

# 10



presents

*Adulthood 101,  
Independence, & You*



**Criminal Laws,  
Consequences, & You**

*This edition of 'Adulthood 101, Independence, & You' is presented by*



Project REAL thanks the Nevada Bar Foundation & the Clark County Local Law Enforcement Advisory Committee for making this edition of *Adulthood 101, Independence & You* possible.

*This print-run also includes these topic-specific sponsorships which we are incredibly grateful for*

### **Education & College Readiness**

is partially sponsored by



### **Health & Self-Care**

is partially sponsored by



### **The Basics of Law**

are entirely sponsored by



Edward Byrne Memorial  
Justice Assistance Grant

### **Legal Themes & Theories**

are partially sponsored by



The Attorney Admissions Fund  
(Nevada)

*Finally, we also wish to thank our other supporters whose contributions help to sustain this and other projects of ours.*

**This edition of *Adulthood 101, Independence, & You* was developed while Project REAL was hosted by**  
Kamer, Zucker, & Abbott | Mace J. Yampolsky Esq | The National Judicial College

*We graciously thank all 3 hosts for providing us with space to work from and their ongoing support.*

With support from these donors, other organizations, and individuals, Project REAL is able to provide our resources at no cost to tens of thousands of Nevadan students each year.

# Adulting 101, Independence, & You

## A Guide To Navigating Life & The Law As A Newly Independent Adult

### Inspired By & Adapted From

‘Now You’re 18’  
A program and publication produced by  
the Washoe County Bar Association

*and*

‘The Inside Story for Young Adults’  
Produced and printed by  
Project REAL

### Plotting, Drafting, Adaptation, & Senior Editing

Mike Kamer, Executive Director, Project REAL

### Research, Development, & Editing Contributions

Brittany Bones, Clarence Coakley, Marcello Coluccio, Tiffany Fraizer,  
Dorothy Hassey, Mike Kamer, Katelyn King, Elissa Lafranconi, Jannie Nigoza, Isaiah Ogata,  
Monica Ortega, Jessica Plummer, Monica Roberts, Vernita ‘Kayla’ Webb, & Charmaine Wilcox

### Rewrites, Fact-Checking, & Copy Editing

Alex Zenz

### Graphic Design

Benny van der Wal, Light Keeper

### Acknowledgement

This book is an adaptation of ‘The Inside Story for Young Adults’, a publication which was originally created by the Washoe County Bar Foundation as part of their Now You’re 18 program, then printed and produced by Project REAL with their permission.

This new publication would not be possible were it not for the work of Washoe County Bar Foundation, and Project REAL would like to thank them for their work facilitating academic success and participatory citizenship among Nevada’s newest adults

### A Very Special Thank You To Our Many Fact Checkers

### Additional Recognition

This publication is dedicated to the students and lawmakers that participated in the 2017 Nevada Youth Legislature. Their work on 2017’s SB108 is paving the way for standardized law education in Nevada and across the nation. For this great deed and accomplishment, we recognize & thank them with the utmost sincerity.

This guide was originally developed between May 20, 2016 and April 10, 2022. It was only completed thanks to a foundational grant from United Way of Southern Nevada. That generosity and support helped us turn six years of research and development into a vital resource that now empowers countless young adults each year.

© 2022 by Project REAL

## About Project REAL

**Project REAL** reduces crime, protects students' futures, and makes Nevada safer for everyone by engaging them in conversations about laws and the consequences of breaking them, and their constitutional rights and how to exercise them. This work empowers young Nevadans to create the lives they want for themselves.

Justice is rooted in knowledge, and our work brings more fairness and justice into the lives of the people we reach. That is why we ensure all of our resources are available at no cost to the schools, families, and individuals in Nevada who wish to use them.

**Project REAL** helps the students of Nevada to become the greatest versions of themselves with respect for the law through unique activities and educational resources that engage them in critical thinking about citizenship, selfless action, democracy, and the law.

Our program helps to ensure that Nevada is populated by residents who respect the law, contribute to their community, and work to create a world they are proud to call home. By fostering actions of mutual respect and selflessness, and by encouraging commitments to local communities, we contribute to a safer world for us all.

## Our History

This book - and the many other Project REAL activities and publications that have preceded it - would not have been possible were it not for the vision, generous support, and championing of Irwin Molasky and Project REAL's other founders.

Since 2004, Project REAL has been teaching the students of Nevada about the law and their rights. Project REAL was founded to ensure that the young residents of Nevada have consistent access to informative and empowering law related education. Because of Project REAL, Nevada's students are and shall remain safer, wiser, and more informed members of the communities they live in.

## Continued Support

This book is yours to keep. It's been designed specifically for young people between the ages of 18 – 25. During those years, life is going to come at you *quickly* and you'll find yourself dealing with mundane but super important stuff. The Olds and Millennials refer to this as '*adulthood*'. You might still call it that too.

Adulthood is going to get a bit exhausting.

The older you get, the more there is to do, and the more there is that you'll just be expected to know and act on. All of those new expectations? That additional weight isn't exactly easy to carry. We know. We've been there. We are STILL there, and we can relate. [That's why we're here to help!](https://projectrealnv.org/adulthood)

The team that put this together may not always be around, but Project REAL will be. While our team won't be able to directly offer legal advice or answer questions about specific legal matters, we can - and will - connect you with organizations and resources that may be able to help. If you'd like assistance finding more information about a topic in this guide, please don't hesitate to reach out. Additionally, we will provide ongoing support, videos, additional tools, and more. Follow along as this resource grows:

<https://projectrealnv.org/adulthood>

## About The Law

Project REAL’s staff and volunteers worked extensively to research all of the *Adulting 101* content we created for you. We’ve ensured that the information provided herein is accurate, true, and up-to-date at the time of publication (with this third edition being finalized in April 2024). While the content will introduce you to key concepts, rights, responsibilities, and laws which you are likely to encounter as an adult, it is neither an encyclopedia nor replacement for sound legal advice. What it *has* been designed as is a starting point: a tool that can empower you if you use it.

Whether you make Nevada your home or move out of the state, be sure to research your rights and the local laws in the community you call home. This edition was written for young adults in Nevada, so some of the laws and policies we explain are likely to be different in other communities. Remaining up to date and knowledgeable of your rights will only help you in the long run, and potentially protect you from being scammed or taken advantage of.

In each state, laws can vary greatly, especially when it comes to issues like immigration, civil law (ie tenant rights), and gun rights. Should you find yourself living outside of Nevada, be sure to familiarize yourself with local laws and statutes as they may be different from the ones detailed in this manual.

## About This Book

*Adulting 101, Independence, & You* has been designed to help you understand laws and scenarios which tend to be the greatest sources of confusion or legal challenges among 18-25 year olds. While you will have a greater chance at a successful life and a better opportunity to protect your interests if you know the basics contained in this publication, should you ever find yourself wondering ‘Is that legal?’ or ‘Could I sue that person?’, we highly advise that you consult an attorney.

This content was created by Project REAL, a nonprofit organization that serves the students of Nevada. While most companies exist to make money, nonprofits work to spend money in ways that make the world a better place. The funding for this project came from donations made by companies, government agencies, and people just like you.

We work tirelessly to put as many physical copies of this content as we can each year into the hands of Nevadans, and we do that all for free. When we run out of guides, we have other tools that help young Nevadans find and remain connected to digital editions of the content. We’re happy to do that, but we can only print and distribute a limited amount of material each year based on the volume of donations we receive.

