

Amendment No. 320

Assembly Amendment to Assembly Bill No. 296	(BDR 15-121)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: Yes Title: Yes 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.



ASSEMBLY BILL NO. 296—ASSEMBLYWOMAN NGUYEN

MARCH 16, 2021

Referred to Committee on Judiciary

SUMMARY—~~[Revises provisions relating to crimes.]~~ **Establishes a civil cause of action for the dissemination of personal identifying information or sensitive information under certain circumstances.** (BDR ~~{15-121}~~ **3-121**)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: Yes.

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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 ~~{crimes; defining certain terms for the purposes of the crime of doxxing;} **actions concerning persons;** establishing ~~{the crime of doxxing; authorizing a victim of doxxing;} **a civil cause of action** to recover damages, reasonable attorney’s fees and costs ~~{in a civil action;} **from a person who disseminates personal identifying information or sensitive information under certain circumstances;** authorizing a court to issue a temporary restraining order or a permanent or temporary injunction under certain circumstances; ~~{providing an additional penalty for doxxing motivated by certain actual or perceived characteristics of the victim; providing penalties;} and providing other matters properly relating thereto.~~~~~~~~

Legislative Counsel’s Digest:

1 ~~{Sections 3-9 of this bill establish the crime of doxxing. Sections 4-5 of this bill define the~~
2 ~~terms “personal identifying information” and “sensitive information” for purposes relating to~~
3 ~~the crime of doxxing.~~
4 ~~— Section 6 of this~~ **This bill** ~~{sets forth the elements of the crime of doxxing.}~~ **establishes a**
5 **civil cause of action against a person who commits certain acts commonly referred to as**
6 **“doxxing.”** Specifically, ~~{section 6 makes it unlawful}~~ **this bill authorizes a person to**
7 **bring a civil action to recover damages, reasonable attorney’s fees and costs**
8 **from another person if the other person disseminates** any personal identifying information
9 or sensitive information of ~~{another}~~ **the** person without the consent of the person, knowing
10 that the person could be identified and: (1) with the intent to aid, assist, encourage, facilitate,
11 further or promote any criminal offense which ~~{could result in}~~ **would be reasonably likely to**
12 **cause** death, bodily injury, ~~{harassment,}~~ stalking ~~{, financial loss}~~ or ~~{a substantial life~~
13 ~~disruption,}~~ **mental anguish;** or (2) with **the intent to cause harm to the person and with**
14 **the** knowledge of or reckless disregard for the ~~{possibility}~~ **reasonable likelihood**
15 ~~that disseminating the information could result in death, bodily injury, {harassment,} stalking {,~~
16 ~~financial loss} or {a substantial life disruption,}~~ **mental anguish.** Further, **a person is liable**

17 ~~for the dissemination of such information [is punishable] if it: (1) would cause a reasonable~~
 18 ~~person to feel mental anguish or fear the death, bodily injury, [harassment,] or stalking [~~
 19 ~~financial loss or a substantial life disruption to] of himself or herself or [to] a close relation~~
 20 ~~of the person; or (2) causes the death, bodily injury, [harassment,] stalking [~~
 21 ~~or [a substantial life disruption to] mental anguish of the person whose information was~~
 22 ~~disseminated or [to] a close relation of the person. [Under section 6, a person who commits~~
 23 ~~the crime of doxxing is guilty of: (1) a category D felony, if death, bodily injury, harassment,~~
 24 ~~stalking or a financial loss of \$3,000 or more results; (2) a gross misdemeanor, if a financial~~
 25 ~~loss of less than \$3,000 or a substantial life disruption results; and (3) a misdemeanor in all~~
 26 ~~other circumstances.] This bill exempts from liability under the provisions of this bill the~~
 27 ~~dissemination of such information: (1) for the purpose of reporting conduct reasonably~~
 28 ~~believed to be unlawful; (2) which depicts a law enforcement officer acting under the~~
 29 ~~color of law or a public officer acting in an official capacity; or (3) gathered in the~~
 30 ~~exercise of the constitutionally protected rights of freedom of speech and assembly. This~~
 31 ~~bill also: (1) defines certain terms, including, among other terms, “personal identifying~~
 32 ~~information,” “sensitive information” and “mental anguish” for the purposes of the~~
 33 ~~provisions of this bill;~~
 34 ~~[— Section 7 of this bill: (1) authorizes a victim of doxxing to bring a civil action to recover~~
 35 ~~damages, reasonable attorney’s fees and costs; and] (2) imposes joint and several liability if~~
 36 ~~multiple persons are found liable for the same [act of doxxing. Section 8 of this bill]~~
 37 ~~dissemination of personal identifying information or sensitive information; (3) authorizes~~
 38 ~~a court to issue a temporary restraining order or a permanent or temporary injunction to~~
 39 ~~prevent the dissemination of any personal identifying information or sensitive information of a~~
 40 ~~person [— Section 9 of this bill] ; and (4) excludes certain computer services from liability~~
 41 ~~under the provisions of [sections 3-9] this bill for content provided by another person.~~
 42 ~~[— Existing law imposes an additional penalty for the commission of certain crimes that are~~
 43 ~~motivated by the actual or perceived race, color, religion, national origin, physical or mental~~
 44 ~~disability, sexual orientation or gender identity or expression of the victim. (NRS 193.1675,~~
 45 ~~207.185) Sections 1 and 10 of this bill expand those provisions to include the crime of~~
 46 ~~doxxing.]~~

