

SENATE BILL NO. 282—SENATORS GUSTAVSON; CEGAVSKE, DENIS, HALSETH, KIECKHEFER, MCGINNESS, ROBERSON AND SETTELMEYER

MARCH 21, 2011

JOINT SPONSORS: ASSEMBLYMEN SHERWOOD; AIZLEY, ELLISON, GOICOECHEA, GRADY, HAMBRICK, HAMMOND, HANSEN, HICKEY, KIRNER, KITE AND MCARTHUR

Referred to Committee on Judiciary

SUMMARY—Prohibits the willful and intentional public posting or displaying of the social security number of another person. (BDR 15-792)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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; prohibiting the willful and intentional public posting or displaying of the social security number of another person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill generally prohibits a person from willfully and intentionally posting or
2 displaying in any public manner the social security number of another person
3 unless the person is authorized or required to do so by specific federal or state law
4 or regulation. Unless a greater penalty is provided by specific statute, a person who
5 violates this provision is guilty of a misdemeanor, which is punishable by
6 imprisonment in the county jail for not more than 6 months or by a fine of not more
7 than \$1,000, or both. This bill also authorizes a person whose social security
8 number has been unlawfully posted or displayed to bring a civil cause of action
9 against the person who posted or displayed his or her social security number and to
10 recover actual damages, reasonable attorney's fees and costs from that person.



* S B 2 8 2 R 1 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not willfully and intentionally post or display in any public manner the social security number of another person unless the person is authorized or required to do so by specific federal or state law or regulation.

2. This section does not:

(a) Prevent the use of a social security number for internal verification or administrative purposes.

(b) Apply to documents that are recorded or required to be open to the public pursuant to federal or state law or regulation.

3. Unless a greater penalty is provided by specific statute, a person who violates this section is guilty of a misdemeanor.

4. A person whose social security number has been willfully and intentionally posted or displayed in violation of this section may bring a civil cause of action against the person who commits such a violation. The court may award actual damages, reasonable attorney's fees and costs to the person whose social security number has been willfully and intentionally posted or displayed in violation of this section.

5. As used in this section:

(a) "Person" includes a government, governmental agency or political subdivision of a government.

(b) "Post or display in any public manner" means to communicate or otherwise make available to the general public. The term includes, without limitation:

(1) Printing the social security number of another person on any card required for the other person to access products or services provided by the person or entity printing the social security number.

(2) Requiring another person to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted.

(3) Requiring another person to use his or her social security number to access an Internet website, unless a password or unique personal identification number or other authentication device is also required to access the Internet website.



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- 1 *(4) Printing the social security number of another person*
- 2 *on any material that is mailed to the person, if the social security*
- 3 *number is visible to the public.*