This publication is particularly unique – we’re giving it to you yet asking you **NOT** to read it...not immediately at least! Instead, please hold on to it, and maybe tuck it away with your yearbooks. It’s yours to keep and read when you find a need for it in your life. We’ve invested a lot in making this possible. Given that, we *hope* you will treat this guide carefully and with respect while it is in your possession. If you do, we believe you will ultimately find the content inside to be highly informative and (perhaps more importantly) very rewarding: you **WILL** have an advantage over many other 18 – 25 year old young adults.

Good luck out in the world, and welcome to life as an independent adult.

Free digital copies of this guide and access to other resources are available on our website.



<https://projectrealnv.org/adulting>

## **This Is Not Legal Advice**

This publication is intended to be informational only.  
The information in this book is not intended as legal advice.

**No legal advice is being given.**

If you are facing legal issues, whether criminal or civil,  
seek professional legal counsel to get your question answered.

**This book is not a replacement for legal advice:**

Instead, *Adulthood 101, Independence, & You* is designed to be a first-step when readers seek out guidance when it comes to questions about everyday matters of adult life, including legal matters.

Rather than serving as an index of laws and a guide to applying them,  
this content can aid the reader in understanding how laws might  
apply to many different situations they may encounter  
while living as successful and independent adults.

**To be 100% clear:**

**If you ever find yourself in a situation where your life is intersecting with the law,  
we highly encourage you to seek the advice and services of a licensed and practicing attorney.**

You should also keep in mind that laws are ever-changing.  
Each year many new state and federal laws are created, while some existing ones are repealed.

**Given the ever-changing landscape of laws in the United States,  
we implore you to contact an attorney if you ever find yourself  
with specific questions related to a legal matter in your life.**

On a final note, we are committed to maintaining this guide with up-to-date information.  
We will update the digital version of this text regularly as the laws continue to change.  
You can always download the most up-to-date version we have available from our website.

On our site, we've dedicated a page specific to this guide where you'll find the digital copy.  
Once there, you'll also be able to access a number of other links & resources you may find helpful  
That page, and all the resources it contains, can be found here:

<https://projectrealnv.org/adulthood>



**SECTION 10**  
**Criminal Laws,**  
**Consequences, & You**

# CRIME: Persons, Property, & Public Welfare

## The Reality of Common Crimes

**WARNING:** *Depending on the state you are in, if law enforcement asks your name, birth-date, and/or address, you may be required to truthfully provide this information or risk being detained and other legal consequence.*

### **Youthful Error No More: Adults & The Law**

As someone who belongs to the age of majority, your day to day decisions will be evaluated more critically in the eyes of the law. Before doing something rash, you will really want to consider the legal and lifelong consequences of your choices. Think about the fact that if you fall asleep at the wheel and someone dies, you could face criminal charges even though you weren't drinking or doing anything intentional. If you start a campfire that ignites a wildfire on accident, you may end up in jail depending on what happens as the fire spreads. Those scenarios don't even begin to cover 'regrettable moments in the lives of teens and twenty-somethings'.

Whether it is as small as a traffic citation for going 5 miles over the speed-limit or a full-blown felony like running someone over, after turning 18 you will be tried as an adult. Being tried as an adult means that you are subject to the fullest extent of the law, or eligible for the maximum level of punishment. It is of the utmost importance that you are aware of how to conduct yourself (within the context of the law), as well as to know which laws apply to you based on where you live.

### **You're Not a Common Criminal...Right?**

Why should you need to learn about the consequences of crimes like breaking into a house and stealing something, jumping someone on the street, stealing a car, drug dealing, and murder – you'd never do anything like that, right?

There are a number of activities you might engage in while exploring your new independence that you may be surprised to learn are actually criminal. Maybe you'll make a poor decision. Perhaps you'll be in the wrong place at the wrong time. You might just get caught doing something you didn't realize was a crime!

Whatever the case may be, as an adult the penalties of getting caught up in these situations are severe. This next section will discuss common crimes like theft, violence, and destructive activities and some situations you may find yourself in that put you in legal peril. You may think of yourself as a good person, but that doesn't mean you know everything. Take some time to learn these subjects as well as the other ones in this guide that you've found interesting so far.

Any number of everyday normal activities that you wouldn't consider criminal might land you in jail even if you mean to be a law abiding citizen. That is not meant to be a jarring, terrifying fact, and it isn't presented to scare you. There is no need to fear opening the door and leaving your home for fear of getting arrested.

You don't need to be afraid of being jailed for going out into the world and living your life. Instead, that statement should represent a simple reminder to think before you act. It's that simple! As you go off to college or enter the workforce and move out on your own, just ask yourself 'Could this thing I'm about to do somehow be criminal?' If the answer is yes, then you obviously may want to rethink things.

It's not all that hard to find news stories about spring breakers charged with threatening an endangered species because they did something silly and thoughtless. Certainly you've seen stories on the news about college kids being charged with criminal negligence after a friend was accidentally maimed by 'kind-of-legal' fireworks. Maybe you have a friend who's an ambitious photography student that was charged with trespassing after taking pictures at an abandoned site.

These are just a few examples of young adults living their lives that got in trouble because they failed to think before acting. Perhaps it would've helped if they had asked themselves 'could this be classified as a crime somehow?' As you enter the world as an independent adult, you'll at least have tools those young people didn't have to help you with your decision making process.





### **An Arrest Isn't the End!**

We will repeat this a few more times throughout this publication, because it is vital that you keep it in your mind, take it to heart, and never forget it: **An Arrest Isn't the End of Your Life!**

According to the Brennan Center for Justice, nearly one in three Americans will be arrested during their lifetimes. We're not saying that 1/3 Americans having an arrest record is a shining example of justice, nor are we saying it's fair. There are clearly *major* systemic problems with the American judicial system. Still, the idea of being arrested can be terrifying: Will this make it hard to get a job? Will it lead to years-long prison sentences? What happens next?

We get more into handling the specific situation of being arrested in section 11, but as you explore the next few pages, just know that for most first time low-level offenders (or people that accept plea deals and face consequences even when pleading no contest), there are options including processes like alternative sentencing, criminal specialty courts, and drug courts that are specifically designed to give people opportunities to have a life after arrest – and productive ones at that. With that being said, we hope you read these next few pages carefully and attentively.

### **Ignorance of the Law is Not an Excuse for Breaking It**

Not everyone becomes an adult and thinks “Alright World: Let's do this!” Some people look for easy ways to just get what they want out of the world. Others grow up in challenging situations that lead them to believe they are destined to end up in jail, so they live a life of crime out of hopelessness. What about you though?

As this guide has explained a number of times already, ignorance of the law is not an excuse for breaking the law. As a minor you may have had some leeway with the courts, but once you reach the age of majority you are expected to play by the rules laid out by the law whether you know them or not.

Perhaps you'll be in the wrong place at the wrong time and falsely accused. Maybe you'll make an honest mistake about something without realizing the act is criminal. Either way, it helps to understand what some common crimes are and the penalties you may face if you're charged with them.

Do you know the difference between manslaughter and murder? Can you explain why one action would be robbery and another would be burglary? Could borrowing money from a cash register at work get you charged with: embezzling, theft, fraud, or might it actually be permissible?

Thinking about your actions in terms of how crimes are classified is just a first step to avoiding breaking the law. Understanding how certain crimes are defined and thinking about your actions in those terms can help as the lines between right and wrong start to blur. Though hopefully you will never find yourself in this situation, knowing what charges you're facing will also be helpful if you ever need to seek out legal representation.

### **Just a bit about Jurisdiction**

The next few pages will discuss crimes within the context of law, and specifically, within the context of Nevada state laws. That's just one jurisdiction of criminal law you should be aware of.

