

CHAPTER.....

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

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.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT 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.

Sec. 2. NRS 199.325 is hereby repealed.

Sec. 3. This act becomes effective on July 1, 2005.

