

Amendment No. 85

Assembly Amendment to Assembly Bill No. 157	(BDR 3-227)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DAN/BAW



Date: 4/5/2021

A.B. No. 157—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)



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:

Existing law provides that if a person commits certain crimes because of a victim’s actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression: (1) the person who committed the crime is subject to an additional penalty; (2) unless a greater penalty is provided by law, the person who committed the crime is guilty of a gross misdemeanor; and (3) a person injured by the crime may bring a civil action against the person who committed the crime. (NRS 41.690, 193.1675, 207.185) Existing law also provides that a public agency may bring a civil action to recover the expense of an emergency response by the public agency against any person who knowingly: (1) makes a false report to a public agency that a felony or misdemeanor has been committed or that an emergency exists; or (2) creates the false appearance that a felony or misdemeanor has been committed or that an emergency exists, and that false appearance causes a false report to be made to a public agency that a felony or misdemeanor has been committed or that an emergency exists. (NRS 41.508)

This bill authorizes a person to bring a civil action for damages if another person, without reasonable cause and because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of the person, knowingly causes a peace officer to respond to a location with the intent to: (1) infringe on the constitutional rights of the person; (2) cause the person to feel harassed, humiliated or embarrassed; (3) cause the person to be removed from a location

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20 where he or she is lawfully located; or (4) damage the reputation or economic interests of the
 21 person.

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

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

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

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

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

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

24
 25 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 26 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

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

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

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

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

43 *(a) The greater of:*

44 *(1) Compensatory damages, including, without limitation, damages for*
 45 *emotional distress; or*

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

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

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

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

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

6 **5. As used in this section, "peace officer" means any person upon whom**
7 **some or all of the powers of a peace officer are conferred pursuant to NRS**
8 **289.150 to 289.360, inclusive.**

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