placing or connecting together with intent to defraud, of



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different parts or the whole of several genuine instruments a plate is in the "form and similitude," of the genuine instrument forged, if the finished parts of the engraving thereupon shall resemble or conform to the similar parts of the genuine instrument a plate, label, trademark, term, design, device or form of advertisement is in the form and similitude of the genuine instrument imitated if the finished parts of the engraving thereupon shall resemble or conform to the similar parts of the genuine instrument.

Forgery of conveyances, negotiable instruments, stock certificates, wills and other instruments; utterance of forged instrument NRS 205.090

A person who falsely makes, alters, forges or counterfeits any record, or other authentic matter of a public nature, or any charter, letters patent, deed, lease, indenture, writing obligatory, will, testament, codicil, annuity, bond, covenant, bank bill or note, post note, check, draft, bill of exchange, contract, promissory note, traveler's check, money order, due bill for the payment of money or property or for the payment of any labor claim, receipt for money or property, power of attorney, any auditor's warrant for the payment of the money at the treasury, county order or warrant, or request for the payment of money, or the delivery of goods or chattels of any kind, or for the delivery of any instrument of writing, or acquittance, release, or receipt for money, goods, or labor claim, or any acquittance, release, or discharge for any debt, account, suit, action, demand, or other thing, real or personal, or any transfer or assurance of money, stock, goods, chattels, or other property whatever, or any letter of attorney, or other power to receive money, or to receive or transfer stock or annuities, or to let, lease, dispose of, alien or convey any goods or chattels, lands or tenements, or other estate, real or personal, or any acceptance or endorsement of any bill of exchange, promissory note, draft, order or assignment of any bond, writing obligatory, or promissory note, for money or other property, or any order, writ or process lawfully issued by any court or public officer, or any document or paper recorded or filed in any court or with any public officer, or in the Senate or Assembly, or counterfeits or forges the seal or handwriting of another, with the intent to damage or defraud any person, body politic or corporate, whether the person, body politic or corporate, resides in or belongs to this State or not, or utters, publishes, passes or attempts to pass, as true and genuine, any of the above-named false, altered, forged or counterfeited matters, as above specified and described, knowing it to be false, altered, forged or counterfeited with the intent to prejudice, damage or defraud any person, body politic or corporate, whether the person, body politic or corporate, resides in this State or not, is guilty of forgery.

Elements:

- Falsely making
- Altering



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- Erasing or
- Counterfeiting

Any written document, which has legal significance with the intent to injure or defraud

- Shall be punished for a category D felony

Issuance of check or draft without sufficient money or credit: NRS 205.130

A person who willfully, with an intent to defraud, draws or passes a check or draft to obtain: money; delivery of other valuable property; services; the use of property; or credit extended by any licensed gaming establishment drawn upon any real or fictitious person, bank, firm, partnership, corporation or depository, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of \$650 or more, the person is guilty of a category D felony

Elements:

- Willfully and with intent to defraud;
- Passes check to obtain money, property, services, use of property or credit at a casino;
- When the person has insufficient funds to pay in full upon presentation

Presumption of knowledge of insufficient funds if:

- Account does not exist
- Payment is refused and maker does not make good within 5 days; o
- Notice of non-payment is returned undelivered
- Banks and retail stores must post bad check notice

Possessing or receiving forged instruments or bills NRS 205.160

A person who has in his or her possession, or receives from any other person, any forged promissory note, traveler's check or money order, or bank bill, or bill for the payment of money or property, with the intention to pass it, or to permit, cause, or procure it to be



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uttered or passed, with the intention to defraud any person, body politic or corporate, whether the person, body politic or corporate, resides in or belongs to this state or not, knowing it to be forged or counterfeited, or has or keeps in his or her possession any blank or unfinished note, traveler's check, money order or bank bill, made in the form or similitude of any promissory note or bill for payment of money or property, made to be issued by any person, company, partnership or corporation, with the intention to fill up and complete the blank and unfinished note or bill, or to permit, or cause, or procure it to be filled up and completed in order to utter or pass it, or to permit, or cause, or procure it to be uttered and passed to defraud any person, body politic or corporate, whether in this state or elsewhere

- is guilty of a category C felony

Fraud and False Personation (PO A10ia-e)

Fraudulent conveyances NRS 205.330

Every person who shall be a party to any fraudulent conveyance of any lands, tenements or hereditaments, goods or chattels, or any right or interest issuing out of the same, or to any bond, suit, judgment or execution, contract or conveyance, had made or contrived with intent to deceive and defraud others, or to defeat, hinder or delay creditors or others of their just debts, damages or demands; or who, being a party as aforesaid, at any time shall wittingly and willingly put in use, avow, maintain, justify or defend the same, or any of them, as true and done, had, or made in good faith, or upon good consideration, or shall alien, assign or sell any of the lands, tenements, hereditaments, goods, chattels or other things before mentioned, conveyed to him or her as aforesaid, or any part thereof, is guilty of a felony.