**Jurisdiction** is a power and authority to make and enforce decisions with regards to law. Nevada has jurisdiction over events that violate the state's laws. Federal courts and law enforcement have jurisdiction over Federal laws.

We'll explain a bit about federal crimes, but in most cases state laws are crimes committed within a state's borders and that affect a locally community exclusively, whereas federal laws either involve multiple states or impact a more national sense of community. For example, terrorist attacks are generally going to be considered federal crimes since they are meant to terrorize a way of life, not just a small community. A drunk driver causing an accident in a community is more likely to be charged with committing a state offense.

As with all matter relating to the law though – including the examples given above - no situation is 100% set in stone.

It will always depend on the specific circumstances. A murder in most of Nevada would generally be a state issue, however if it took place in the Lake Mead National Recreation Area, it would fall under federal jurisdiction.

Keep these complexities of law in mind as you explore the next few pages, and remember this is a guide to provide you with a general understanding of law, not a detailed instructional legal encyclopedia.

# Crime Classification & Consequences

## Classifying Crime

Nevada law breaks down the majority of crimes you think of into two categories: crimes against people and crimes against property. **Crimes against people** are activities like harassment, stalking, assault, and murder. **Crimes against property** are activities like shoplifting, identity theft, or arson.

Seems easy to not be a ‘bad person’, right? Don’t hurt people and don’t steal or destroy other people’s stuff, and you can stay out of jail! Ok, now you can skip this section (not really though...).

What about things like trespassing, drug dealing, or corporate crime? Nevada law lists these crimes in a number of ways. There are other sections of the Nevada Revised Statutes with titles like crimes against public decency, against public health & safety, against justice, and even a ‘miscellaneous’ section!

**Crimes against public welfare** are crimes that aren’t directly against property or people. **Statutory crimes** are crimes are when statutes that regulate any number of behaviors or resources are violated, and most of these can be argued as being ‘crimes against public welfare’. These can include crimes like reckless driving, possession of illegal drugs, indecent exposure, or being a public nuisance.

One other type of crime to be aware of is **inchoate crime**. Inchoate crimes are activities that were started and would have been crimes if they had been completed, but the crime being attempted didn’t take place due to some type of interfering circumstance. An example of this is when someone attempts to purchase sex or drugs from an undercover officer. Many attempted crimes against property, people, and even public welfare can all end up being charged when these incidents are suspected of having been criminal violations of law.

If you were looking for tools for good decision making as an independent adult and you consider about your actions along the lines of ‘don’t hurt people, things, or the community’, then everything should be fine and you can skip this section, right?

Yeah... but no.

## Consequences of Crimes

Compared to the rest of this guide, the next few pages are really more of an index of criminal consequences rather than the narrative-driven explanations about laws your life is likely to intersect with.

We’re not expecting you to read the next three pages in any kind of order. We’re about to explore various ways you might unexpectedly or suddenly find yourself in a situation dealing with criminal law. Given that, we encourage you to skim these definitions before diving into all of that, and to flip back this way if you have questions about possible punishments in some of the examples we provide throughout the remainder of this section.

## Federal Crimes, & The Value of The Next Few Pages

Federal crimes can be crimes which involve multiple states, federal property, or unique factors which make the crime one of national interest. Whether a crime is considered a federal crime, a state crime, or both depends on **jurisdiction**.

For example, possession of marijuana became legal under Nevada state law on January 1, 2017. If – at the age of 21 - a police officer were to pull you over and you had one ounce or less of marijuana on you, the officer would let you go and allow you to keep the marijuana. (If you’re under 21 in Nevada and this happens, you may end up with a misdemeanor.)

If however you were pulled over by a park ranger in Death Valley, you may be faced with federal charges for possession – all because you were in a national park which is considered federal land. While federal enforcement of minor marijuana possession may be less vigorously than it once was, this example is meant to illustrate for you how having a general understanding of how criminal laws work in the United States can help you spot unnecessary risks and avoidable situations that could have some pretty challenging consequences based on the decisions you make.

## What Even is ‘Crime’?

A crime is an act or omission forbidden by law and punishable upon conviction by death, imprisonment, fine or other penal discipline. Every crime which may be punished by death or by imprisonment in the state prison is a felony.

## Civil Infractions & Misdemeanors

Adults (18 years and above) can be convicted of three levels of crimes in Nevada. Before we get into crimes though, you should be aware of **civil infractions** that you can be legally liable for once you reach the age of 18. These are violations of laws that don’t amount to crimes that include jail time. Tickets for speeding and noise violations are examples of civil infractions.

Crimes with the least (but still significant) consequences are called **misdemeanors**. Conviction of a misdemeanor in Nevada can result in jail for up to six months, supervised release conditions that can last up to three years in some cases, and fines of up to \$1000.

If misdemeanors are the level of crime with the lowest amounts of punishment, **gross misdemeanors** are kind of mid-level crimes. These have higher consequences than ‘general’ misdemeanors, and can land you in jail for up to a year, on probation for up to three years, or burden you with a fine of up to \$2000.

In Nevada, most misdemeanors are considered to be **petty offenses**. These are crimes for which a trial by jury is not guaranteed to the defendant, and can on occasion include violent crime like domestic violence (though the laws in Nevada have been undergoing changes on this particular matter between 2011-2022, when the first edition of this guide was being created).



### Jails

At this point, you should understand the difference between jail and prison. **Jails** are facilities that house defendants that have been charged with crimes and are awaiting trial, and people that have been convicted of low level crimes (misdemeanors and gross misdemeanors).

In America, defendants are presumed to be innocent until proven guilty, and therefore shouldn't be jailed without being convicted. The problem is that the court wants to know that if someone is accused of a crime, that they'll also return to court for the court proceedings related to their case. Some judges will provide a defendant with an **own recognizance release**, or **O.R. release**. This means the defendant is free to leave the jail and courthouse, so long as they promise to return to court for any matters relating to their case.

If the judge doesn't feel comfortable awarding an O.R. release, they can also choose to allow the defendant to **post bond**. This is when someone puts up a sum of money so significant to them that it is highly unlikely they will not return to court when they are supposed to. Often times, the bail will be set higher than a person can afford on their own, which is where **bail bonds** suppliers come into play.

Bail bond suppliers are generally for-profit businesses that loan people enough money to cover their bail, and charge a fee for that service. People that take out a bond and then do not show up to court typically have a **bench warrant** issued. This is what allows law enforcement to arrest people that have skipped their court dates, and return them to court so their case may proceed.

People that skip out after taking out bail bonds can be captured by private agents of the bail bond companies. These people are known as **bounty hunters**, though these days they prefer the terms **bail enforcement agents** or **fugitive recovery agents** (unless they're filming a reality TV show).

Because of the agreements signed by the people taking out the bail bond initially (and a famous Supreme Court case from 1873 known as Taylor v. Taintor), bounty hunters aren't required to abide by the same kinds of rules as police (for example, they don't need a warrant to enter the home of the person they're tracking down). By returning the person who skipped out on bail, they recover the bond money from the court (and the person that skipped out usually won't be given the opportunity to bail out of jail again).

## Prisons & Penalties

Understanding that jails in Nevada are used for imprisonment of terms under 1 year and for detaining people before court if they are not released before being bailed out, that means prisons generally handle the rest:

**Prisons** are detention centers that house people that have been convicted of felonies or that have pled guilty to felonies, after they have been assigned a punishment by the court. **Felonies** carry the most significant consequences and generally result in people going to prison.

