

CHAPTER 201 - CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS

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NONSUPPORT OF SPOUSE, FORMER SPOUSE OR CHILD

SECTION 201.015 “Minor child” defined. For the purposes of SECTION 201.015 to 201.080, inclusive, “minor child” means a person who has not reached the age of majority as provided in NRS 129.010 and has not been declared emancipated pursuant to NRS 129.080 TO 129.140, inclusive.

SECTION 201.020 Penalties; jurisdiction.

1. Except as otherwise provided in subsection 2, a person who knowingly fails to provide for the support of his:

(a) Spouse or former spouse;

(b) Minor child; or

(c) Child who upon arriving at the age of majority is unable to provide support for himself because of his infirmity, incompetency or other legal disability that was contracted before he reached the age of majority, as ordered by a Tribal Court, is guilty of a **Category A offense**.

2. A person who violates the provisions of subsection 1 is guilty of a **Category A Offense**.

3. A prosecution for a violation of subsection 1 may be brought to the Tribal Court.

(a) A COURT has issued a valid order for the defendant to pay child support or spousal support;

(b) The defendant resides;

(c) The custodial parent or custodian of the child for whom the defendant owes child support resides;

(d) The spouse or former spouse to whom the defendant owes spousal support resides; or

(e) The child for whom the defendant owes child support resides.

SECTION 201.030 Institution of proceedings: Verified complaint. Proceedings under SECTION 201.015 to 201.080, inclusive, may be instituted upon complaint made under oath or affirmation by the spouse or child or children, or by any other person, including the TRIBAL attorney, against any person guilty of an offense named in SECTION 201.020.

SECTION 201.051 Affirmative defense: Notice of intent to claim; notice of rebuttal witnesses; notice of provisions of section.

1. Except as otherwise provided in this section, in a prosecution for a violation of [SECTION 201.020](#), the defendant may claim as an affirmative defense that he was unable to provide the child support or spousal support ordered by a Tribal Court.
2. In addition to the written notice required by NRS 174.234, a defendant who intends to offer the affirmative defense described in subsection 1 shall, not less than 20 days before trial or at such other time as the Tribal Court directs, file and serve upon the prosecuting attorney a written notice of his intent to claim the affirmative defense. The written notice must include:
 - (a) The specific affirmative defense that the defendant is asserting; and
 - (b) The name and last known address of each witness by whom the defendant proposes to establish the affirmative defense.
3. Not later than 10 days after receiving the written notice set forth in subsection 2 or at such other time as the Tribal Court directs, the prosecuting attorney shall file and serve upon the defendant a written notice that includes the name and last known address of each witness the prosecuting attorney proposes to offer in rebuttal at trial to discredit the affirmative defense claimed by the defendant.
4. Each party has a continuing duty to file and serve upon the opposing party any change in the last known address of any witness that the party proposes to offer to establish or discredit the affirmative defense described in subsection 1.
5. Each party has a continuing duty to disclose promptly the names and last known addresses of any additional witnesses which come to the attention of that party and which that party proposes to offer to establish or discredit the affirmative defense described in subsection 1.
6. If the defendant or prosecuting attorney fails to comply with the requirements set forth in this section, in addition to any sanctions or protective orders otherwise provided in chapter [174](#) of NRS, the Tribal Court may grant a continuance to permit the opposing party time to prepare.
7. A prosecuting attorney shall provide notice of the requirements of this section to a defendant when a complaint is served upon the defendant for a violation of [SECTION 201.020](#).
8. For the purposes of this section, a defendant is not "unable to provide the child support or spousal support ordered by a Tribal Court if, during the period that the defendant was obligated to provide and failed to provide child support or spousal support, the defendant was:
 - (a) Voluntarily unemployed or underemployed without good cause or to avoid payment of child support or spousal support, including, without limitation, not using reasonable diligence to secure sufficient employment; or
 - (b) Unable to pay the child support or spousal support ordered by a Tribal Court because of his excessive spending, indebtedness or other legal obligation, unless the spending, indebtedness or other legal obligation was not within the control of the defendant.

SECTION 201.070 Evidence; husband and wife competent witnesses.

1. No other or greater evidence is required to prove the marriage of the husband and wife, or that the defendant is the father or mother of the child or children, than is required to prove such facts in a civil action.
2. In no prosecution under [SECTION 201.015](#) to [201.080](#), inclusive, does any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife are competent witnesses to testify against each other to any and all relevant matters, including the fact of the marriage and the parentage of any child or children, but neither may be compelled to give evidence incriminating himself or herself.
3. Proof of the failure of the defendant to provide for the support of the spouse, child or children, is prima facie evidence that such failure was knowing.