Use of false permit, license or writing NRS 205.420

Every person who conducts any business or performs any act under color of, or files for record with any public officer, any false or fraudulent permit, license or writing, or any permit, license or writing not lawfully belonging to such person, or who obtains any permit, license or writing by color or aid of any false representation, pretense, personation, token or writing is guilty of a gross misdemeanor.

Defrauding proprietor of hotel, inn, restaurant, motel or similar establishment NRS 205.445

It is unlawful for a person:



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To obtain food, foodstuffs, lodging, merchandise or other accommodations at any hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, without paying therefor, with the intent to defraud the proprietor or manager thereof; to obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or after obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his or her baggage therefrom, without paying for the food or accommodations.

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

- Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one establishment is **\$1,200** or more, for a category D felony, otherwise, for a misdemeanor.

Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretense, or by **false** or **fictitious show** or pretense of any baggage or other property, or that the person refused or willfully neglected to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person gave in payment for the food, foodstuffs, lodging, merchandise or other accommodations negotiable paper on which payment was refused, or that the person absconded without paying or offering to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person surreptitiously removed or attempted to remove his or her baggage, is prima facie evidence of the fraudulent intent mentioned in this section.

Personating another NRS 205.450

Every person who shall falsely represent or personate another, and, in such assumed character, shall marry another, become bail or surety for any party, in any proceeding, civil or criminal, before any court or officer authorized to take such bail or surety, or confess any judgment, or acknowledge the execution of any conveyance of real property, or of any other instrument which, by law, may be recorded, or do any other act in the course of any suit, proceeding or prosecution, whereby the person so represented or personated may be made liable, in any event, to the payment of any debt, damages, cost or sum of money, or his or her right or interest may, in any manner be affected, is guilty of a category C felony.



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Preparation, transfer or use of false identification regarding person under 21 years of age; NRS 205.460

Every person who counterfeits, forges, alters, erases or obliterates, or who attempts to counterfeit, forge, alter, erase or obliterate any card, writing, paper or document, or any photocopy print, photo-stat, or other replica of any card, writing, paper or document which is designed for the purpose of personal identification and which bears the age of the holder or purported holder thereof, or which, although not designed for the purpose of personal identification, is commonly used, or capable of being used for the purpose of personal identification and bears the age of the holder or purported holder thereof, with the intention that such card, writing, paper or document, or photocopy print, photo-stat or other replica thereof, be used by a person under the age of 21 years to establish falsely or misrepresent his or her actual age for the purpose of purchasing alcoholic liquor or being served alcoholic liquor in a place where it is served for consumption on the premises, or entering gambling establishments, or engaging in gambling in gambling establishments, shall be guilty of a misdemeanor.

Obtaining and using personal identifying information of another person to harm or impersonate person, to obtain certain nonpublic records or for other unlawful purpose; penalties; rebuttable inference that possessor of personal identifying information intended to unlawfully use such information NRS 295.463.

Unlawful Acts Regarding Social Security Numbers (PO A11i)

Posting or displaying social security number of another person; penalties; NRS 205.4605

Except as otherwise provided a person shall not willfully and intentionally post or display in any public manner the social security number of another person unless the person is authorized or required to do so by specific federal or state law or regulation is guilty of a misdemeanor.

Unlawful acts Regarding Personal Identifying Information (PO A12 i-ii)

“Artificial person” defined NRS 205.4611 “Artificial person” means any corporation, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation or any comparable entity which is created and existing under the laws of this State, any other state, territory or foreign government, or the Government of the United States and which is doing business in this State



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“Document” defined NRS 205.4613 “Document” includes, without limitation, a photocopy print, photo-stat and other replica of a document

“Personal identifying information” defined NRS 205.4617

“Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a living or deceased person or to identify the actions taken, communications made or received by, or other activities or transactions of a living or deceased person, including, without limitation:

- The current or former name, driver’s license number, identification card number, social security number, checking account number, savings account number, credit card number, debit card number, financial services account number, date of birth, place of employment and maiden name of the mother of a person, the unique biometric data of a person, including, without limitation, the fingerprints, facial scan identifiers, voiceprint, retina image and iris image of a person, the electronic signature, unique electronic identification number, address or routing code, telecommunication identifying information or access device of a person
- The personal identification number or password of a person, the alien registration number, government passport number, employer identification number, taxpayer identification number, Medicaid account number, food stamp account number, medical identification number or health insurance identification number of a person, the number of any professional, occupational, recreational or governmental license, certificate, permit or membership of a person, the number, code or other identifying information of a person who receives medical treatment as part of a confidential clinical trial or study, who participates in a confidential clinical trial or study involving the use of prescription drugs or who participates in any other confidential medical, psychological or behavioral experiment, study or trial, the utility account number of a person.

This statute provides various punishments for knowingly obtaining and using personal identifying information of another person NRS 205.463.

Definition: “personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including a person’s name, driver’s license number, social security number, savings account number, credit card number, debit card number, date of birth, place of employment, maiden name of “Mom,” fingerprints, voiceprints, retina image or iris image.