A felony is the most serious crime a person can be charged with in both state and federal courts. Typically, felonies require a minimum punishment of at least 1 year in jail. It is important to know however that judges may have discretion depending on the offense, in which case he or she may put the convicted individual on a period of probation in lieu of the minimum sentence. Not only is this an exception to the rule, it should be considered more of a 'best case scenario' and not a standard practice, as there is no guarantee a judge will choose to utilize their discretionary powers.

Felonies that are not life-sentences may include probation periods of up to five years. The fines attached to felonies range can go well beyond a few thousands of dollars as well. A felony also remains on your record for years, and can cost you good jobs. Nevada punishes felonies severely, with many felonies qualifying for life sentences as a possible punishment for people convicted of committing them.

**Additional Penalties** - In certain circumstances, additional penalties may be issued based on when, where, how, upon whom, and or why a crime is committed.

For example, there are additional penalties for violence committed due to a victim's race, crimes committed on the grounds of a school, and crimes which victimize people who are 60 years old or older. Driver's licenses can be revoked as punishment for certain crimes involving vehicles. Hate crimes and sex crimes are other situations where unique and different penalties can be assigned to a guilty party. We discussed some of these situations already, and we provide a few additional examples towards the end of this section as well.

## Misdemeanor? Felony? It Depends...

Some non-violent theft offenses can be gross misdemeanors or felonies. That decision is not made until sentencing. They are called "**wobblers**." It is up to the Judge whether the person faces felony or gross misdemeanor penalties.

All theft-related convictions in Nevada require the court to order repayment to the victim for his losses from the crime. The repayment is called **restitution**. Restitution will also be ordered in cases where a victim requires medical treatment, or where children have to be removed by Social Services.

*Nevada actually has several habitual criminal statutes. A declaration at sentencing that a person is a habitual criminal (a person who has been previously convicted multiple times, depending on the statute) exposes the person to much greater punishment than the crime for which she is being sentenced. A person with prior conviction for serious felonies could face a sentence of life in prison. All that being said, even some misdemeanors can be counted for the fraud-type habitual criminal.*

If you thought shoplifting was a prank as a juvenile, get over it. Now, you know it can ruin your life as an adult.

## Felonies

Nevada has 5 categories of felonies; however, 4 of them share a similar punishment structure. As outlined in Nevada's Revised Statutes, "Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed."

**Category A Felony** – This type of felony is one which a person may be sentenced to death (a punishment commonly referred to as the **death penalty**) or life without the possibility of parole. Category A felonies for which the death sentence may be prescribed are also known as **capital offenses**.

**Category B Felony** - Category B felonies are crimes which can be punished with a range of sentences deepening on the specific crime. Minimum sentences can range between 1-6 years, and maximum sentences for certain Category B felonies can run up to 20 years in Nevada.

**Category C Felony** - In Nevada, being convicted of a category C felony can result in at least 1 year in prison but no more than 5 years, and / or a fine of up to \$10,000. Depending on the situation, some Category C felonies will be probationable (meaning you can potentially be assigned probation for a Category C Felony conviction).

**Category D Felony** - A category D felony conviction in Nevada will result in a sentence of 1-4 years in state prison and / or a fine up to \$5,000.

**Category E Felony** - Similar to a category D conviction, the only difference between a category D conviction and a category E conviction in Nevada is that the E conviction does not carry a fine. Some drug related Category E felonies may be dismissible for first time offenders, if they complete certain requirements assigned by the court.

# TYPE ONE: Crimes Against People

## Crimes of Pain & Violence

### Murder or Manslaughter?

You would never have to worry about facing these charges, right? **Murder** is the unlawful killing of a human being with malice, or the responsibility for the death of a child (someone 18 years old or younger) due to their being in an environment where controlled substances other than marijuana are being consumed or distributed. How might this affect you?

Let's say you have a child that lives with you and a roommate to help keep your bills affordable, and that you know that roommate sells some of their prescription medications to make money on the side. One day, a 'customer' tries to rob your roommate during a deal in your home, a gun goes off in the process, and the stray bullet hits your child. It is possible that both you and your roommate could be charged with the murder of your child. Whether you are accused of first or second degree murder, you will be facing a Category A felony.

So, don't allow roommates to sell drugs if you ever have a child... check✓

What about manslaughter though? There are actually two types of manslaughter: voluntary manslaughter and involuntary manslaughter. **Involuntary manslaughter** is when a human being is killed by another without any intent to do so but when their actions that resulted in the death were either unlawful or likely to come to an unlawful end.

For example, if without being certain it was out you left a campfire that produced a wildfire which resulted in someone dying, you would be guilty of involuntary manslaughter and would face being charged with a Category D felony.

Suppose you fall asleep at the wheel or you are texting while driving when suddenly you hit another vehicle. If the passenger in the other vehicle died you might be thinking you would face involuntary manslaughter charges, but that's not the case.

When people are killed by vehicles, the person responsible is guilty of **vehicular manslaughter**, a misdemeanor. If the person responsible for the death in this scenario was under the influence of drugs or alcohol, they would be charged with **DUI Causing Injury or Death** - a class B felony in Nevada.

**Voluntary manslaughter** is when someone intends to kill the person immediately following an intense and volatile situation. It may help to think of it in terms of revenge is to murder what reaction is to voluntary manslaughter.

Imagine you are at a party and a fight breaks out. After someone punches your friend in the face, they get infuriated and respond by beating their assailant until that person is no longer moving. If it turns out the original assailant had died, your friend *could* face charges of voluntary manslaughter.

Now imagine a similar situation your friend steps outside, grabs a baseball bat from their car, and beats the original assailant to death. In this scenario, your friend would be facing a murder charge, since they had time to step away from the situation and reconsider their actions (no matter how brief that time may have been).

A major factor to consider with voluntary manslaughter is domestic violence. A 2017 report from the Centers for Disease Control and Prevention showed that more than half of female homicides were cases in which domestic violence was a known factor. As was explained earlier, domestic violence is more than the myths. Men and women can be considered to be aggressors depending on the situation.

While there are laws about self-defense which can protect victims that kill their assailants, those victims may also end up facing charges of voluntary or involuntary manslaughter. Those charges would be pressed if they were suspected of being equal participants in a situation that results in the death of one of the participants (in situations that don't result in a death, physical fights between two people may be referred to as **mutual battery**).





### Assault, Battery, or Self Defense?

Maybe you're a great student that would never start a fight, or you've heard about a fight at school where the kids were suspended and thought 'Oh wow, that could never be me!' What if you were out and about and someone tried to rob you, or someone attacked you and you tried to defend yourself? Can you still be charged? The answer may surprise you.

Assault, battery, assault and battery, assault with a deadly weapon, or self-defense.... These are all phrases you might hear on crime shows that sound the same, and many of those shows may not use the terms properly (TV and movies don't always focus on accuracy so much as entertainment after all). Before getting into how you might find these common crimes (and in once instance, a legal defense for certain actions) present in your life, it may help to understand the difference between them.

**Assault** is the unlawful *attempt* to use force against another person in a way that intentionally leads them to believe they will be harmed. **Battery** is the *actual* unlawful use of force or violence by an aggressor upon a recipient of that violence.

*If someone even prepares to swing at you violently by pulling their arm back, but fails to land a punch, they've committed assault and are guilty of a misdemeanor. Assault is about causing a reasonable person to feel threatened; it's not like the earlier explained inchoate crimes, where something isn't completed.*

If that attempted punch were to connect and hit you, your assailant may be guilty of a misdemeanor. If instead of punching you, they shot you or strangled you, your assailant would be guilty of a felony. Similarly, if you were shot at but the person missed your assailant would be guilty of **assault with a deadly weapon**.

