

NV Electronic Crime Statutes

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LIABILITY OF PERSONS WHO TRANSMIT ITEMS OF ELECTRONIC MAIL THAT INCLUDE ADVERTISEMENTS

NRS 41.705 Definitions. As used in [NRS 41.705](#) to [41.735](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 41.710](#) to [41.725](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1997, 1255)

NRS 41.710 “Advertisement” defined. “Advertisement” means material that:

1. Advertises for commercial purposes the availability or the quality of real property, goods or services; or

2. Is otherwise designed or intended to solicit a person to purchase real property, goods or services.

(Added to NRS by 1997, 1256)

NRS 41.715 “Electronic mail” defined. “Electronic mail” means a message, a file or other information that is transmitted through a local, regional or global network, regardless of whether the message, file or other information is:

1. Viewed;

2. Stored for retrieval at a later time;

3. Printed onto paper or other similar material; or

4. Filtered or screened by a computer program that is designed or intended to filter or screen items of electronic mail.

(Added to NRS by 1997, 1256)

NRS 41.720 “Network” defined. “Network” means a network comprised of one or more computers that may be accessed by a modem, electronic or optical technology, or other similar means.

(Added to NRS by 1997, 1256)

NRS 41.725 “Recipient” defined. “Recipient” means a person who receives an item of electronic mail.

(Added to NRS by 1997, 1256)

NRS 41.730 Action for damages; exceptions; injunctive relief.

1. Except as otherwise provided in [NRS 41.735](#), if a person transmits or causes to be transmitted to a recipient an item of electronic mail that includes an advertisement, the person is liable to the recipient for civil damages unless:

(a) The person has a preexisting business or personal relationship with the recipient;

(b) The recipient has expressly consented to receive the item of electronic mail from the person; or

(c) The advertisement is readily identifiable as promotional, or contains a statement providing that it is an advertisement, and clearly and conspicuously provides:

(1) The legal name, complete street address and electronic mail address of the person transmitting the electronic mail;

(2) A notice that the recipient may decline to receive additional electronic mail that includes an advertisement from the person transmitting the electronic mail and the procedures for declining such electronic mail; and

(3) The abbreviation “ADV” or the word “advertisement” as the first word of the subject line of the electronic mail.

2. Unless a greater amount of damages is provided pursuant to subsection 3, if a person is liable to a recipient pursuant to subsection 1, the recipient may recover from the person:

(a) Actual damages or damages of \$50 per item of electronic mail received, whichever is greater; and

(b) Attorney’s fees and costs.

3. If a person is liable to a recipient pursuant to subsection 1 and the person:

- (a) Disguised the source of the advertisement;
- (b) Used false or misleading information in the subject line of the electronic mail;
- (c) Provided a false return address;
- (d) Ignored requests made by the recipient to decline receiving additional electronic mail;
- (e) Provided a false address for declining additional electronic mail from the person; or
- (f) Obtained the electronic mail address of the recipient through a method that was not authorized by the recipient,

↳ the recipient may recover actual damages or damages of \$500 per item of electronic mail received, whichever is greater, and attorney's fees and costs.

4. In addition to any other recovery that is allowed pursuant to subsection 2 or 3, the recipient may apply to the district court of the county in which the recipient resides for an order enjoining the person from transmitting to the recipient any other item of electronic mail that includes an advertisement.

(Added to NRS by 1997, 1256; A [2003, 340](#))

NRS 41.735 Immunity for persons who provide users with access to network; applicability to items of electronic mail obtained voluntarily.

1. If a person provides users with access to a network and, as part of that service, transmits items of electronic mail on behalf of those users, the person is immune from liability for civil damages pursuant to [NRS 41.705](#) to [41.735](#), inclusive, unless the person transmits an item of electronic mail that includes an advertisement he prepared or caused to be prepared.

2. The provisions of [NRS 41.705](#) to [41.735](#), inclusive, do not apply to an item of electronic mail that is obtained by a recipient voluntarily. This subsection includes, but is not limited to, an item of electronic mail that is obtained by a recipient voluntarily from an electronic bulletin board.