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- Two ways to commit the crime
 1. Knowingly obtaining and using personal identifying information of another.
 2. Done to harm another or for an unlawful purpose, such as to obtain money, property, credit or services in the name of another,
 3. Is a category B

- 2nd way to commit the crime
 1. Knowingly obtaining and using personal identifying information of another.
 2. Done to avoid or delay being prosecuted for an unlawful act (such as when someone gives you a phony driver's license in a traffic stop).
 3. Is a category E felony

Obtaining, using, possessing or selling personal identifying information for unlawful purpose by public officer or public employee; penalties; rebuttable inference that possessor of personal identifying information intended to unlawfully use such information
NRS 205.464

A public officer or public employee who knowingly:

- Obtains any personal identifying information of another person from any document, file, database, source or, process used by a public body to collect, store, maintain, transfer, reproduce, manage or administer personal identifying information; and, uses the personal identifying information to harm that other person or for any unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that person.

- Is guilty of a category B felony

Credit Cards and Debit Cards – NRS 205.610-205.800 (PO A13ia-e)

Nearly every conceivable offense involving the wrongful possession, use, sale, transfer or misrepresentation concerning credit cards are covered here.

- Crimes (Note that except for NRS 205-760(2) the value of goods/money/services obtained is immaterial)



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Definitions:

- "Cardholder": the person or firm to whose benefit a card is issued. NRS 205.620.
- "Credit card": an instrument or device issued by an issuer to a cardholder to obtain money, property, goods, services or anything of value on credit. NRS 205.630.
- "Debit card": an instrument or device issued by an issuer to a cardholder to obtain money, property, goods, services or anything of value, subject to the issuer removing money from the checking or savings account of the cardholder.
- "Issuer": the business firm or authorized agent, which issues a credit card. NRS 205.650.
- "Expired credit card": a card which is not valid because the date on it has elapsed. NRS 205.640.
- "Revoked credit cards". An invalid card because permission to use it has been suspended or terminated by the issuer. NRS 205-670.

NRS 205-680

- Knowingly making a false statement, directly or indirectly, respecting identity or financial condition, with intent to cause reliance thereon for the purpose of procuring a credit or debit card is a gross misdemeanor.
- Compare NRS 205.370 and 205.370: Swindling and false written statements to obtain credit-category C if nets over \$250.

NRS 205.690

- Stealing, removing, receiving with knowledge and intent to use, sell or transfer possession of a credit or debit card without the cardholder's consent and with the intent to use, sell, transfer or defraud is a Class D felony

NRS 205.710

- Purchase or sale of a credit or debit card from or by any person other than the issuer is a Class D felony

NRS 205.715 Sale of identifying information on telephone calling card without authority of the lawful holder is a category D felony



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NRS 205.720

- Obtaining with intent to defraud, control over a credit or debit card, as security for a debt is a Class D felony.

NRS 205.740

- Falsely making, embossing, forging or uttering a purported credit or debit card with intent to defraud is a Class D felony. "False making of a credit or debit card" occurs when a person alters a valid card, or makes/draws an instrument purporting to be the credit or debit card of an issuer without authorization. A person falsely embosses a credit or debit card when he adds any required information, except a signature, to a credit or debit card, without the authorization of the issuer.

NRS 205.750

- Any person, not authorized by the cardholder, who signs a credit or debit card, sales slips, draft or instrument for money, evidencing a credit or debit card transaction, with the intent to defraud is guilty of a Class D felony

NRS 205.760(1)

- Any person who, with intent to defraud: uses a credit or debit card to obtain anything of value, where the card was wrongfully obtained or retained, or where the person knows it is forged or is the expired/revoked card of another; or who, uses the credit or debit card account number of another to obtain anything of value without the authorization of the cardholder; or who, obtains anything of value by falsely representing that he is the authorized cardholder.
- Is guilty of a Class D felony.

NRS 205-760 (2)-Fraudulent use of a card by cardholder

A person who uses, with the intent to defraud, his own credit or debit card, knowing that it is expired or revoked, or knowing he cannot pay for the value of goods/services so obtained within a 6 month period is guilty of:

- A class D felony, if the value of goods/services obtained within a 6-month period is \$100 or more.
- A misdemeanor if the value within 6 months is less than \$100



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NRS 205.770-780 Crimes by providers of goods/services

- Crimes by persons furnishing money, goods, or services upon a credit or debit card. Class D felony for a person authorized by the issuer to provide money, goods or services to the presenter of a credit or debit cards.
- Knowing the card was wrongfully obtained or retained; or knowing it is forged, expired or revoked.
- Likewise, it is also a felony to fraudulently represent to the issuer in writing that specified goods, services, money or anything of value has been provided to a cardholder, when this is in fact untrue. The punishment is the same.

NRS 205.790 Possession.

- Possession of two or more incomplete cards, or of machinery, plates or other contrivances designed to create purported credit or debit cards, with intent to defraud, is a Class D felony.

NRS 205.606- Amended 2019-

A person shall not install or affix, temporarily or permanently, a scanning device within or upon a machine with the intent to use the scanning device for an unlawful purpose;

Access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose; or Possess a scanning device or re-encoder with the intent to use the scanning device or re-encoder for an unlawful purpose.

A person who violates any provision of this section is guilty of a category C felony