**Self-defense** definitions vary by state, but in Nevada appropriate self-defense occurs when a person batters, injures, or kills another person when they have a reasonable belief of immediate harm, and only inflict enough force to end the situation. An excessive use of force may result in charges of manslaughter or murder. An important caveat here is that you may act as a Good Samaritan in the defense of someone else to stop a violent situation. Just because you can though, doesn't mean that should be your first choice.

Imagine you're out with friends and a fight breaks out. Yes, we are using this scenario again, but with good reason – many early teens and people in their early twenties mistake the consequences of school yard scuffles as 'the norm'. The reality is those people will discover that 'jail is the new detention'. Fighting as an adult will get you arrested and jailed. So, if you *are* out with friends and a fight breaks out, your best bet may be to call the police and (if possible) seek out a security guard or someone nearby whose job it is to prevent these conflicts. This way, rather than risking being charged with battery because you felt like playing hero and breaking up a fight, you've done everything you can to resolve the situation *without* exposing yourself to risks that could result in criminal charges.

# TYPE TWO: Crimes Against Property

There's a Dollar Value For That...

## Robbery, Burglary, Larceny or Theft?

Think about these phrases:

- I was robbed by a mugger.
- A burglar is trying to get in to my home.
- Grand Theft Auto: great game, poor life choice.
- I've been the victim of a theft.

Until you've had to deal with them directly, crimes involving stealing can all seem the same. There's a lot of ways to describe the act of one person taking the property of another. When it comes to the law though, these words and phrases have distinct meanings and represent different classifications of crimes against property. Under Nevada law...

**Robbery** is when a person takes the property of another person by threat or force, and is a category B felony.

**Larceny** is the crime of taking someone's property without their consent. The charges for larceny can range from a misdemeanor (if the property is worth less than \$650) to a category B felony.

**Burglary** is when a person enters a property to commit a crime, like stealing someone else's property or even just to fight the person that lives there, and is a category B felony.

**Theft** is when someone controls or handles the property or resources of someone else without lawful authority to do so, and can bring charges ranging from a misdemeanor to a category B felony depending on the circumstances.

These terms can still be a little confusing since the crimes are so similar. For example, if you own a small store and someone shoplifts a few candy bars on their way out, you've been the victim of larceny and possibly theft, but if you were mugged on the street you would be the victim of robbery.

It may seem simple once you have an understanding of the legal definitions of these terms, but the law has too many definitions to provide a full review of these types of crimes. Consider that if you had property stolen from inside your car it would be considered burglary, but if your car was stolen it would be considered **grand larceny of a motor vehicle**. Here are just a few other similar crimes in Nevada that have their own unique classifications or penalties:

- Invasion of the home
- Burglary with explosives
- Petit larceny
- Grand larceny of an animal
- Grand larceny of firearm
- Participation in organized retail theft
- Unlawful use of television signals
- Wrongful possession of cars used in retail stores



### **Fraud, Embezzling, Counterfeiting, & Identity Theft**

At first glance fraud, embezzling, counterfeiting, and identity theft may not seem like they should be bunched together. When most people hear fraud and embezzling they're likely to think 'Wall Street' while counterfeiting and identity theft often get lumped together as 'internet crimes'. All of these activities do have a unifying theme though - they all involve deception.

You may think of **embezzlement** as just stealing that's done by corrupt company executives – the kind of thing you hear about on the news. Nevada defines embezzlement as a form of theft that involves any kind of person that intentionally mishandles transactions, and the state punishes these crimes on the same scale as those outlined for larceny (a theft of \$650 or less is considered a misdemeanor and higher amounts can be considered category B felonies). A gas station employee stealing from a register could be as equally guilty of embezzlement as a financial advisor that takes money from their clients for personal use.

The state of Nevada considers **fraud** to be an act in which any kind of good, right, or service, is misrepresented by one person with the intent to deceive another. Fraud can take many forms. Over-estimating the value of goods taken from your home in an insurance claim would be one example of fraud. Selling your used car to someone and failing to tell them about a mechanical problem you're aware of could be another example of fraud. Fraud is a unique case of law because it can be used to label one person's 'little white lie' as a crime (a gross misdemeanor to be precise).

Two fraudulent activities that newly independent adults should consider the consequences of are lying on credit applications, and lying on job applications.

Things can spiral quickly out of control and that could actually land someone in jail. If you lie on your application to work in a pool about CPR certification and someone dies, you could be charged with fraud (and possibly manslaughter). If you lie on a credit application and quickly accrue a large sum of debt, you may quickly find yourself facing credit card fraud charges.

Similar to fraud is writing a bad check, which falls under 'Forgery, Counterfeiting, and Issuance of Check or Draft with Intent to Defraud'. **Counterfeiting** and **forgery** are both used to describe falsified creations meant to deceive others for criminal purposes. Examples of this include creating a fake work of art to sell, falsifying a document to get some kind of benefit, or creating fake money.

While forging your parents signature on a permission slip in high school may have only landed you in detention, forging their signatures on a credit application as a 'co-signer' may be prosecuted as a category D felony in Nevada. Imagine that: one signature you falsify for a bit of convenience and some extra spending power could cost you 4 years in prison and a \$5,000 fine.

Bad checks might be one of the easiest ways in which someone could unintentionally end up being charged with a crime. A **bounced check** is a check that cannot be redeemed for its value because the account which it is meant to draw money from does not have enough funds to cover the amount the check was written for. Nevada Revised Statutes defines writing a bad check as when 'a person who willfully, with an intent to defraud, draws or passes a check'.





### Crimes Against Property & You

While these all may seem like activities you would never engage in and you may not have a criminal bone in your body, a lot of behaviors you may have thought to be no big deal could land you in serious jeopardy. If you're not careful as an adult you could quickly find yourself embroiled in a criminal matter without realizing it.

Consider how easy it would be to accidentally bounce a check. While debit and credit cards typically withdraw the amounts being charged instantly or within a few days, checks can be cashed days, weeks, or even months after they've been issued. If you don't keep track of your spending, you may forget you've written a check while continuing to withdraw from your account. This is especially true in a world where most transactions are by cash or card.

If you are accused of having written a bad check intentionally by an angry creditor, it may be difficult to prove that the whole thing was an honest mistake. A person charged with writing a bad check can face anything from a misdemeanor up to a category D felony. If you don't write checks regularly, you should take extra care when you do need to use one. Whether you keep a budget document to track your spending or simply leave a sticky note reminder by your computer until the check clears, be sure to manage your money carefully as you navigate your life as an independent adult.

Bad checks aren't the only types of property crime you could accidentally end up facing charges for. Suppose you have a great relationship with your manager at a small independent business, and they have given you permission to borrow money from your workplace in the past. You are in a tight spot and your manager is on vacation and unreachable, so you leave an IOU in the cash register and take the money you need. You might think it wouldn't be a big deal, but by this point you should know that's not necessarily the case. If the business owners were not aware of your past arrangement and discover the note, they may decide to call the police. Even if your manager returns, they may not have had permission to let you borrow money in the past. Rather than risking getting in trouble themselves, they may deny having given you that past permission and you could end up facing embezzlement charges.

You might think 'taking money from a register is bad judgement and I'm careful so there's no way I could end up being charged with embezzlement', but there are plenty of other circumstances where you could land in trouble if you're not careful and cognizant of your actions. Tip-sharing is a fairly common practice. If you tend to be forgetful and fail to turn in cash tips a few times or to tip out another employee when your employer has a policy requiring you to do so, you could be fired and charged with embezzlement – even if it was an innocent mistake!