(Added to NRS by 1997, 1256)

EXHIBITION AND SALE OF OBSCENE MATERIAL TO MINORS

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

(Added to NRS by 1969, 513; A 1997, 1314, 2662)

NRS 201.2565 "Distribute" defined. "Distribute" means to transfer possession with or without consideration.

(Added to NRS by 1997, 2662)

NRS 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.

(Added to NRS by 1969, 513; A 1981, 1689)

NRS 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.

(Added to NRS by 1997, 2662)

NRS 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.

(Added to NRS by 1969, 513)

NRS 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.

(Added to NRS by 1997, 1314; A 1997, 2663)

NRS 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 state whether or not covered.

(Added to NRS by 1969, 513; A [1999, 1360](#))

NRS 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.

(Added to NRS by 1969, 513; A 1981, 1689)

NRS 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.

(Added to NRS by 1969, 513)

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

(Added to NRS by 1969, 513)

NRS 201.265 Unlawful acts; penalty. Except as otherwise provided in [NRS 200.720](#) and [201.2655](#), and unless a greater penalty is provided pursuant to [NRS 201.560](#), a person is guilty of a misdemeanor 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.”

(Added to NRS by 1969, 513; A 1971, 161, 495; 1981, 1689; 1995, 952; 1997, 1314, 2662; [2003, 430, 1375](#))

NRS 201.2655 Exemptions. The provisions of [NRS 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 state or a political subdivision of this state; 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.

(Added to NRS by 1997, 2662)

UNLAWFUL ACTS REGARDING COMPUTERS AND INFORMATION SERVICES

NRS 205.473 Definitions. As used in [NRS 205.473](#) to [205.513](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 205.4732](#) to [205.476](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1983, 1203; A 1991, 50; [1999, 2707](#); [2001, 1240](#))

NRS 205.4732 “Access” defined. “Access” means to intercept, instruct, communicate with, store data in, retrieve from or otherwise make use of any resources of a computer, network or data.

(Added to NRS by 1991, 49)

NRS 205.4735 “Computer” defined. “Computer” means an electronic device which performs logical, arithmetic and memory functions by manipulations of electronic or magnetic impulses and includes all equipment related to the computer in a system or network.

(Added to NRS by 1983, 1203)

NRS 205.4737 “Computer contaminant” defined.

1. “Computer contaminant” means any data, information, image, program, signal or sound that is designed or has the capability to:

- (a) Contaminate, corrupt, consume, damage, destroy, disrupt, modify, record or transmit; or
- (b) Cause to be contaminated, corrupted, consumed, damaged, destroyed, disrupted, modified, recorded or transmitted,

↳ any other data, information, image, program, signal or sound contained in a computer, system or network without the knowledge or consent of the person who owns the other data, information, image, program, signal or sound or the computer, system or network.

2. The term includes, without limitation:

- (a) A virus, worm or trojan horse; or
- (b) Any other similar data, information, image, program, signal or sound that is designed or has the capability to prevent, impede, delay or disrupt the normal operation or use of any component, device, equipment, system or network.

(Added to NRS by [1999, 2703](#))

NRS 205.474 “Data” defined. “Data” means a representation in any form of information, knowledge, facts, concepts or instructions which is being prepared or has been formally prepared and is intended to be processed, is being processed or has been processed in a system or network.

(Added to NRS by 1983, 1203)

NRS 205.4742 “Encryption” defined. “Encryption” means the use of any protective or disruptive measure, including, without limitation, cryptography, enciphering, encoding or a computer contaminant, to:

1. Prevent, impede, delay or disrupt access to any data, information, image, program, signal or sound;
2. Cause or make any data, information, image, program, signal or sound unintelligible or unusable; or
3. Prevent, impede, delay or disrupt the normal operation or use of any component, device, equipment, system or network.

(Added to NRS by [1999, 2704](#))

NRS 205 . 4743 “Information service” defined.

1. “Information service” means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound by means of any component, device, equipment, system or network, including, without limitation, by means of:

- (a) A computer, computer system, computer network, modem or scanner.
- (b) A telephone, cellular phone, satellite phone, pager, personal communications device or facsimile machine.
- (c) Any type of transmitter or receiver.
- (d) Any other component, device, equipment, system or network that uses analog, digital, electronic, electromagnetic, magnetic or optical technology.