SECTION 201.080 Uniformity of interpretation. [SECTION 201.015](#) to [201.080](#), inclusive, shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of the Tribe.

CONTRIBUTORY DELINQUENCY AND NEGLECT OF CHILDREN

SECTION 201.090 “Neglected child,” “delinquent child” and “child in need of supervision” defined. As used in [SECTION 201.100](#) and [201.110](#), unless the context otherwise requires, a “neglected child,” “delinquent child” or “child in need of supervision” means any person less than 18 years of age:

1. Who is found begging, receiving or gathering money, or who is found in any street, road or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing.
 2. Who has no parent or guardian, who has no parent or guardian willing to exercise or capable of exercising proper parental control, or who has no parent or guardian actually exercising such proper parental control, and who is in need of such control.
 3. Who is destitute, or who is not provided with the necessities of life by his parents, and who has no other means of obtaining such necessities.
 4. Whose home is an unfit place for him, by reason of neglect, cruelty or depravity of either of his parents, or of his guardians or other person in whose custody or care he is.
 5. Who is found living in any house of ill fame, or with any disreputable person.
 6. Who is found wandering and either has no home, no settled place of abode, no visible means of subsistence or no proper guardianship.
 7. Who frequents the company of criminals, vagrants or prostitutes, or persons so reputed, or who is in any house of prostitution or assignation.
 8. Who unlawfully visits a saloon where any spirituous, vinous or malt liquors are sold, bartered, exchanged or given away.
 9. Who habitually uses intoxicating liquors or who uses opium, cocaine, morphine, or other similar drug without the direction of a competent physician.
 10. Who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian or custodian, or who is beyond the control of such person.
 11. Who is a habitual truant from school.
 12. Who is leading, or from any cause is in danger of leading, an idle, dissolute, lewd or immoral life.
 13. Who writes or uses vile, obscene, profane or indecent language, or is guilty of indecent, immoral or lascivious conduct.
 14. Who violates any laws of this Tribe or any ordinance of any town, city or county defining crime.
- Any child who is a runaway, unmanageable or a habitual truant is a child in need of supervision as that term is used in title 5 of the NRS, and is not a delinquent child.

SECTION 201.100 How offense may be termed. When the charge against any person under [SECTION 201.090](#) to [201.110](#), inclusive, concerns the neglect of a child or children, or the problems of a child in need of supervision, the offense, for convenience, may be termed “contributory neglect,” and when it concerns the delinquency of a child or children, for convenience it may be termed “contributory delinquency.”

SECTION 201.110 Definition; penalties; exception.

1. Except as otherwise provided in this section, any person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 18 to become a “neglected child,” “child in need of supervision” or “delinquent child,” as defined in [SECTION 201.090](#) to [201.110](#), inclusive, or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, command or persuasion, induces or endeavors to induce any person under the age of 18 to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such person to become or to remain a person who is a “neglected child,” “child in need of supervision” or “delinquent child,” as defined in [SECTION 201.090](#), is guilty of contributory neglect or contributory delinquency. Contributory neglect or contributory delinquency is a **Category C offense**.
2. A person does not commit a violation of subsection 1 by virtue of the sole fact that he delivers or induces the delivery of a child to a provider of emergency services pursuant to [SECTION 432B.630](#).

ABORTIONS; CONCEALING BIRTH

SECTION 201.120 Abortion: Definition; penalty. A person who:

1. Prescribes, supplies or administers to a woman, whether pregnant or not, or advises or causes her to take any medicine, drug or substance; or
2. Uses or causes to be used, any instrument or other means, to terminate a pregnancy, unless done pursuant to the provisions of NRS 442.250, or by a woman upon herself upon the advice of a physician acting pursuant to the provisions of NRS 442.250, is guilty of abortion which is a **Category A offense**.

SECTION 201.130 Selling drugs to produce miscarriage; penalty. Every person who shall manufacture, sell or give away any instrument, drug, medicine or other substance, knowing or intending that the same may be unlawfully used in procuring the miscarriage of a woman, shall be guilty of a **Category B offense**.

SECTION 201.140 Evidence. In any prosecution for abortion, attempting abortion, or selling drugs unlawfully, no person shall be excused from testifying as a witness on the ground that his testimony would tend to incriminate him, but such testimony shall not be used against him in any criminal prosecution except for perjury in giving such testimony.

SECTION 201.150 Concealing birth; penalty. Every person who shall endeavor to conceal the birth of a child by any disposition of its dead body, whether the child died before or after its birth, shall be guilty of a **Category B offense**.

