

SENATE BILL NO. 150—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 1, 2005

Referred to Committee on Judiciary

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)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

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:

- 1 **Section 1.** NRS 207.280 is hereby amended to read as follows:
2 207.280 Every person who *deliberately* reports to any police
3 officer, sheriff, district attorney, deputy sheriff, deputy district
4 attorney or member of the ~~[Nevada Highway Patrol]~~ *Department of*
5 *Public Safety* that a felony or misdemeanor has been committed, ~~for~~
6 ~~disseminates such a report by any medium of public~~
7 ~~communication,~~ *which causes a law enforcement agency to*
8 *conduct a criminal or internal investigation,* knowing such report
9 to be false, is guilty of a misdemeanor.
10 **Sec. 2.** NRS 199.325 is hereby repealed.
11 **Sec. 3.** This act becomes effective on July 1, 2005.

TEXT OF REPEALED SECTION

**199.325 Filing false or fraudulent complaint or allegation of
misconduct against peace officer.**

1. 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 his employment is guilty of a
misdemeanor.
2. As used in this section, "peace officer" has the meaning
ascribed to it in NRS 289.010.