2. The term does not include a community antenna television company, as defined in [NRS 711.030](#).

(Added to NRS by [1999, 2704](#))

NRS 205 . 4744 “Internet or network site” defined.

1. “Internet or network site” means any identifiable site on the Internet or on a network.

2. The term includes, without limitation:

- (a) A website or other similar site on the World Wide Web;
- (b) A site that is identifiable through a Uniform Resource Location;
- (c) A site on a network that is owned, operated, administered or controlled by a provider of Internet service;
- (d) An electronic bulletin board;
- (e) A list server;
- (f) A newsgroup; or
- (g) A chat room.

(Added to NRS by [2001, 1240](#))

NRS 205 . 4745 “Network” defined. “Network” means a set of related, remotely connected devices and facilities, including more than one system, with the capability to transmit data among any of the devices and facilities. The term includes, without limitation, a local, regional or global computer network.

(Added to NRS by 1983, 1203; A [1999, 2707](#))

NRS 205 . 475 “Program” defined. “Program” means an ordered set of data representing coded instructions or statements which can be executed by a computer and cause the computer to perform one or more tasks.

(Added to NRS by 1983, 1203)

NRS 205 . 4755 “Property” defined. “Property” means anything of value and includes a financial instrument, information, electronically produced data, program and any other tangible or intangible item of value.

(Added to NRS by 1983, 1203)

NRS 205 . 4757 “Provider” defined. “Provider” means any person who provides an information service.

(Added to NRS by [1999, 2704](#))

NRS 205 . 4758 “Provider of Internet service” defined. “Provider of Internet service” means any provider who provides subscribers with access to the Internet or an electronic mail address, or both.

(Added to NRS by [1999, 2704](#))

NRS 205 . 4759 “Response costs” defined.

1. “Response costs” means any reasonable costs that arise in response to and as a proximate result of a crime described in [NRS 205.473](#) to [205.513](#), inclusive.

2. The term includes, without limitation, any reasonable costs to:

- (a) Investigate the facts surrounding the crime;
 - (b) Ascertain or calculate any past or future loss, injury or other damage;
 - (c) Remedy, mitigate or prevent any past or future loss, injury or other damage; or
 - (d) Test, examine, restore or verify the integrity of or the normal operation or use of any Internet or network site, electronic mail address, computer, system, network, component, device, equipment, data, information, image, program, signal or sound.
- (Added to NRS by [2001, 1240](#))

NRS 205 . 476 “System” defined. “System” means a set of related equipment, whether or not connected, which is used with or for a computer.
(Added to NRS by 1983, 1203)

NRS 205 . 4765 Unlawful acts regarding computers: Generally.

1. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Modifies;
- (b) Damages;
- (c) Destroys;
- (d) Discloses;
- (e) Uses;
- (f) Transfers;
- (g) Conceals;
- (h) Takes;
- (i) Retains possession of;
- (j) Copies;
- (k) Obtains or attempts to obtain access to, permits access to or causes to be accessed; or
- (l) Enters,

↳ data, a program or any supporting documents which exist inside or outside a computer, system or network is guilty of a misdemeanor.

2. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Modifies;
- (b) Destroys;
- (c) Uses;
- (d) Takes;
- (e) Damages;
- (f) Transfers;
- (g) Conceals;
- (h) Copies;
- (i) Retains possession of; or
- (j) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

↳ equipment or supplies that are used or intended to be used in a computer, system or network is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Destroys;
- (b) Damages;
- (c) Takes;
- (d) Alters;
- (e) Transfers;
- (f) Discloses;
- (g) Conceals;
- (h) Copies;
- (i) Uses;
- (j) Retains possession of; or
- (k) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

↳ a computer, system or network is guilty of a misdemeanor.

4. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Obtains and discloses;
- (b) Publishes;
- (c) Transfers; or
- (d) Uses,

↳ a device used to access a computer, network or data is guilty of a misdemeanor.

5. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization introduces, causes to be introduced or attempts to introduce a computer contaminant into a computer, system or network is guilty of a misdemeanor.

