

Amendment No. 239

Assembly Amendment to Assembly Bill No. 287	(BDR 15-922)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DY/BAW



Date: 4/7/2015

A.B. No. 287—Prohibits a person from making or causing to be made a 311 nonemergency telephone call under certain circumstances.  
(BDR 15-922)



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 ~~§a-3111~~ certain nonemergency telephone ~~§a111~~ 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 ~~§a-3111~~ certain nonemergency telephone ~~§a111~~ calls under certain circumstances; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made any telephonic access to a system established to provide a telephone number to be used in an emergency if no actual or perceived emergency exists. (NRS 207.245) This bill similarly makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made a ~~§3111~~ nonemergency telephone call to report an emergency on any nonemergency telephone line maintained by a governmental entity if no actual or perceived emergency exists. This bill also makes it a category E felony for a person to commit either offense if the person ~~§knew or reasonably should have known that his or her conduct would create a risk which is likely to and actually§~~ intended to initiate an emergency response and the emergency response initiated by that person results in the death or serious bodily injury of another. This bill further provides that a person who is convicted of a category E felony for such an offense is liable for any costs incurred by any governmental entity as a result of 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 ~~311~~ 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 : ~~the person knew or reasonably should have known that his or her conduct would create a risk which~~

(a) ~~Is likely to result in the death or serious bodily injury of another~~ 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) ~~Actually~~ 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 provide services related to law enforcement, firefighting, emergency medical care or public safety.

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

(c) "System" means a system established to provide a telephone number to be used in an emergency.