BIGAMY, INCEST, SEXUAL ACTS IN PUBLIC AND CRIME AGAINST NATURE INVOLVING MINOR

SECTION 201.160 Bigamy: Definition; penalty.

1. Bigamy consists in the having of more than one **wife or more than one** husband at one time, knowing that the former husband or wife is still alive.
2. If a married person marries any other person while the former husband or wife is alive, the person so offending is guilty of a **Category A offense**.
3. It is not necessary to prove either of the marriages by the register and certificate thereof, or other record evidence, but those marriages may be proved by such evidence as is admissible to prove a marriage in other cases, and when the second marriage has taken place without this Tribe, cohabitation in this Tribe's Jurisdiction after the second marriage constitutes the commission of the crime of bigamy.
4. This section does not extend:
 - (a) To a person whose husband or wife has been continually absent from that person for the space of 5 years before the second marriage, if he or she did not know the husband or wife to be living within that time.
 - (b) To a person who is, at the time of the second marriage, divorced by lawful authority from the bonds of the former marriage, or to a person where the former marriage has been by lawful authority declared void.

SECTION 201.170 Marrying person already married; penalty. If a person, being unmarried, knowingly marries the husband or wife of another, that person is guilty of a **category A offense**.

SECTION 201.180 Incest: Definition; penalty. Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void who intermarry with each other or who commit fornication or adultery with each other shall be punished for a **Category A offense**.

SECTION 201.190 Commission of certain sexual acts in public: Definition; penalty. Except as otherwise provided in [SECTION 200.366](#) and [201.230](#), a person of full age who commits anal intercourse, cunnilingus or fellatio in public is guilty of a **Category A offense**.

SECTION 201.195 Solicitation of minor to engage in acts constituting crime against nature; penalties.

1. A person who incites, entices or solicits a minor to engage in acts which constitute the infamous crime against nature:
 - (a) If the minor actually engaged in such acts as a result and:
 - (1) The minor was less than 18 years of age, is guilty of a **Category A offense**.
 - (b) If the minor did not engage in such acts:
 - (1) For the first offense, is guilty of a **Category B offense**.
 - (2) For any subsequent offense, is guilty of a **Category A offense**.
2. As used in this section, the “infamous crime against nature” means anal intercourse, cunnilingus or fellatio between natural persons of the same sex. Any sexual penetration, however slight, is sufficient to complete the infamous crime against nature.

INTENTIONAL TRANSMISSION OF HUMAN IMMUNODEFICIENCY VIRUS

SECTION 201.205 Penalty; affirmative defense.

1. A person who, after testing positive in a test approved by the Tribe’s Board of Health for exposure to the human immunodeficiency virus and receiving actual notice of that fact, intentionally, knowingly or willfully engages in conduct in a manner that is intended or likely to transmit the disease to another person is guilty of a **Category A offense**.
2. It is an affirmative defense to an offense charged pursuant to subsection 1 that the person who was subject to exposure to the human immunodeficiency virus as a result of the prohibited conduct:
 - (a) Knew the defendant was infected with the human immunodeficiency virus;
 - (b) Knew the conduct could result in exposure to the human immunodeficiency virus; and
 - (c) Consented to engage in the conduct with that knowledge.

LEWDNESS AND INDECENT EXPOSURE

SECTION 201.210 Open or gross lewdness; penalty.

1. A person who commits any act of open or gross lewdness is guilty:
 - (a) For the first offense, of a **Category B offense**.
 - (b) For any subsequent offense, of a **Category A offense**.
2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

SECTION 201.220 Indecent or obscene exposure; penalty.

1. A person who makes any open and indecent or obscene exposure of his/her person, or of the person of another, is guilty:
 - (a) For the first offense, of a **Category B offense**.
 - (b) For any subsequent offense, of a **Category A offense**.
2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

SECTION 201.230 Lewdness with child under 14 years; penalties.

1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of lewdness with a child.
2. Except as otherwise provided in subsection 3, a person who commits lewdness with a child is guilty of a **Category A offense**.
3. A person who commits lewdness with a child and who has been previously convicted of:
 - (a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this Tribe's jurisdiction, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child, is guilty of a **Category A offense**.

4. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection 5 of [SECTION 200.366](#).

SECTION 201.232 Breast feeding: Legislative intent; authorized in any public or private location where mother is authorized to be.

1. The tribal council finds and declares that:

(a) The medical profession in the United States recommends that children from birth to the age of 1 year should be breast fed, unless under particular circumstances it is medically inadvisable.

