

Amendment No. 660

Senate Amendment to Assembly Bill No. 296 First Reprint	(BDR 3-121)
Proposed by: Senate 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	<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.

JRD/NCA



Date: 5/16/2021

A.B. No. 296—Establishes a civil cause of action for the dissemination of personal identifying information or sensitive information under certain circumstances. (BDR 3-121)



ASSEMBLY BILL NO. 296—ASSEMBLYWOMAN NGUYEN

MARCH 16, 2021

Referred to Committee on Judiciary

SUMMARY—Establishes a civil cause of action for the dissemination of personal identifying information or sensitive information under certain circumstances. (BDR 3-121)

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 actions concerning persons; establishing a civil cause of action to recover damages, reasonable attorney's fees and costs from a person who disseminates personal identifying information or sensitive information under certain circumstances; authorizing a court to issue a temporary restraining order or a permanent or temporary injunction under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes a civil cause of action against a person who commits certain acts commonly referred to as "doxing." Specifically, this bill authorizes a person to bring a civil action to recover damages, reasonable attorney's fees and costs from another person if the other person disseminates any personal identifying information or sensitive information of the person without the consent of the person, knowing that the person could be identified and: (1) with the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury ~~;~~ **or stalking ;** ~~for mental anguish;~~ or (2) with the intent to cause harm to the person and with the knowledge of or reckless disregard for the reasonable likelihood that disseminating the information could result in death, bodily injury ~~;~~ **or stalking .** ~~for mental anguish.~~ Further, a person is liable for the dissemination of such information if it: (1) would cause a reasonable person to ~~feel mental anguish or~~ fear the death, bodily injury, or stalking of himself or herself or a close relation; or (2) causes the death, bodily injury ~~;~~ **or stalking** ~~for mental anguish~~ of the person whose information was disseminated or a close relation of the person. This bill exempts from liability under the provisions of this bill the dissemination of such information: (1) for the purpose of reporting conduct reasonably believed to be unlawful; (2) which depicts a law enforcement officer acting under the color of law or ~~a public~~ **an elected** officer acting in an official capacity; ~~or~~ (3) gathered in the exercise of the constitutionally protected rights of freedom of speech and assembly ~~;~~ **;** ~~or (4) which is a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.~~ This bill also: (1) defines certain terms, including, among other terms, "personal identifying ~~information,~~" **information"** and "sensitive information" ~~and "mental anguish"~~

for the purposes of the provisions of this bill; (2) imposes joint and several liability if multiple persons are found liable for the same dissemination of personal identifying information or sensitive information; (3) authorizes a court to issue a temporary restraining order or a permanent or temporary injunction to prevent the dissemination of any personal identifying information or sensitive information of a person; and (4) excludes certain computer services from liability under the provisions of this bill for content provided by another person.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a person may bring a civil action against another person if:

(a) The other person disseminates any personal identifying information or sensitive information of the person without the consent of the person, knowing that the person could be identified by such information:

(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury ~~;~~ or stalking ~~;~~ ~~for mental anguish;~~ or

(2) With the intent to cause harm to the person and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury ~~;~~ or stalking ~~;~~ ~~for mental anguish;~~ and

(b) The dissemination of the personal identifying information or sensitive information:

(1) Would cause a reasonable person to ~~feel mental anguish or~~ fear the death, bodily injury or stalking of himself or herself or a close relation; or

(2) Causes the death, bodily injury ~~;~~ or stalking ~~for mental anguish;~~ of the person whose information was disseminated or a close relation of the person.

2. If a person is found liable to a person whose information was disseminated pursuant to subsection 1, the person whose information was disseminated may recover damages, reasonable attorney's fees and costs.

3. The provisions of this section do not apply to the dissemination of personal identifying information or sensitive information:

(a) For the purposes of reporting conduct reasonably believed to be unlawful;

(b) Which depicts a law enforcement officer acting under the color of law or ~~a public~~ an elected officer of the State of Nevada or any of its political subdivisions acting in an official capacity; ~~or~~

(c) Gathered in the exercise of the constitutionally protected rights of freedom of speech and assembly ~~;~~ or

(d) Which is a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, as defined in NRS 41.637.

4. Each person who is found liable under this section for the same dissemination of personal identifying information or sensitive information is jointly and severally liable for the damages, reasonable attorney's fees and costs awarded by the court.

5. Upon a motion by a party in a civil action brought under this section, a court may issue a temporary restraining order or a permanent or temporary

1 *injunction to prevent the dissemination of any personal identifying information*
2 *or sensitive information of a person.*

3 6. *This section must not be construed to impose liability on any interactive*
4 *computer service for any content provided by another person.*

5 7. *As used in this section:*

6 (a) *“Close relation” means a current or former spouse or domestic partner,*
7 *parent, child, sibling, stepparent, grandparent or any person who regularly*
8 *resides in the household or who, within the immediately preceding 6 months,*
9 *regularly resided in the household.*

10 (b) *“Interactive computer service” has the meaning ascribed to it in 47*
11 *U.S.C. § 230(f)(2).*

12 (c) *“Law enforcement officer” means any person upon whom some or all of*
13 *the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360,*
14 *inclusive.*

15 (d) ~~*“Mental anguish” means protracted severe emotional distress and does*~~
16 ~~*not require the physical manifestation of symptoms or a diagnosis by any clinical*~~
17 ~~*professional counselor, physician or licensed psychologist.*~~

18 ~~*“(e) “Personal identifying information” has the meaning ascribed to it in*~~
19 ~~*NRS 205.4617.*~~

20 ~~*“(f) “Public officer” has the meaning ascribed to it in NRS 205.4627.*~~

21 ~~*“(g) “Sensitive information” means information concerning:*~~

22 (1) *The sexual orientation of a person;*

23 (2) *Whether a person is transgender or has undergone a gender*
24 *transition; or*

25 (3) *The human immunodeficiency virus status of a person.*

26 ~~*“(h) “Stalking” means a violation of NRS 200.575.*~~

27 **Sec. 2.** This act becomes effective on July 1, 2021.