6. If the violation of any provision of this section:

- (a) Was committed to devise or execute a scheme to defraud or illegally obtain property;
- (b) Caused response costs, loss, injury or other damage in excess of \$500; or
- (c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

↳ the person is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#), and may be further punished by a fine of not more than \$100,000. In addition to any other penalty, the court shall order the person to pay restitution.

(Added to NRS by 1983, 1203; A 1991, 50; 1995, 1228; [1999, 2707](#); [2001, 1240](#))

NRS 205.477 Unlawful interference with or denial of access to or use of computers; unlawful use or access of computers; affirmative defense.

1. Except as otherwise provided in subsections 3 and 4, a person who knowingly, willfully and without authorization interferes with, denies or causes the denial of access to or use of a computer, system or network to a person who has the duty and right to use it is guilty of a misdemeanor.

2. Except as otherwise provided in subsections 3 and 4, a person who knowingly, willfully and without authorization uses, causes the use of, accesses, attempts to gain access to or causes access to be gained to a computer, system, network, telecommunications device, telecommunications service or information service is guilty of a misdemeanor.

3. If the violation of any provision of this section:

- (a) Was committed to devise or execute a scheme to defraud or illegally obtain property;
- (b) Caused response costs, loss, injury or other damage in excess of \$500; or
- (c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

↳ the person is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#), and may be further punished by a fine of not more than \$100,000. In addition to any other penalty, the court shall order the person to pay restitution.

4. It is an affirmative defense to a charge made pursuant to this section that at the time of the alleged offense the defendant reasonably believed that:

(a) He was authorized to use or access the computer, system, network, telecommunications device, telecommunications service or information service and such use or access by the defendant was within the scope of that authorization; or

(b) The owner or other person authorized to give consent would authorize the defendant to use or access the computer, system, network, telecommunications device, telecommunications service or information service.

5. A defendant who intends to offer an affirmative defense described in subsection 4 at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

(Added to NRS by 1983, 1204; A 1991, 51; 1995, 1229; [1999, 2709](#); [2001, 1242](#))

NRS 205.481 Forgery by creation, alteration or deletion of data, information, image, program, signal or sound contained in computer. A person who knowingly, willfully and without authorization creates, alters or deletes any data, information, image, program, signal or sound contained in

any computer, system or network which, if done on a written or printed document or instrument, would constitute forgery pursuant to [NRS 205.090](#) or [205.095](#), is guilty of forgery which is a category D felony and shall be punished as provided in [NRS 193.130](#).

(Added to NRS by 1991, 49; A 1995, 1229; [1999, 2709](#))

NRS 205.486 Unlawful use of encryption.

1. A person shall not willfully use or attempt to use encryption, directly or indirectly, to:

- (a) Commit, facilitate, further or promote any criminal offense;
- (b) Aid, assist or encourage another person to commit any criminal offense;
- (c) Conceal the commission of any criminal offense;
- (d) Conceal or protect the identity of a person who has committed any criminal offense; or
- (e) Delay, hinder or obstruct the administration of the law.

2. A person who violates any provision of this section:

(a) Is guilty of a gross misdemeanor, unless the encryption was used or attempted to be used to commit a crime for which a greater penalty is provided by specific statute. If the encryption was used or attempted to be used to commit a crime for which a greater penalty is provided by specific statute, the person shall be punished as prescribed by statute for that crime.

(b) Commits a criminal offense that is separate and distinct from any other criminal offense and may be prosecuted and convicted pursuant to this section whether or not the person or any other person is or has been prosecuted or convicted for any other criminal offense arising out of the same facts as the violation of this section.

(Added to NRS by [1999, 2704](#); A [2001, 2789](#))

NRS 205.492 Unlawful acts involving electronic mail or transmission of other data, information, images, programs, signals or sounds to computer, system or network.

1. A person shall not willfully falsify or forge any data, information, image, program, signal or sound that:

- (a) Is contained in the header, subject line or routing instructions of an item of electronic mail; or
- (b) Describes or identifies the sender, source, point of origin or path of transmission of an item of electronic mail,

↳ with the intent to transmit or cause to be transmitted the item of electronic mail to any Internet or network site or to the electronic mail address of one or more recipients without their knowledge of or consent to the transmission.