(b) Any genuine promotion of family values should encourage public acceptance of this most basic act of nurture between a mother and her baby, and no mother should be made to feel incriminated or socially ostracized for breast feeding her child.

2. Notwithstanding any other provision of law, a mother may breast feed her child in any public or private location where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.

OBSCENITY

SECTION 201.235 Definitions. In [SECTION 201.235](#) to [201.254](#), inclusive, unless the context otherwise requires:

1. "Community" means the area from which a jury is or would be selected for the Tribal Court in which the action is tried.

2. "Item" includes any book, leaflet, pamphlet, magazine, booklet, picture, drawing, photograph, film, negative, slide, motion picture, figure, object, article, novelty device, recording, transcription, phonograph record or tape recording, videotape or videodisc, with or without music, or other similar items.

3. "Material" means anything tangible which is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or in any other manner.

4. "Obscene" means any item, material or performance which:

(a) An average person applying contemporary community standards would find, taken as a whole, appeals to prurient interest;

(b) Taken as a whole lacks serious literary, artistic, political or scientific value; and

(c) Does one of the following:

(1) Depicts or describes in a patently offensive way ultimate sexual acts, normal or perverted, actual or simulated.

(2) Depicts or describes in a patently offensive way masturbation, excretory functions, sadism or masochism.

(3) Lewdly exhibits the genitals.

→ Appeal shall be judged with reference to ordinary adults, unless it appears, from the character of the material or the circumstances of its dissemination, to be designed for children or a clearly defined deviant group.

5. "Performance" means any play, motion picture, dance or other exhibition performed before an audience.

SECTION 201.237 Exemptions. The provisions of [SECTION 201.235](#) to [201.254](#), inclusive, do not apply to those universities, schools, museums or libraries which are operated by or are under the direct control of the Tribe, or any political subdivision of the Tribe, or to persons while acting as employees of such organizations.

SECTION 201.243 Evidence probative of obscenity of material or item. In prosecutions under [SECTION 201.235](#) to [201.254](#), inclusive, evidence of circumstances of production, dissemination, sale or publicity of the material or item, which indicates it is being commercially exploited by the defendant for its prurient appeal, is probative of the obscenity of the material or item and can justify the conclusion that it is, taken as a whole, without serious literary, artistic, political or scientific value.

SECTION 201.245 Surrender, seizure and destruction of obscene item or material; undertaking not required for injunction; defendant chargeable with knowledge of contents after service of summons and complaint.

1. If a final judgment declaring an item or material obscene is entered against its owner or possessor, the judgment shall contain a provision directing the owner or possessor to surrender to the Tribal Police the item or material declared obscene and a direction to the Tribal Police to seize and destroy it.
2. In any action brought to declare an item or material obscene, the Tribal attorney bringing the action is not required to file an undertaking before an injunction is issued.
3. A Tribal Police directed to seize an obscene item or material is not liable for damages sustained by reason of the injunction in cases where judgment ultimately is rendered in favor of the person, firm, association or corporation sought to be enjoined.
4. Every person, firm, association or corporation who sells, distributes, or acquires possession with intent to sell or distribute any allegedly obscene item or material, after service upon him of a summons and complaint in an action brought to declare an item or material obscene is chargeable with knowledge of the contents of the item or material.

SECTION 201.247 Payment to city or county of value received from sale of obscene materials after judgment or injunction. If a Tribal Court enters a judgment that an item or material is obscene and that item or material, or one substantially identical thereto, is sold after that judgment or injunction, the Tribal Court shall order an accounting to determine the value of all money and other consideration received by the defendant which was derived from the obscene item or material after the Tribal Court judged it to be obscene. The defendant shall pay a sum equivalent to that value into the general fund of the Tribe.

SECTION 201.249 Production, sale, distribution, exhibition and possession of obscene items or materials; penalty. Except as otherwise provided in [SECTION 201.237](#) and except under the circumstances described in [SECTION 200.720](#) or [200.725](#), a person is guilty of a **Category C offense** who knowingly:

1. Prints, produces or reproduces any obscene item or material for sale or commercial distribution.
2. Publishes, sells, rents, transports in Tribal commerce, or commercially distributes or exhibits any obscene item or material, or offers to do any such things.
3. Has in his possession with intent to sell, rent, transport or commercially distribute any obscene item or material.

SECTION 201.251 Coercing acceptance of obscene articles or publications; penalty.

1. A person, firm, association or corporation shall not, as a condition to any sale, allocation, consignment or delivery for resale of any item or material, require that the purchaser or consignee receive for resale any other item or material which is obscene. A person, firm, association or corporation shall not deny or threaten to deny any franchise or impose or threaten to impose any penalty, financial or otherwise, for the failure or refusal of any person to accept any obscene item or material or for the return thereof.
2. A person, firm, association or corporation who violates any provision of this section is guilty of a **Category C offense**.

