

Amendment No. 798

Assembly Amendment to Senate Bill No. 28 First Reprint

(BDR 15-8)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**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"/> | _____ |
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Amend section 1, page 2, line 13, by deleting “*section*” and inserting:*“section:**(a) For a first violation, is guilty of a gross misdemeanor.**(b) For a second or subsequent violation,”.*

Amend section 1, page 2, by deleting lines 15 through 19 and inserting:

“4. This section does not prohibit any lawful law enforcement or correctional activities.”.

Amend section 1, page 2, line 30, by deleting:

“the general public.” and inserting:*“any person or governmental entity.”.*Amend section 1, page 3, line 5, by deleting “*and*”.

MSN/RBL

Date: 5/23/2005

S.B. No. 28—Prohibits person from knowingly and intentionally capturing image of private area of another person under certain circumstances and prohibits person from knowingly distributing, disclosing, displaying, transmitting or publishing image captured under such circumstances.

Amend section 1, page 3, line 6, after “(c)” by inserting:

“As necessary for the purpose of allowing a defendant in a civil action and his attorney to prepare a defense; and
(d)”.

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

Legislative Counsel's Digest:

Existing law creates various crimes against decency and morals and provides penalties to be imposed upon persons who commit such crimes. (Chapter 201 of NRS)

This bill prohibits a person from knowingly and intentionally capturing an image of the private area of another person without the consent of the other person and under circumstances in which the other person has a reasonable expectation of privacy. This bill also prohibits a person from distributing, disclosing, displaying, transmitting or publishing an image that the person knows or has reason to know was made under such circumstances. A person who violates either provision for a first violation is guilty of a gross misdemeanor, which means that the person may be punished by imprisonment in the county jail for up to 1 year or by a fine of up to \$2,000 or by both a fine and imprisonment. For a second or subsequent violation, the person is guilty of a category E felony, which means that the court is required to sentence the person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, and may fine the person up to \$5,000. The court is then required to place the person on probation after sentencing, unless specific circumstances are established which provide the court with discretion to decide whether to grant probation. Probation is subject to any conditions imposed by the court and may include serving up to one year in county jail. (NRS 193.130)

This bill does not prohibit any lawful law enforcement or correctional activities for the purposes of investigating or prosecuting such violations but does prohibit the inspection or release of such images under certain circumstances to protect the privacy of the victim.