Purchasing stolen goods is another way people can end up in trouble accidentally. Imagine someone is walking through a parking lot and sells you an Xbox for \$100 when they're currently going for \$400. If an officer pulls up upon seeing the transaction and it turns out the Xbox was stolen, you could end up with a misdemeanor on your record! It doesn't matter that you didn't steal the item yourself nor that you weren't 100% certain that it was stolen – Nevada law says if you take possession of an item for which there should be reasonable suspicion that the property is stolen, then you are guilty of a crime.

Again, these examples aren't meant to scare you. They are simply provided to help illustrate the facts that ignorance of the law is not an excuse for breaking it, and that knowing the law is important for everyone – not just lawyers and judges. It also doesn't mean that every accident and mistake you make is landing you one step closer to a jail cell! Not every mistake is going to be charged or prosecuted, but sometimes it is best to think 'if it can go wrong, it will go wrong', before making a risky decision.

When you find yourself trying to determine if something you will do could land you in legal trouble, don't simply ask yourself 'could this be against the law?' Instead, ask yourself 'Is this the kind of thing someone – even just one totally crazy person – could get upset about enough to get a law passed to make it a criminal act?' If the answer is maybe, err on the side of caution with your decision making until you've had a chance to do a bit of research.

# TYPE THREE: Crimes Against Public Welfare

## In Consideration of Others

### What Makes a Crime One Against Public Welfare?

All 'you'd be surprised to learn' crime samples aside, acts against people and property are fairly easy to determine. If you do something that hurts an individual it's a crime against a person. If you do something that deprives an individual of something they have a right to it's a crime against property.

Punching someone? Crime against a person. Taking \$20 from someone's wallet? Crime against property. Stabbing someone? Crime against a person. Burning down a house? Crime against property.

Public welfare is a bit different if only because people may have unique ideas about what public welfare really means. Someone might love street art while others despise it. Some people think drugs (also referred to as controlled substances) should be perfectly legal. Others see them as a scourge against society. Some people want to celebrate their youth with a loud party every weekend, others want the only sounds in their backyards to be from cars driving off in the far distance.

Public welfare comes down to an idea of keeping the most amount of people happy and content with the least amount of inconvenience to those that want things to be different, all while reducing unnecessary risk to life, limb, and freedom. Consider a few crimes that could be classified as being against 'public welfare', and why they'd be categorized that way.

### Considering The Public Welfare

Speed limits exist to reduce the risk of death by vehicles. Of course it might seem fun to fly down an empty highway at 150mph when no one is around, but even that has its risks. If your car blows a tire, it could flip and kill you. There might be someone coming from another direction that is injured by your crashing vehicle. If you're somewhere outside Barstow on the edge of the desert and medical practitioners need to evacuate your body to a hospital by helicopter, they take on additional risks getting to you and transporting your body. Even 'Double Penalties In Construction Zones' start to make sense when you consider that construction workers have only a plastic hat and some gloves to protect them from nearby moving vehicles while you're inside a 3,000 lb. metal box.

Traffic laws are essentially outlines of behavioral limits that to increase everyone's ability to be safe and secure at the expense of other people's convenience. They reduce risk to the public's welfare. This is exactly why DUIs are criminal acts. If someone drives from point A to point B while over the legal limit but without causing any damage or injury, why should it be a crime? The fact is that they had created an avoidable and unnecessary risk to the welfare of others.

The increased risk to other people that comes with driving under the influence helps explain why it is a criminal act, but many young adults wonder why controlled substances have to be criminal. After all, shouldn't it be up to individuals what they willingly put into their bodies?

One reason these substances were banned in the first place were the societal ills associated with them: public drunkenness didn't exactly stay out of style after Prohibition ended, and marijuana may still act as a gateway to other substances. There are certainly obvious arguments for criminalizing some controlled substances. Highly addictive drugs like heroin and methamphetamines (speed) can lead to crime as people steal so that they can afford to feed their habits.

These and other substances (like cocaine and ecstasy) also contribute to the success of organized crime syndicates that operate through bribery, terrorism, and murder. Still, some people argue drug cartels are the product of the prohibition of these drugs rather than of the drug trades themselves). Essentially, the argument is that someone privately using these substances may only be hurting themselves initially, but they also create too much risk for everyone for it to be an acceptable behavior.





#### **Crimes Against Public Welfare: Stay Up to Date**

Of all types of crime, crimes that fall under ‘public welfare’ are the most likely to change with the times. Alcohol and marijuana are prime examples of this. From 1920 until 1933, America banned nearly all sales and consumption of alcohol during an era of American history known as Prohibition. Similarly, marijuana has been illegal to sell, purchase, own, or use since roughly 1937. The current decriminalization laws going into effect across the nation show how laws are changing based on shifting attitudes in society (though it is worth noting that marijuana is almost entirely illegal to sell or purchase under federal law).

You may think graffiti would be a crime against property since it could be considered damage to a building or structure, but it falls under Malicious Mischief in the Nevada Revised Statutes. Graffiti is another crime against public welfare where people ask ‘C’mon, who does it really hurt?’, where the answer may surprise you. Certainly some forms of street art are beautiful forms of personal expression. Other instances however can be communications of criminal intent (like gangs marking territory) or simply inconveniences to property owners (like when a business owner has their store windows tagged). Another reason for the regulation of street art is that one ‘unauthorized installation’ tends to lead to others.

Communities that actively remove graffiti as it pops up tend not to have a lot of it. When one or two pieces of ‘art’ are left up, it can draw other artists to put their work in the area, further adding to the problem of ‘unwelcome art’. It is these criminal instances that the law regulates – one where the minor convenience of an artist wishing to express themselves is outweighed by the peace and comfort of property owners according to the community.

#### **Crimes Against Public Welfare & You**

You may not be concerned with being criminally charged for graffiti, but sometimes seemingly innocent behaviors or pranks can have dire legal consequences for similar reasons.

If you’ve seen public fountains overflowing with bubbles and foam, you may have thought ‘wow, that’s funny and kind of fun!’ Certainly it can be enjoyable to look at and play in, though be warned: that foam is probably crawling with diseases since the water isn’t likely to be treated for human consumption/recreation. More to the point, the owners of that fountain may have to spend quite a bit of money to drain, clean, and repair it. If someone was caught adding soap, they could face charges for property destruction and be sued for damages by the fountain’s owner.

Depending on where you are, even performing in the street may be regulated and you could be arrested for singing or dancing. While at first that might sound like an Orwellian nightmare, consider how things go with graffiti – if one person’s art is left to stand, more people tend to come and tag the area. With more people, come more problems.

In Las Vegas for example, the city recently began restricting where people could perform and for how long after years of tourists complaining about inappropriate behaviors from street performers, including being harassed by them.

Once again, the greater comfort and convenience of the majority of the community was given legal precedence over the inconvenience of a few individuals.

# ALSO: Special Circumstances

## Special Circumstances, Sentences, & Significant Impacts

### Enhanced Penalties

**Enhanced Penalties** are additional punishments a person can face because of special circumstances related to a criminal act they've been accused of. One example of enhanced penalties is when someone that was found guilty of domestic violence is ordered to attend special classes in addition to serving any jail time and paying fines they were issued. Domestic violence certainly isn't the only way enhanced penalties are used though. Being in possession of weapons can increase the penalties a person will face when charged in relation to criminal incidents.

