

Amendment No. 887

Assembly Amendment to Senate Bill No. 150 First Reprint

(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"/>	_____
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Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“**Section 1.** NRS 207.280 is hereby amended to read as follows:

207.280 Every person who *deliberately* reports to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney or member of the ~~[Nevada Highway Patrol]~~ **Department of Public Safety** that a felony or misdemeanor has been committed, ~~[or disseminates such a report by any medium of public communication,]~~ *which causes a law enforcement agency to conduct a criminal or internal investigation*, knowing such report to be false, is guilty of a misdemeanor.”.

Amend the title of the bill to read as follows:

“AN ACT relating to crimes; revising provisions concerning falsely reporting that a crime has been committed; repealing provision concerning the filing of certain false or fraudulent

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Date: 5/23/2005

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



complaints of misconduct against a peace officer; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions concerning false reporting of crimes and repeals provision concerning filing of certain false or fraudulent complaints of misconduct against peace officer. (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.

Existing law makes it a misdemeanor to report the commission of a crime to certain public officers or to disseminate such a report knowing that the report is false. (NRS 207.280)

This bill revises those provisions by providing that the penalty applies if the false report caused a law enforcement agency to conduct a criminal or internal investigation. In addition, this bill removes the provision concerning the dissemination of such a report.