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

1 **Delete existing sections 1 through 11 of this bill and replace with the following**
 2 **new sections 1 and 2:**
 3

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

6 **1. Except as otherwise provided in subsection 3, a person may bring a civil**
 7 **action against another person if:**

8 **(a) The other person disseminates any personal identifying information or**
 9 **sensitive information of the person without the consent of the person, knowing**
 10 **that the person could be identified by such information:**

11 **(1) With the intent to aid, assist, encourage, facilitate, further or promote**
 12 **any criminal offense which would be reasonably likely to cause death, bodily**
 13 **injury, stalking or mental anguish; or**

14 **(2) With the intent to cause harm to the person and with knowledge of or**
 15 **reckless disregard for the reasonable likelihood that the dissemination of the**
 16 **information may cause death, bodily injury, stalking or mental anguish; and**

17 **(b) The dissemination of the personal identifying information or sensitive**
 18 **information:**

19 **(1) Would cause a reasonable person to feel mental anguish or fear the**
 20 **death, bodily injury or stalking of himself or herself or a close relation; or**

1 (2) Causes the death, bodily injury, stalking or mental anguish of the
2 person whose information was disseminated or a close relation of the person.

3 2. If a person is found liable to a person whose information was
4 disseminated pursuant to subsection 1, the person whose information was
5 disseminated may recover damages, reasonable attorney's fees and costs.

6 3. The provisions of this section do not apply to the dissemination of
7 personal identifying information or sensitive information:

8 (a) For the purposes of reporting conduct reasonably believed to be
9 unlawful;

10 (b) Which depicts a law enforcement officer acting under the color of law or
11 a public officer acting in an official capacity; or

12 (c) Gathered in the exercise of the constitutionally protected rights of
13 freedom of speech and assembly.

14 4. Each person who is found liable under this section for the same
15 dissemination of personal identifying information or sensitive information is
16 jointly and severally liable for the damages, reasonable attorney's fees and costs
17 awarded by the court.

18 5. Upon a motion by a party in a civil action brought under this section, a
19 court may issue a temporary restraining order or a permanent or temporary
20 injunction to prevent the dissemination of any personal identifying information
21 or sensitive information of a person.

22 6. This section must not be construed to impose liability on any interactive
23 computer service for any content provided by another person.

24 7. As used in this section:

25 (a) "Close relation" means a current or former spouse or domestic partner,
26 parent, child, sibling, stepparent, grandparent or any person who regularly
27 resides in the household or who, within the immediately preceding 6 months,
28 regularly resided in the household.

29 (b) "Interactive computer service" has the meaning ascribed to it in 47
30 U.S.C. § 230(f)(2).

31 (c) "Law enforcement officer" means any person upon whom some or all of
32 the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360,
33 inclusive.

34 (d) "Mental anguish" means protracted severe emotional distress and does
35 not require the physical manifestation of symptoms or a diagnosis by any clinical
36 professional counselor, physician or licensed psychologist.

37 (e) "Personal identifying information" has the meaning ascribed to it in NRS
38 205.4617.

39 (f) "Public officer" has the meaning ascribed to it in NRS 205.4627.

40 (g) "Sensitive information" means information concerning:

41 (1) The sexual orientation of a person;

42 (2) Whether a person is transgender or has undergone a gender
43 transition; or

44 (3) The human immunodeficiency virus status of a person.

45 (h) "Stalking" means a violation of NRS 200.575.

46 Sec. 2. This act becomes effective on July 1, 2021.