### Weapon Penalties

While there are many types of circumstances that carry enhanced penalties, one of the most important enhancements to be aware of is when a weapon is used in a crime. **Weapon-related offenses** are incidents where someone commits a crime with the use of a weapon. Possession of a weapon during a crime would not necessarily be grounds for weapon-related enhanced penalties.

A person who owns a gun and embezzles money from their workplace is unlikely to face enhanced penalties related to weapons charges. Still, a defendant may have a hard time proving the weapon did not play a role in other types of criminal incidents. Suppose a robber holds up a gas station while having a gun holstered beneath their shirt, and that robber is then arrested. A prosecutor might charge them with having attempted to use the weapon to intimidate the gas station's employee because a bulge where the gun was holstered could be seen.

Just like other areas of common criminal activity, this is an area of law you can find yourself accidentally running afoul of even if you're dedicated to being a law-abiding citizen. If you dress up on Halloween and chase after a friend with a baseball bat thinking it will be hilarious, your friend might get angry and walk away and not talk to you for a few weeks. If a neighbor sees your prank and calls the police since they don't know the whole story, the situation could quickly degrade and your prank could cause you to face charges for assault with a deadly weapon all thanks to your well intentioned and poorly thought out joke.

The enhanced penalties for weapon-related offenses are extensive. In Nevada, those penalties can add 15 years or more to a convict's sentence. The lesson here should be clear: consider what spending 20 years in prison would be like the next time you handle an item that could be described as a deadly weapon.





### Hate Crimes

Even a person's suspected thoughts can impact how they are charged with a crime.

**Hate crimes** are crimes that are committed because of a criminal's prejudice. Prejudices towards a race, sexuality, and mental ability are just a few examples of what might cause a crime to be classified as a hate crime. Nevada doesn't have laws that classify hate crimes on their own, but the law does add enhanced penalties for crimes that meet the definition of a hate crime. Basically, an assault might be charged as a misdemeanor if there are no special circumstances, but if the aggressor assaulted their victim because of the victim's race, they would face gross misdemeanor charges. Federal law also regulates hate crime.

Depending on the circumstances of an incident of suspected hate crime, an accused individual might face charges and penalties in both state and federal court. Unlike Nevada state law, federal court treats hate crime as its own classification of crime.

A hate crime can also be committed if the attacker believes that the victim is in one of these groups, even if the victim actually isn't. For example, if a victim is attacked because the attacker thought that he/she had a different sexual orientation, the law would consider that a hate crime, even if the victim was actually not of a different sexual orientation.

### Gang Crimes

While simply belonging to a gang is not a crime all by itself, the laws in Nevada do punish some gang activity like they punish hate crimes. For example, the law requires a court to double the punishment for a felony if that felony was committed with the specific intent to promote or assist criminal gang activity. The law also requires the court to deny probation to a person convicted of a "gang crime," meaning that the person must go to prison instead of trying to live out in the community on probation. Additionally, a person on parole in the adult prison system can legally be denied permission to live or associate with anyone who is a known gang member.

Nevada law also makes it easy for businesses and schools to prohibit gang activity on their property by restricting gang clothing or symbols, and also restricting any activities that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.

Someone exercising their right to free speech is not a hate crime – this is why people are not arrested for wearing clothes featuring racist symbols or for yelling at people with vulgar and hateful language. Free speech can be offensive, but it is protected. A difference comes into play when that 'speech' damages a person or property. While mere emotional damage is not enough to charge someone with a hate crime, hateful graffiti would be an act that could be charged as a hate crime.

Nevada law does not specifically criminalize hate crimes – a person would not be charged with an offense called a "hate crime." Instead, Nevada law enhances the penalties for certain crimes if the crime occurred primarily because of the protected status of that victim. This means that a crime's penalty is increased if the reason for the crime is that the victim was a minority, disabled, or of a different sexual orientation.

Depending on the original penalty, a hate crime enhancement can mean an increase in the category of crime, or an increase in the amount of time a person can be sent to prison for such a crime.

Nevada takes hate crimes so seriously that a murder can become a death penalty case if it is found that the murder was based on any of the factors that have been discussed above.

# ARRESTS: They Aren't The End

**WARNING:** *Depending on the state you are in, if law enforcement asks your name, birth-date, and/or address, you may be required to truthfully provide this information or risk being detained and other legal consequence.*

## Nearly One in Three Americans Will Be Arrested During Their Lives

### Arrests, Criminal Charges, & You

That Brennan Center for Justice statistic we mentioned earlier that nearly one in three Americans will be arrested during their lifetimes is well worth repeating here.

Once again, we ask that you not let this be the end of your self-education on topics relating to criminal law, arrests, and your life as an independent adult. We highly suggest you commit to reading the next section of this guide (Lawyers, Legal Matters, & You) to gain a better understanding of the process of being arrested, how your rights work, and how your life isn't over just because of one intersection between the law and your life as an independent adult that didn't end in an ideal manner.

### The World Isn't THAT Scary...

As was explained in earlier sections of this book, it would be extremely difficult to cover all instances of laws you might end up breaking. Lawyers spend years earning their degrees and continue to learn well after they become practicing attorneys.

Life will just require that at times you exercise common sense and a bit of self-reflection. And yes, usually it will be during the times of peak fun that you should probably interrupt things to stop and do this. Consider this collection of examples where someone could stop and ask themselves if they're about to make a mistake that could land them in trouble with the law:

-Would taking this shopping cart for a YouTube video be a crime?

*Pro-tip: yes, it would be.*

- Can breaking up this fight land me in jail if an officer arrives at the wrong time?

*You should know this already, but the answer is yes.*

- My friend showed up and asked me to watch this package without telling me what's inside when I asked. Should I do it?

*Surprise, the answer is probably not.*

- It would be pretty funny to lean a trashcan full of water against my neighbor's door then ring the bell and run away, right?

*What will be funnier is when your friends are laughing at you for having gone to jail for harassment and criminal mischief. Oh, and they'll laugh at how stupid you were while listening to how miserable you are since you can't afford to go out while you're still paying for the water damage to your neighbor's floors.*

*Less funny is the possibility that a frail older adult or small child answers the door, only to be knocked over by the water in an incident that paralyzes them or instantly kills them.*

The point is, sometimes a few (and very brief) moments of reflection can save you from a world of trouble. When a few moments of satisfaction or amusement could cost you your freedom, you really have to just stop yourself and ask 'Is it worth it?' If the answer is even close to 'I don't know', then the correct answer is 'Probably not'.





### Selective Enforcement & Officers' Discretion

Noise control ordinances (what you're accused of violating if you ever face a noise complaint) might seem petty and challenging in some ways. What one person enjoys another person dislikes – but why should quiet people win out? It may surprise you to learn not all noisy residents get in trouble. While the law may be on the side of people who prefer quiet (in the form of noise ordinances), there aren't exactly police driving around neighborhoods with decibel meters measuring sound.

Still, homeowners have the right to enjoy their property without unreasonable interruption. People that live louder lifestyles have a few options. They can live in communities where their neighbors live similar lifestyles (try meeting your potential neighbors before renting or purchasing a place). They can also let their neighbors know if they're going to host an event that might get loud and ask if it can be excusable until some reasonable time. They might even invite neighbors who might complain about the noise to join whatever activity is going on (common sense alert: if someone is part of an activity they're probably not going to complain about it).

Sometimes however, all the good will and efforts to appease won't matter. It's not that the person filing a complaint even cares about the noise. In some circumstances, one complaint will be used to address another. If you aren't typically noisy but you have a neighbor that just hates how you leave your garbage cans out after the garbage truck comes, they might file a noise complaint to cause problems.