SECTION 201.253 Obscene, indecent or immoral shows, acts or performances; penalty. Except under the circumstances described in [SECTION 200.710](#), every person who knowingly causes to be performed or exhibited, or engages in the performance or exhibition of, any obscene, indecent or immoral show, act or performance is guilty of a **Category C offense**.

OBSCENE, THREATENING OR ANNOYING TELEPHONE CALLS

SECTION 201.255 Penalties.

1. Any person who willfully makes a telephone call and addresses any obscene language, representation or suggestion to or about any person receiving such call or addresses to such other person

any threat to inflict injury to the person or property of the person addressed or any member of his family is guilty of a **Category C offense**.

2. Every person who makes a telephone call with intent to annoy another is, whether or not conversation ensues from making the telephone call, guilty of a **Category C offense**.

3. Any violation of subsections 1 and 2 is committed at the place at which the telephone call or calls were made and at the place where the telephone call or calls were received, and may be prosecuted at either place.

EXHIBITION AND SALE OF OBSCENE MATERIAL TO MINORS

SECTION 201.256 Definitions. As used in [SECTION 201.256](#) to [201.2655](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 201.257](#) to [201.264](#), inclusive, have the meanings ascribed to them in those sections.

SECTION 201.2565 “Distribute” defined. “Distribute” means to transfer possession with or without consideration.

SECTION 201.257 “Harmful to minors” defined. “Harmful to minors” means that quality of any description or representation, whether constituting all or a part of the material considered, in whatever form, of nudity, sexual conduct, sexual excitement or sado-masochistic abuse which predominantly appeals to the prurient, shameful or morbid interest of minors, is patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors, and is without serious literary, artistic, political or scientific value.

SECTION 201.2581 “Material” defined. “Material” means:

1. A book, pamphlet, magazine, newspaper, printed advertising or other printed or written material;
2. A motion picture, photograph, picture, drawing, statue, sculpture or other visual representation or image; or
3. A transcription, recording or live or recorded telephone message.

SECTION 201.259 “Minor” defined. “Minor” means any person under the age of 18 years, but as applied to the showing of a motion picture excludes any person employed on the premises where the motion picture is shown.

SECTION 201.2595 “Motion picture” defined. “Motion picture” means a film or a video recording, whether or not it has been rated appropriate for a particular audience, that is:

1. Placed on a videodisc or videotape; or
 2. To be shown in a theater or on television,
- ↳ and includes, without limitation, a cartoon or an animated film.

SECTION 201.261 “Nudity” defined. “Nudity” means:

1. The showing of the human female breast with less than a fully opaque covering of any portion of the areola and nipple;
2. The showing of the human male or female genitals or pubic area with less than a fully opaque covering of any portion thereof; or
3. The depiction of the human male genitals in a discernible turgid Tribe whether or not covered.

SECTION 201.262 “Sado-masochistic abuse” defined. “Sado-masochistic abuse” means:

1. Flagellation or torture practiced by or upon a person whether or not clad in undergarments, a mask or bizarre costume; or
2. The condition of being fettered, bound or otherwise physically restrained.

SECTION 201.263 “Sexual conduct” defined. “Sexual conduct” means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person’s unclothed genitals or pubic area.

SECTION 201.264 “Sexual excitement” defined. “Sexual excitement” means the condition of human male or female genitals in a state of sexual stimulation or arousal.

SECTION 201.265 Unlawful acts; penalty. Except as otherwise provided in [SECTION 200.720](#) and [201.2655](#), and unless a greater penalty is provided pursuant to [SECTION 201.560](#), a person is guilty of a **Category C offense** if the person knowingly:

1. Distributes or causes to be distributed to a minor material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.
2. Exhibits for distribution to an adult in such a manner or location as to allow a minor to view or to have access to examine material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.
3. Sells to a minor an admission ticket or pass for or otherwise admits a minor for monetary consideration to any presentation of material that is harmful to minors, unless the minor is accompanied by his parent, guardian or spouse.
4. Misrepresents that he is the parent, guardian or spouse of a minor for the purpose of:
 - (a) Distributing to the minor material that is harmful to minors; or
 - (b) Obtaining admission of the minor to any presentation of material that is harmful to minors.
5. Misrepresents his age as 18 or over for the purpose of obtaining:
 - (a) Material that is harmful to minors; or
 - (b) Admission to any presentation of material that is harmful to minors.
6. Sells or rents motion pictures which contain material that is harmful to minors on the premises of a business establishment open to minors, unless the person creates an area within the establishment for the placement of the motion pictures and any material that advertises the sale or rental of the motion pictures which:
 - (a) Prevents minors from observing the motion pictures or any material that advertises the sale or rental of the motion pictures; and
 - (b) Is labeled, in a prominent and conspicuous location, “Adults Only.”