2. Except as otherwise provided in subsection 7, a person shall not willfully transmit or cause to be transmitted an item of electronic mail to any Internet or network site or to the electronic mail address of one or more recipients without their knowledge of or consent to the transmission if the person knows or has reason to know that the item of electronic mail contains or has been generated or formatted with:

(a) An Internet domain name that is being used without the consent of the person who holds the Internet domain name; or

(b) Any data, information, image, program, signal or sound that has been used intentionally in the header, subject line or routing instructions of the item of electronic mail to falsify or misrepresent:

- (1) The identity of the sender; or
- (2) The source, point of origin or path of transmission of the item of electronic mail.

3. A person shall not knowingly sell, give or otherwise distribute or possess with the intent to sell, give or otherwise distribute any data, information, image, program, signal or sound which is designed or intended to be used to falsify or forge any data, information, image, program, signal or sound that:

- (a) Is contained in the header, subject line or routing instructions of an item of electronic mail; or
- (b) Describes or identifies the sender, source, point of origin or path of transmission of an item of electronic mail.

4. Except as otherwise provided in subsection 7, a person shall not willfully and without authorization transmit or cause to be transmitted an item of electronic mail or any other data, information, image, program, signal or sound to any Internet or network site, to the electronic mail address of one or more recipients or to any other computer, system or network:

(a) With the intent to prevent, impede, delay or disrupt the normal operation or use of the Internet or network site, electronic mail address, computer, system or network, whether or not such a result actually occurs; or

(b) Under circumstances in which such conduct is reasonably likely to prevent, impede, delay or disrupt the normal operation or use of the Internet or network site, electronic mail address, computer, system or network, whether or not such a result actually occurs.

5. Except as otherwise provided in subsection 6, a person who violates any provision of this section is guilty of a misdemeanor.

6. If the violation of any provision of subsection 4:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;

(b) Caused response costs, loss, injury or other damage in excess of \$500; or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

→ the person is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#), and may be further punished by a fine of not more than \$100,000. In addition to any other penalty, the court shall order the person to pay restitution.

7. The provisions of subsections 2 and 4 do not apply to a provider of Internet service who, in the course of providing service, transmits or causes to be transmitted an item of electronic mail on behalf of another person, unless the provider of Internet service is the person who first generates the item of electronic mail.

8. As used in this section, "item of electronic mail" includes, without limitation:

(a) A single item of electronic mail;

(b) Multiple copies of one or more items of electronic mail;

(c) A collection, group or bulk aggregation of one or more items of electronic mail;

(d) A constant, continual or recurring pattern or series of one or more items of electronic mail; or

(e) Any other data, information, image, program, signal or sound that is included or embedded in or attached or connected to one or more items of electronic mail.

(Added to NRS by [1999, 2704](#); A [2001, 1243](#))

NRS 205 . 498 Provider of Internet service required to keep certain information concerning subscribers confidential; notice required to be provided to subscribers.

1. A provider of Internet service shall keep confidential:

(a) All information concerning a subscriber, other than the electronic mail address of the subscriber, unless the subscriber gives permission, in writing or by electronic mail, to the provider of Internet service to disclose the information.

(b) The electronic mail address of a subscriber, if the subscriber requests, in writing or by electronic mail, to have the electronic mail address of the subscriber kept confidential. Upon receiving such a request from a subscriber, a provider of Internet service shall keep confidential the electronic mail address of the subscriber, unless the subscriber gives permission, in writing or by electronic mail, to the provider of Internet service to disclose the electronic mail address of the subscriber.

2. A provider of Internet service shall provide notice of the requirements of subsection 1 to each of its subscribers. The notice must include, without limitation, a conspicuous statement that a subscriber may request, in writing or by electronic mail, to have the electronic mail address of the subscriber kept confidential.

3. A provider of Internet service who violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine of not less than \$50 or more than \$500 for each violation.

4. As used in this section, "provider of Internet service" means a provider of Internet service who charges a subscriber for access to the Internet or the electronic mail address of the subscriber.

(Added to NRS by [1999, 2705](#))

NRS 205 . 506 Unlawful acts regarding information services.

