

ASSEMBLY BILL NO. 287—ASSEMBLYMEN FLORES, O’NEILL, JONES,
MOORE, CARRILLO; DICKMAN, DOOLING, ELLISON, FIORE,
GARDNER, JOINER, SEAMAN, SILBERKRAUS, SPIEGEL,
SPRINKLE, TROWBRIDGE, WHEELER AND WOODBURY

MARCH 13, 2015

JOINT SPONSORS: SENATORS SPEARMAN;
DENIS AND KIHUEN

Referred to Committee on Judiciary

SUMMARY—Prohibits a person from making or causing to be
made certain nonemergency telephone calls under
certain circumstances. (BDR 15-922)

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: Yes.

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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 a person from making or
causing to be made certain nonemergency telephone calls
under certain circumstances; providing penalties; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law makes it a gross misdemeanor for a person to knowingly or
- 2 willfully make or cause to be made any telephonic access to a system established to
- 3 provide a telephone number to be used in an emergency if no actual or perceived
- 4 emergency exists. (NRS 207.245) This bill similarly makes it a gross misdemeanor
- 5 for a person to knowingly or willfully make or cause to be made a nonemergency
- 6 telephone call to report an emergency on any nonemergency telephone line
- 7 maintained by a governmental entity if no actual or perceived emergency exists.
- 8 This bill also makes it a category E felony for a person to commit either offense if
- 9 the person intended to initiate an emergency response and the emergency response
- 10 initiated by that person results in the death or serious bodily injury of another. This
- 11 bill further provides that a person who is convicted of a category E felony for such
- 12 an offense is liable for any costs incurred by any governmental entity as a result of
- 13 his or her conduct. Finally, this bill provides that it is an affirmative defense to a



violation charged pursuant to the provisions of this bill if it is proven by a preponderance of the evidence that the defendant suffers from a mental illness or is intellectually disabled.

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

Section 1. NRS 207.245 is hereby amended to read as follows:

207.245 1. ~~[As used in this section, "system" means a system established to provide a telephone number to be used in an emergency.~~

~~—2.]~~ It is unlawful for any person knowingly or willfully to make or cause to be made ~~[any]~~ :

(a) Any telephonic access to a system ; or

(b) A nonemergency telephone call to report an emergency on any nonemergency telephone line maintained by a governmental entity,

↳ if no actual or perceived emergency exists.

~~[3.—Any]~~

2. Except as otherwise provided in subsection 3, a person who violates any provision of this section is guilty of a gross misdemeanor.

3. A person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130 if:

(a) The person intended to initiate an emergency response by law enforcement, firefighting, emergency medical care or public safety personnel when no actual emergency exists; and

(b) The emergency response initiated by the person results in the death or serious bodily injury of another.

4. A person who is convicted of a category E felony pursuant to subsection 3 is liable for any costs incurred by any governmental entity as a result of his or her conduct.

5. It is an affirmative defense to a violation charged pursuant to this section if it is proven by a preponderance of the evidence that the defendant suffers from a mental illness or is intellectually disabled. A court may, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to a program of treatment established pursuant to NRS 176A.250.

6. As used in this section:

(a) "Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage, or any other situation which is likely to cause a governmental entity to



1 *provide services related to law enforcement, firefighting,*
2 *emergency medical care or public safety.*

3 (b) “Governmental entity” means an institution, board,
4 commission, bureau, council, department, division, authority or
5 other unit of government of this State, including, without
6 limitation, an agency of this State or of a political subdivision.

7 (c) “System” means a system established to provide a
8 telephone number to be used in an emergency.