SECTION 201.2655 Exemptions. The provisions of [SECTION 201.256](#) to [201.2655](#), inclusive, do not apply to:

1. A university, community college, school, museum or library which is operated by or which is under the direct control of this Tribe or a political subdivision of this Tribe; or
2. An employee or independent contractor of an institution listed in subsection 1, if the employee or independent contractor is acting within the scope of his employment or contractual relationship.

CRIMES AGAINST RELIGION

SECTION 201.270 Disturbing religious meetings; penalty. Every person who shall willfully disturb, interrupt or disquiet any assemblage or congregation of people met for religious worship:

1. By noisy, rude or indecent behavior, profane discourse, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting;
2. By exhibiting shows or plays, or promoting any racing of animals, or gaming of any description, or engaging in any boisterous or noisy amusement;

3. By disturbing in any manner, without authority of law within 1 mile thereof, free passage along a highway to the place of such meeting, or by maliciously cutting or otherwise injuring or disturbing a conveyance or other property belonging to any person in attendance upon such meeting; or
4. By menacing, threatening or assaulting any person therein,
→ shall be guilty of a **Category C offense**.

SECTION 201.280 Selling liquor at TRIBAL GATHERINGS; penalty. Every person who shall erect or keep a booth, tent, stall or other contrivance for the purpose of selling or otherwise disposing of any wine, or spirituous or fermented liquors, or any drink of which wine, spirituous or fermented liquors form a part, within 1 mile of any Tribal gatherings or field meeting for religious worship, during the time of holding such meeting, is guilty of a **Category C offense**.

PANDERING, PROSTITUTION AND DISORDERLY HOUSES

SECTION 201.295 Definitions. As used in [SECTION 201.295](#) to [201.440](#), inclusive, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Prostitute" means a male or female person who for a fee engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
4. "Prostitution" means engaging in sexual conduct for a fee.
5. "Sexual conduct" means any of the acts enumerated in subsection 3.

SECTION 201.300 Pandering: Definition; penalties; exception.

1. A person who:
 - (a) Induces, persuades, encourages, inveigles, entices or compels a person to become a prostitute or to continue to engage in prostitution;
 - (b) By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where prostitution is practiced, encouraged or allowed;
 - (c) By threats, violence, or by any device or scheme, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person to enter any place within this Tribe's jurisdiction in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution;
 - (d) By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person of previous chaste character to enter any place within this Tribe's jurisdiction in which prostitution is practiced, encouraged or allowed, for the purpose of sexual intercourse;
 - (e) Takes or detains a person with the intent to compel the person by force, threats, menace or duress to marry him or any other person; or
 - (f) Receives, gives or agrees to receive or give any money or thing of value for procuring or attempting to procure a person to become a prostitute or to come into this Tribe's jurisdiction or leave this Tribe's jurisdiction for the purpose of prostitution, is guilty of pandering.
2. A person who is found guilty of pandering:
 - (a) An adult:
 - (1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a **Category A offense**.
 - (2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a **Category A offense**.
 - (b) A child:
 - (1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a **Category A offense**.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a **Category A offense**.

3. This section does not apply to the customer of a prostitute.

SECTION 201.310 Pandering: Placing spouse in brothel; penalties.

1. A person who by force, fraud, intimidation or threats, places, or procures any other person to place, his spouse in a house of prostitution or compels his spouse to lead a life of prostitution is guilty of pandering and shall be punished:

(a) Where physical force or the immediate threat of physical force is used upon the spouse, for a **Category A offense**.

(b) Where no physical force or immediate threat of physical force is used, for a **Category A offense**.

2. Upon the trial of any offense mentioned in this section, either spouse is a competent witness for or against the other spouse, with or without the other's consent, and may be compelled so to testify.

SECTION 201.320 Living from earnings of prostitute; penalty.

1. A person who knowingly accepts, receives, levies or appropriates any money or other valuable thing, without consideration, from the proceeds of any prostitute, is guilty of a **Category A offense**.

2. Any such acceptance, receipt, levy or appropriation of money or valuable thing upon any proceedings or trial for violation of this section, is presumptive evidence of lack of consideration.

SECTION 201.330 Pandering: Detaining person in brothel because of debt; penalties.

