

Amendment No. 285

Senate Amendment to Senate Bill No. 150

(BDR 23-1168)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**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"/>	_____

Amend section 1, page 1, line 3, after “*files*” by inserting:

“*with the employer of a public employee*”.

Amend section 1, page 1, line 4, by deleting:

“*public officer or*”.

Amend section 1, page 2, line 1, by deleting:

“*public officer or*”.

Amend section 1, page 2, line 6, after “*thereof.*” by inserting:

“*The term does not include a person elected to public office while performing duties related to his public office.*”.

Amend the title of the bill by deleting the first and second lines and inserting:

KEL/BAW

Date: 4/18/2005

S.B. No. 150—Prohibits false or fraudulent complaint against public officer or employee.



“AN ACT relating to public employees; prohibiting a false or fraudulent complaint against a public employee;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits false or fraudulent complaint against public employee. (BDR 23-1168)”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under existing law, a person who knowingly files a false or fraudulent written complaint or allegation of misconduct against a peace officer for conduct in the course and scope of the peace officer's employment is guilty of a misdemeanor. (NRS 199.325) The United States District Court for the District of Nevada found that NRS 199.325 criminalizes defamation that is critical of peace officers, but does not criminalize such defamation of other public officials. Therefore, the Court held that the statute was an impermissible content-based regulation of speech in violation of the First Amendment to the United States Constitution. (*Eakins v. Nevada*, 219 F.Supp. 2d 1113 (2002))

This bill repeals NRS 199.325 and in lieu of that provision makes it a misdemeanor for a person to knowingly file with the employer of a public employee a false or fraudulent written complaint or allegation of misconduct against any public employee for conduct in the course and scope of employment.