

ASSEMBLY BILL NO. 399—COMMITTEE ON JUDICIARY

(ON BEHALF OF NEVADA SHERIFFS AND CHIEFS ASSOCIATION)

MARCH 16, 2001

Referred to Committee on Judiciary

SUMMARY—Provides for civil liability for false reporting of crime or emergency.
(BDR 3-422)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

~

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

AN ACT relating to false reports; providing for civil liability for making a false report of a crime or an emergency; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 41 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. A public agency may commence an action in the name of the***
4 ***agency to recover the expense of an emergency response by the public***
5 ***agency against any person who knowingly:***
6 ***(a) Makes a false report to a peace officer that a felony or***
7 ***misdemeanor has been committed or that an emergency exists;***
8 ***(b) Causes a false report to be made to a peace officer that a felony or***
9 ***misdemeanor has been committed or that an emergency exists;***
10 ***(c) Disseminates, by any medium of public communication, a false***
11 ***report that a felony or misdemeanor has been committed or that an***
12 ***emergency exists; or***
13 ***(d) Causes the dissemination, by any medium of public***
14 ***communication, of a false report that a felony or misdemeanor has been***
15 ***committed or that an emergency exists.***
16 ***2. A civil action may be brought pursuant to this section even if there***
17 ***has been no criminal conviction for the false report.***
18 ***3. If a public agency prevails in an action brought pursuant to this***
19 ***section, the court shall award the public agency the costs of the action***
20 ***and reasonable attorney's fees.***



- 1 4. *For the purposes of this section, a person shall be deemed to have*
2 *caused a false report to be made or disseminated if:*
3 (a) *The person intentionally created the appearance that a felony or*
4 *misdemeanor was committed or that an emergency existed; and*
5 (b) *A public agency responded to a false report that a felony or*
6 *misdemeanor was committed or that an emergency existed as the result*
7 *of the appearance created by the person.*
8 5. *As used in this section:*
9 (a) *"Expense of an emergency response" includes, without limitation,*
10 *the reasonable costs incurred by a public agency in making an*
11 *appropriate response to or investigation of a false report, including,*
12 *without limitation, the salary or wages of any person responding to or*
13 *investigating a false report, the deemed wages of any volunteer of a*
14 *public agency participating in the response or investigation, the costs for*
15 *use or operation of any equipment and the costs for the use or*
16 *expenditure of any resources, fuel or other materials.*
17 (b) *"Peace officer" means any person upon whom some or all of the*
18 *powers of a peace officer are conferred pursuant to NRS 289.150 to*
19 *289.360, inclusive.*
20 (c) *"Public agency" means an agency, bureau, board, commission,*
21 *department or division of the State of Nevada or a political subdivision of*
22 *the State of Nevada that provides police, fire-fighting, rescue or*
23 *emergency medical services.*
24 **Sec. 2.** The amendatory provisions of this act apply to a false report
25 that is made or disseminated on or after the effective date of this act.
26 **Sec. 3.** This act becomes effective upon passage and approval.