1. A person who attempts to detain another person in a disorderly house or house of prostitution because of any debt or debts the other person has contracted or is said to have contracted while living in the house is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a **Category A offense**.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a **Category A offense**.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a **Category A offense**.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a **Category A offense**.

SECTION 201.340 Pandering: Furnishing transportation; penalties.

1. A person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this TRIBE , or who aids or assists in obtaining such transportation for a person with the intent to induce, persuade, encourage, inveigle, entice or compel that person to become a prostitute or to continue to engage in prostitution is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a **Category A offense**.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a **Category A offense**.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a **Category A offense**.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a **Category A offense**.

SECTION 201.354 Engaging in prostitution or solicitation for prostitution: Penalty; exception.

1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.
2. Any person who violates subsection 1 is guilty of a **Category A offense**.

SECTION 201.358 Engaging in prostitution or solicitation for prostitution after testing positive for exposure to human immunodeficiency virus: Penalty; definition.

1. A person who:
 - (a) Violates [SECTION 201.354](#); or
 - (b) Works as a prostitute, after testing positive in a test approved by the State Board of Health for exposure to the human immunodeficiency virus and receiving notice of that fact is guilty of a **Category A offense**.
2. As used in this section, “notice” means:
 - (a) Actual notice; or
 - (b) Notice received pursuant to [SECTION 201.356](#).

SECTION 201.360 Placing person in house of prostitution; penalties.

1. A person who:
 - (a) Places another in the charge or custody of a third person with the intent that the other person engage in prostitution or who compels the other person to reside with him or with any third person for purposes of prostitution, or who compels another person to reside in a house of prostitution;
 - (b) Asks or receives any compensation, gratuity or reward, or promise thereof, for or on account of placing in a house of prostitution or elsewhere a person for the purpose of causing that person to cohabit with someone who is not the person’s spouse;
 - (c) Gives, offers or promises any compensation, gratuity or reward, to procure a person to engage in any act of prostitution in any house of prostitution, or elsewhere, against the person’s will;
 - (d) Is the spouse, parent, guardian or other legal custodian of a person under the age of 18 and permits, connives at or consents to the minor’s being or remaining in any house of prostitution;
 - (e) Lives with or accepts any earnings of a common prostitute, or entices or solicits a person to go to a house of prostitution to engage in sexual conduct with a common prostitute;
 - (f) Decoys, entices, procures or in any manner induces a person to become a prostitute or to become an inmate of a house of prostitution, for purposes of prostitution, or for purposes of employment, or for any purpose whatever, when that person does not know that the house is one of prostitution; or
 - (g) Decoys, entices, procures or in any manner induces a person, under the age of 21 years, to go into or visit, upon any pretext or for any purpose whatever, any house of ill fame or prostitution, or any room or place inhabited or frequented by any prostitute, or used for purposes of prostitution,
→ is guilty of a **Category A offense**.
2. A person who violates the provisions of subsection 1 shall be punished:
 - (a) Where physical force or the immediate threat of physical force is used upon the other person, for a **Category A offense**.
 - (b) Where no physical force or immediate threat of physical force is used, for a **Category A offense**.

SEXUAL PENETRATION OF DEAD HUMAN BODY

SECTION 201.450 Unlawful act; penalty.

1. A person who commits a sexual penetration on the dead body of a human being is guilty of a **Category A offense**.
2. For the purposes of this section, “sexual penetration” means cunnilingus, fellatio or any intrusion, however slight, of any part of a person’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including, without limitation, sexual intercourse in what would be its ordinary meaning if practiced upon the living.

SALE OF HUMAN ORGAN FOR TRANSPLANTATION

SECTION 201.460 Sale, acquisition, receipt or transfer for consideration of human organ for transplantation prohibited; penalty.

1. A person shall not knowingly sell, acquire, receive or otherwise transfer for valuable consideration any human organ for use in human transplantation.
2. As used in this section:
 - (a) "Human organ" includes the human kidney, liver, heart, lung, bone marrow and any other part of the human body except blood.
 - (b) "Valuable consideration" does not include the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control or storage of a human organ or the expenses of travel, housing and lost wages incurred by the donor in connection with the donation of a human organ.
3. Any person who violates this section is guilty of a **Category C offense**.

SEXUAL CONDUCT WITH PUPILS AND STUDENTS

SECTION 201.470 Definitions. As used in [SECTION 201.470](#) to [201.550](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 201.480](#) to [201.530](#), inclusive, have the meanings ascribed to them in those sections.

SECTION 201.500 "Public school" defined. "Tribal school" means owned and operated by the Tribe.

