

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:

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

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

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

3 ***1. A minor shall not knowingly and willfully use an***
4 ***electronic communication device to transmit or distribute, or***
5 ***otherwise knowingly and willfully transmit or distribute, an image***
6 ***of bullying committed against a minor to another person with the***



1 *intent to encourage, further or promote bullying and to cause*
2 *harm to the minor.*

3 2. *A minor who violates subsection 1:*

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

7 (b) *For the second or a subsequent violation, commits a*
8 *delinquent act, and the court may order the detention of the minor*
9 *in the same manner as if the minor had committed an act that*
10 *would have been a misdemeanor if committed by an adult.*

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

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

15 (b) *View the image;*

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

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

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

22 4. *As used in this section:*

23 (a) *"Bullying" means a willful act which is written, verbal or*
24 *physical, or a course of conduct on the part of one or more*
25 *persons which is not otherwise authorized by law and which*
26 *exposes a person one time or repeatedly and over time to one or*
27 *more negative actions which is highly offensive to a reasonable*
28 *person and:*

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

3. As used in this section:

(a) *“Bullying” means a willful act which is written, verbal or physical, or a course of conduct on the part 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) “Electronic communication device” has the meaning ascribed to it in NRS 200.737.

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

Sec. 3. (Deleted by amendment.)