1. It is unlawful for a person knowingly and with the intent to avoid payment in full for the service obtained to:

(a) Obtain or attempt to obtain an information service from a provider by deception, use of an illegal device or other fraudulent means. The requisite intent may be inferred from the presence on the property or in the possession of the person of a device, not authorized by the provider, the major purpose of which is to permit or facilitate use of an information service without payment. The inference is rebutted if the person shows that he purchased the device for a legitimate purpose.

(b) Give to another person technical assistance or instruction in obtaining an information service without full payment to a provider.

(c) Maintain an ability to connect, by physical, electronic or other means, with facilities, components or devices used in an information service for the purpose of obtaining the information service without payment of all lawful compensation to the provider.

(d) Make or maintain a modification of a device installed with the authorization of a provider to obtain any service that the person is not authorized by the provider to obtain. The requisite intent may be inferred from proof that the standard procedure of the provider is to place labels on its devices warning that modifying the device is a violation of law and that the device has been modified without the permission of the provider.

(e) Possess, manufacture, deliver, offer to deliver or advertise, without permission from the provider, a device or a kit for a device designed to:

(1) Receive from the provider a service offered for sale by the provider, whether or not the service is encoded or otherwise made unintelligible; or

(2) Perform or facilitate an act prohibited by paragraphs (a) to (d), inclusive.

➤ Intent to violate this paragraph for commercial advantage or financial gain may be inferred if the circumstances, including, without limitation, quantity or volume, indicate possession for resale.

(f) Manufacture, import, distribute, advertise, sell, lease, or offer to sell or lease a device or a plan or kit for a device designed to receive an information service offered for sale by a provider, whether or not the service is encoded or otherwise made unintelligible, without full payment. The requisite intent may be inferred from proof that the person has sold, leased or offered to sell or lease any such device, plan or kit and stated or implied to the buyer or lessee that it will enable him to obtain an information service without charge.

(g) Possess any other materials for the purpose of creating a device or a kit for a device designed to obtain an information service in any manner prohibited pursuant to this section.

2. This section does not prohibit or restrict a holder of an amateur service license issued by the Federal Communications Commission from possessing or using a radio receiver or transceiver that is intended primarily for use in the amateur radio service and is used for lawful purposes.

3. A person who violates any provision of this section is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

(Added to NRS by 1993, 871; A 1997, 491; [1999, 2710](#))

NRS 205.509 Presumption of authority of employee. An employee is presumed to have the authority to access and use:

1. A computer, system or network owned or operated by his employer; and

2. Any supporting document to and any data, information, image, program, signal or sound contained in such a computer, system or network,

➤ unless the presumption is overcome by clear and convincing evidence to the contrary.

(Added to NRS by 1991, 50; A [1999, 2710](#))—(Substituted in revision for NRS 205.485)

NRS 205.511 Victim authorized to bring civil action.

1. Any victim of a crime described in [NRS 205.473](#) to [205.513](#), inclusive, may bring a civil action to recover:

(a) Damages for any response costs, loss or injury suffered as a result of the crime;

(b) Punitive damages; and

(c) Costs and reasonable attorney's fees incurred in bringing the civil action.

2. A victim of a crime described in [NRS 205.473](#) to [205.513](#), inclusive, may bring a civil action pursuant to this section whether or not the person who committed the crime is or has been charged with or convicted or acquitted of the crime or any other offense arising out of the facts surrounding the crime.

3. The provisions of this section do not abrogate or limit the right of a victim of a crime described in [NRS 205.473](#) to [205.513](#), inclusive, to bring a civil action pursuant to any other statute or the common law.

(Added to NRS by [1999, 2706](#); A [2001, 1244](#))

NRS 205.513 Enforcement of provisions.

1. If it appears that a person has engaged in or is about to engage in any act or practice which violates any provision of [NRS 205.473](#) to [205.513](#), inclusive, the Attorney General or the appropriate district

attorney may file an action in any court of competent jurisdiction to prevent the occurrence or continuance of that act or practice.

2. An injunction:

- (a) May be issued without proof of actual damage sustained by any person.
- (b) Does not preclude the criminal prosecution and punishment of a violator.

(Added to NRS by 1991, 50; A [1999, 2710](#); [2001, 1244](#))