SECTION 201.510 "Sado-masochistic abuse" defined. "Sado-masochistic abuse" has the meaning ascribed to it in [SECTION 201.262](#).

SECTION 201.520 "Sexual conduct" defined. "Sexual conduct" means:

1. Ordinary sexual intercourse;
2. Anal intercourse;
3. Fellatio, cunnilingus or other oral-genital contact;
4. Physical contact by a person with the unclothed genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person;
5. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person;
6. Masturbation or the lewd exhibition of unclothed genitals; or
7. Sado-masochistic abuse.

SECTION 201.540 Sexual conduct between certain employees of school or volunteers at school and pupil: Penalty; exception.

1. Except as otherwise provided in subsection 4, a person who:
 - (a) Is 21 years of age or older;
 - (b) Is employed in a position of authority by a public school or tribal school or volunteering in a position of authority at a public or private school; and
 - (c) Engages in sexual conduct with a pupil who is 16 or 17 years of age and who is enrolled in or attending the public school or private school at which the person is employed or volunteering,
→ is guilty of a **Category A offense**.
2. Except as otherwise provided in subsection 4, a person who:
 - (a) Is 21 years of age or older;
 - (b) Is employed in a position of authority by a public school or tribal school or volunteering in a position of authority at a public or private school; and
 - (c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and who is enrolled in or attending the public school or private school at which the person is employed or volunteering,
→ is guilty of a **Category A offense**.

3. For the purposes of subsections 1 and 2, a person shall be deemed to be employed in a position of authority by a public school or private school or deemed to be volunteering in a position of authority at a public or private school if the person is employed or volunteering as:
 - (a) A teacher or instructor;
 - (b) An administrator;
 - (c) A head or assistant coach; or
 - (d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.
4. The provisions of this section do not apply to a person who is married to the pupil.

LURING CHILDREN OR MENTALLY ILL PERSONS

SECTION 201.560 Definitions; exceptions; penalties.

1. Except as otherwise provided in subsection 3, a person shall not knowingly contact or communicate with or attempt to contact or communicate with a child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure or transport the child away from his home or from any location known to his parent or guardian or other person legally responsible for the child to a place other than where the child is located, for any purpose:
 - (a) Without the express consent of the parent or guardian or other person legally responsible for the child; and
 - (b) With the intent to avoid the consent of the parent or guardian or other person legally responsible for the child.
2. Except as otherwise provided in subsection 3, a person shall not knowingly contact or communicate with a mentally ill person with the intent to persuade, lure or transport the mentally ill person away from his home or from any location known to any person legally responsible for the mentally ill person to a place other than where the mentally ill person is located:
 - (a) For any purpose that a reasonable person under the circumstances would know would endanger the health, safety or welfare of the mentally ill person;
 - (b) Without the express consent of the person legally responsible for the mentally ill person; and
 - (c) With the intent to avoid the consent of the person legally responsible for the mentally ill person.
3. The provisions of this section do not apply if the contact or communication is made or attempted with the intent to prevent imminent bodily, emotional or psychological harm to the child or mentally ill person.
4. A person who violates or attempts to violate the provisions of this section through the use of a computer, system or network:
 - (a) With the intent to engage in sexual conduct with the child or mentally ill person or to cause the child or mentally ill person to engage in sexual conduct, is guilty of a **Category A offense**;
 - (b) By providing the child or mentally ill person with material that is harmful to minors or requesting the child or mentally ill person to provide the person with material that is harmful to minors, is guilty of a **Category A offense**.
5. A person who violates or attempts to violate the provisions of this section in a manner other than through the use of a computer, system or network:
 - (a) With the intent to engage in sexual conduct with the child or mentally ill person or to cause the child or mentally ill person to engage in sexual conduct, is guilty of a **Category A offense**;
 - (b) By providing the child or mentally ill person with material that is harmful to minors or requesting the child or mentally ill person to provide the person with material that is harmful to minors, is guilty of a **Category A offense**.
6. As used in this section:
 - (a) "Computer" has the meaning ascribed to it in [SECTION 205.4735](#).
 - (b) "Harmful to minors" has the meaning ascribed to it in [SECTION 201.257](#).
 - (c) "Material" means anything that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or in any other manner.
 - (d) "Mentally ill person" means a person who has any mental dysfunction leading to impaired ability to maintain himself and to function effectively in his life situation without external support.
 - (e) "Network" has the meaning ascribed to it in [SECTION 205.4745](#).

- (f) "Sexual conduct" has the meaning ascribed to it in [SECTION 201.520](#).
- (g) "System" has the meaning ascribed to it in [SECTION 205.476](#).