

Amendment No. 663

Assembly Amendment to Senate Bill No. 414 First Reprint (BDR 15-70)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date	
Adopted	☐	Lost	☐ _____		Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____		Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____		Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SRT/BAW



Date: 5/18/2013

S.B. No. 414—Prohibits transmitting or distributing certain images of bullying involving a child under certain circumstances. (BDR 15-70)



SENATE BILL NO. 414—COMMITTEE ON JUDICIARY

MARCH 25, 2013

Referred to Committee on Judiciary

SUMMARY—Prohibits transmitting or distributing certain images of bullying involving a child under certain circumstances. (BDR 15-70)

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 juveniles; prohibiting a minor from transmitting or distributing certain images of bullying committed against another minor under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a minor from knowingly and willfully using an electronic communication device, such as a cell phone, to transmit or distribute, or otherwise knowingly and willfully transmitting or distributing, an image of bullying committed against another minor for the purpose of encouraging, furthering or promoting bullying ~~that~~ *and* harming the minor. A minor who violates this provision is considered: (1) for a first violation, a child in need of supervision for the purposes of the laws governing juvenile justice; and (2) for a second or subsequent violation, to have committed a delinquent act.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A minor shall not knowingly and willfully use an electronic communication device to transmit or distribute, or otherwise knowingly and willfully transmit or distribute, an image of bullying committed against a minor to another person with the intent to encourage, further or promote bullying ~~that~~ *and* to cause harm to the minor.*

2. A minor who violates subsection 1:

(a) For the first violation, is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child; and

(b) For the second or a subsequent violation, commits a delinquent act, and the court may order the detention of the minor in the same manner as if the

1 *minor had committed an act that would have been a misdemeanor if committed*
2 *by an adult.*

3 3. *For the purposes of this section, to determine whether a person who is*
4 *depicted in an image of bullying is a minor, the court may:*

5 (a) *Inspect the person in question;*

6 (b) *View the image;*

7 (c) *Consider the opinion of a witness to the image regarding the person's*
8 *age;*

9 (d) *Consider the opinion of a medical expert who viewed the image; or*

10 (e) *Use any other method authorized by the rules of evidence at common law.*

11 4. *As used in this section:*

12 (a) *"Bullying" ~~has the meaning ascribed to it in NRS 388.122.~~ means a*
13 *willful act which is written, verbal or physical, or a course of conduct on the part*
14 *of one or more persons which is not otherwise authorized by law and which*
15 *exposes a person one time or repeatedly and over time to one or more negative*
16 *actions which is highly offensive to a reasonable person and:*

17 *(1) Is intended to cause or actually causes the person to suffer harm or*
18 *serious emotional distress;*

19 *(2) Poses a threat of immediate harm or actually inflicts harm to another*
20 *person or to the property of another person;*

21 *(3) Places the person in reasonable fear of harm or serious emotional*
22 *distress; or*

23 *(4) Creates an environment which is hostile to a pupil by interfering with*
24 *the education of the pupil.*

25 (b) *"Electronic communication device" means any electronic device that is*
26 *capable of transmitting or distributing an image of bullying, including, without*
27 *limitation, a cellular telephone, personal digital assistant, computer, computer*
28 *network and computer system.*

29 (c) *"Image of bullying" means any visual depiction, including, without*
30 *limitation, any photograph or video, of a minor bullying another minor.*

31 (d) *"Minor" means a person who is under 18 years of age.*

32 Sec. 2. NRS 62B.320 is hereby amended to read as follows:

33 62B.320 1. Except as otherwise provided in this title, the juvenile court has
34 exclusive original jurisdiction in proceedings concerning any child living or found
35 within the county who is alleged or adjudicated to be in need of supervision
36 because the child:

37 (a) Is subject to compulsory school attendance and is a habitual truant from
38 school;

39 (b) Habitually disobeys the reasonable and lawful demands of the parent or
40 guardian of the child and is unmanageable;

41 (c) Deserts, abandons or runs away from the home or usual place of abode of
42 the child and is in need of care or rehabilitation; ~~or~~

43 (d) Uses an electronic communication device to transmit or distribute a sexual
44 image of himself or herself to another person or to possess a sexual image in
45 violation of NRS 200.737 ~~or~~ ; ~~or~~

46 (e) *Transmits or distributes an image of bullying committed against a minor*
47 *in violation of section 1 of this act.*

48 2. A child who is subject to the jurisdiction of the juvenile court pursuant to
49 this section must not be considered a delinquent child.

50 3. As used in this section:

51 (a) *"Bullying" ~~has the meaning ascribed to it in NRS 388.122.~~ means a*
52 *willful act which is written, verbal or physical, or a course of conduct on the part*
53 *of one or more persons which is not otherwise authorized by law and which*

exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

~~(b)~~ (b) “Electronic communication device” has the meaning ascribed to it in NRS 200.737.

~~(b)~~ (c) “Sexual image” has the meaning ascribed to it in NRS 200.737.

Sec. 3. (Deleted by amendment.)