

ASSEMBLY BILL NO. 157—ASSEMBLYMEN MONROE-MORENO, BRITTNEY MILLER, C.H. MILLER; ANDERSON, BILBRAY-AXELROD, BROWN-MAY, COHEN, CONSIDINE, DURAN, FLORES, GONZÁLEZ, GORELOW, MARZOLA, ORENTLICHER, PETERS, ROBERTS, SUMMERS-ARMSTRONG, THOMAS, TORRES, WATTS AND YEAGER

FEBRUARY 18, 2021

JOINT SPONSORS: SENATORS D. HARRIS AND BROOKS

Referred to Committee on Judiciary

SUMMARY—Authorizes a person who is the victim of certain discriminatory conduct relating to an incident involving a peace officer to bring a civil action under certain circumstances. (BDR 3-227)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to civil liability; authorizing a person who is the victim of certain discriminatory conduct relating to an incident involving a peace officer to bring a civil action under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that if a person commits certain crimes because of a
2 victim’s actual or perceived race, color, religion, national origin, physical or mental
3 disability, sexual orientation or gender identity or expression: (1) the person who
4 committed the crime is subject to an additional penalty; (2) unless a greater penalty
5 is provided by law, the person who committed the crime is guilty of a gross
6 misdemeanor; and (3) a person injured by the crime may bring a civil action against
7 the person who committed the crime. (NRS 41.690, 193.1675, 207.185) Existing
8 law also provides that a public agency may bring a civil action to recover the
9 expense of an emergency response by the public agency against any person who
10 knowingly: (1) makes a false report to a public agency that a felony or
11 misdemeanor has been committed or that an emergency exists; or (2) creates the
12 false appearance that a felony or misdemeanor has been committed or that an



13 emergency exists, and that false appearance causes a false report to be made to a
14 public agency that a felony or misdemeanor has been committed or that an
15 emergency exists. (NRS 41.508)

16 This bill authorizes a person to bring a civil action for damages if another
17 person, without reasonable cause and because of the actual or perceived race, color,
18 religion, national origin, physical or mental disability, sexual orientation or gender
19 identity or expression of the person, knowingly causes a peace officer to respond to
20 a location with the intent to: (1) infringe on the constitutional rights of the person;
21 (2) cause the person to feel harassed, humiliated or embarrassed; (3) cause the
22 person to be removed from a location where he or she is lawfully located; or (4)
23 damage the reputation or economic interests of the person.

1 WHEREAS, There have been numerous incidents across the
2 country in which a person has, apparently because of his or her
3 prejudice concerning the actual or perceived race, color, religion,
4 national origin, physical or mental disability, sexual orientation or
5 gender identity or expression of another person, contacted a law
6 enforcement agency to report innocuous behavior by another person
7 as suspicious or to falsely report that the other person has committed
8 a crime; and

9 WHEREAS, These unjust incidents cause serious harm to the
10 person who is the victim of this type of discrimination and waste the
11 finite time and resources of law enforcement agencies; and

12 WHEREAS, Such misuse of law enforcement agencies to
13 discriminate against members of our communities creates distrust of
14 peace officers, law enforcement agencies and the criminal justice
15 system; and

16 WHEREAS, The creation of a specific, targeted remedy for
17 persons who are victimized by this type of discrimination will assist
18 in rebuilding trust in peace officers, law enforcement agencies and
19 the criminal justice system; and

20 WHEREAS, It is not the intent of this act or the Legislature to
21 discourage sincere persons who are not motivated by prejudice from
22 contacting law enforcement agencies when crimes have actually
23 been committed, emergencies actually exist or behavior is actually
24 suspicious and requires a response by a peace officer; and

25 WHEREAS, It is the intent of this act and the Legislature to
26 provide to persons who are victimized by this type of discrimination
27 a specific, effective, targeted, statutory remedy to receive, at a
28 minimum, monetary compensation for the injuries that they have
29 suffered; now therefore,



1 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
2 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
3

4 **Section 1.** Chapter 41 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 *1. A person may bring a civil action for damages against any*
7 *person who, without reasonable cause and because of the actual*
8 *or perceived race, color, religion, national origin, physical or*
9 *mental disability, sexual orientation or gender identity or*
10 *expression of another person, knowingly causes a peace officer to*
11 *arrive at a location to contact that other person with the intent to:*

12 *(a) Infringe on the constitutional rights of the person under*
13 *the Nevada Constitution or the United States Constitution;*

14 *(b) Cause the person to feel harassed, humiliated or*
15 *embarrassed;*

16 *(c) Cause the person to be expelled from a place where he or*
17 *she is lawfully located; or*

18 *(d) Damage the reputation or economic interests of the person.*

19 *2. Upon prevailing in a civil action brought pursuant to this*
20 *section, the person bringing the civil action may recover:*

21 *(a) The greater of:*

22 *(1) Compensatory damages, including, without limitation,*
23 *damages for emotional distress; or*

24 *(2) Statutory damages of \$1,000 for each act that gives rise*
25 *to liability pursuant to this section;*

26 *(b) Any punitive damages that the facts may warrant; and*

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

29 *3. A civil action may be brought against a person pursuant to*
30 *this section regardless of whether the person has been convicted of*
31 *any crime based upon the same facts and circumstances giving*
32 *rise to liability pursuant to this section.*

33 *4. The remedy under this section is not exclusive and does not*
34 *abrogate any other remedy available under the laws of this State.*

35 *5. As used in this section, "peace officer" means any person*
36 *upon whom some or all of the powers of a peace officer are*
37 *conferred pursuant to NRS 289.150 to 289.360, inclusive.*

38 **Sec. 2.** The amendatory provisions of section 1 of this act
39 apply to a cause of action that accrues on or after October 1, 2021,
40 based upon acts that occurred on or after October 1, 2021.