If an officer comes to investigate and you aren't being noisy, you probably have nothing to worry about. Sometimes though, these seemingly 'little' criminal laws can be used to tackle bigger issues.

In other circumstances, selective enforcement can be used to put an end to repeated instances of nuisance behaviors. This practice can also be used to 'throw the book' at someone, a phrase that means someone is being charged with every possible crime to ensure they face the maximum possible penalty for their behavior. In fact, multiple charges aren't just a legal tactic – they're a common practice. It is rare that someone accused of crime is being charged with having committed just one.

At Project REAL, we provide field trips to students to visit courthouses where they watch criminal courtroom proceedings. On one of these field trips, a group of students were upset when they watched a man go to jail for selling water bottles without a permit on the Las Vegas Strip. This might seem crazy at first, but there's more to the story.

The individual that had been charged was known to police for a history of other offenses like yelling at passersby and taking empty water bottles from the trash, refilling them with tap water, and then selling them to tourists. If this had just been a person who'd been caught for the first time and hadn't been in trouble before, the officers *may* have let them off with a warning. While it's true that *ignorance of the law is not an excuse for breaking it*, officers do have more important things to do.

These 'more important things' are known as **enforcement priorities**. Since police can't be everywhere at once and prosecuting people for crimes requires community resources that are limited (time, money, and staff), sometimes certain policing activities will take priority over other ones. That may involve letting some first time offenders off with a warning instead of arresting them for a crime. This practice is called **selective enforcement**. After failing to heed the repeated warnings they'd received, the water bottle sales person this person was arrested by officers familiar with the situation – an illustration of selective enforcement.

Selective enforcement is an important practice to be aware of when you consider 'things you didn't realize could get you arrested'. Sometimes a 'small' violation of the law can be used to investigate people that are suspected of greater crimes.



### It's Rarely Just One

If you find yourself in a situation where you're charged with being criminally involved with an incident, you'll likely find yourself facing not one charge but several. Consider a common criminal scenario of someone breaking into a house and robbing it.

Breaking into a home is the crime of burglary, a Category B felony in Nevada. If the burglar successfully steals anything from the home and is caught, they face charges of theft or larceny which carry consequences ranging from a misdemeanor up to a Category B felony. If they are found with tools that were used to help break into the house, that's an additional gross misdemeanor charge. If they forced their way into the home, they may face separate home invasion which is a Category B felony in Nevada.

Each crime committed during the incident can be charged, and will carry its own penalties. One Category B felony conviction can send a person to prison for up to 10 years. If a burglar was caught with \$6,000 after breaking into a home by kicking the door in, they could be facing up to 20 years in prison, not 10.

Perhaps you're not concerned with facing charges related to a burglary incident, but imagine if you were charged for something like internet piracy. Suppose your computer was remotely hacked to share media and your computer was taken as part of an investigation. Even if you could prove that the file sharing was a result of a hack, if it was discovered you were using a friend's Netflix password, you could still be charged for password sharing – a federal crime!

Netflix isn't going around seeking prosecutions, but that's not the point. The idea here is that something small can be used to rack up charges against you as part of a strategic attempt to force you into accepting a plea deal – the greater the total possible punishment, the greater your incentive is to take a plea deal (even if you're actually innocent of the charges).

Charging someone with multiple crimes for a single incident is done for a few reasons. Clearly if a person violates multiple laws, each violation carries its own consequences. Prosecutors may also choose to use multiple charges as a negotiating tactic. You may be surprised to learn this, but few cases actually make it to trial in criminal or civil court. Most are resolved through negotiations before a verdict is ever reached. Trials are expensive, complicated, time consuming, and do not guarantee any kind of outcome.

By initially charging someone with multiple criminal offenses to intimidate them (in a process known as **stacking charges**), the prosecutors gain a bargaining power: they can offer to drop some charges and lower others in exchange for the accused agreeing to accept some punishment rather than fighting the case in a trial. This practice of negotiating a punishment in order to avoid a trial, is known as **plea bargaining**.

Plea bargaining helps to guarantee a suspected criminal faces some kind of consequence for their actions. It also reduces the significant amount of expense that would be incurred if the case were to go to trial. Practices like these are just one more reason you should be aware of everyday behaviors that could have serious legal consequences.

## Your Decisions, Your Responsibilities

Hopefully now you can see how seemingly harmless every-day activities could result in criminal charges. That's one of the primary reasons why this guide was created – to help 18 to 25 year olds like you avoid accidentally breaking the law while also guiding you on positive steps you can take to succeed as independent adults. Adult independence is great – you can go where you want, when you want, and do a lot of things where the only person you ultimately answer to is yourself. Now though, your actions as an independent adult will have consequences that you will be forced to face without any kind of reprieve.

Picture yourself camping in the not too distant future. As your trip wraps up, you fail to put out a campfire that then causes a wildfire. If that fire damages a campground, destroys homes, or results in the deaths of firefighters, you'd be horrified but it was just an accident so you would hope the law wouldn't come after you. That's not necessarily how the American justice system works though. If you accidentally caused the death of individuals, you could be found guilty of **Involuntary Manslaughter** – a Category D felony in Nevada.

When you first began learning about common crime you may have thought that since you don't have murder 'in your heart' you would never have to be concerned with committing a crime. Hopefully the scenarios we have provided have illustrated how passionate reactions can lead anyone to act out in ways they might otherwise not. Sometimes life requires more than just avoiding criminal situations. Being aware of yourself 'in the moment' can preserve your freedom while respecting the lives of those around you.

## Consequences of a Felony Record

You may be denied admission to a college or university.

You may be prevented from entering the armed forces, or if accepted, you may be precluded from the best jobs, or from getting a security clearance.

You will not be able to vote.

You will not be able to work in businesses that require employees to be bonded.

You may be denied a professional license.

You will not be permitted to possess firearms.

You may be denied recreational licenses, such as for hunting or fishing.

You may be restricted from access to employment that could expose you to the temptation to re-offend. For example, a person who steals and has a gambling problem is likely to be ordered to remain away from casinos, except in very limited circumstances. If you are not a citizen, you may be deported from the United States, and prohibited from reentering.

## Common Federal Crimes

Transporting a stolen vehicle across state lines.

Making a false statement to the U.S. government with intent to defraud. (If you cannot imagine this situation, think taxes).

Mailing matter that is obscene or incites crime.

Forgery of government checks.

Possession of stolen mail and items – such as credit cards – which have been stolen from the mail.

Robbery or burglary of a bank or savings & loan.

In addition, Federal Courts handle all state law violations committed on government property such as a national park or a federal office building, and all crimes committed on federally recognized tribal land.







## PROJECT REAL WILL HELP YOU... AND YOU CAN HELP US TOO!

### HELPING YOU

Project REAL will not provide direct guidance or legal advice, but we will keep this guide up-to-date.  
As this project grows, we will also offer resources to help you navigate the topics we cover.  
You can find that and more at the link below.

### HELPING US

If you appreciate the content in this guide (and even if you don't), we would *really* appreciate you letting us know!  
We've set up a survey at the same site we're providing the digital version of this guide and our updated resources.  
Our hope is that you'll come back every few years (between the ages of 18-25) and fill that survey out.  
We want to see where you are now, and where you go over the next few years!  
Help us find out by using the survey at the *Independence & You* page.

**HELP US & HELP YOURSELF HERE:**



[projectrealnv.org/adulting](https://projectrealnv.org/adulting)



Youth Excellence & Achievement  
Through REAL Law Experiences

(702) 703-6529  
projectrealnv.org



@projectrealnv



@projectrealorg



@projectrealnv\_