

ASSEMBLY BILL NO. 296—ASSEMBLYWOMAN NGUYEN

MARCH 16, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes. (BDR 15-121)

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 crimes; defining certain terms for the purposes of the crime of doxxing; establishing the crime of doxxing; authorizing a victim of doxxing to recover damages, reasonable attorney’s fees and costs in a civil action; authorizing a court to issue a temporary restraining order or a permanent or temporary injunction under certain circumstances; providing an additional penalty for doxxing motivated by certain actual or perceived characteristics of the victim; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Sections 3-9** of this bill establish the crime of doxxing. **Sections 4-5** of this bill
- 2 define the terms “personal identifying information” and “sensitive information” for
- 3 purposes relating to the crime of doxxing.
- 4 **Section 6** of this bill sets forth the elements of the crime of doxxing.
- 5 Specifically, **section 6** makes it unlawful to disseminate any personal identifying
- 6 information or sensitive information of another person without the consent of the
- 7 person, knowing that the person could be identified and: (1) with the intent to aid,
- 8 assist, encourage, facilitate, further or promote any criminal offense which could
- 9 result in death, bodily injury, harassment, stalking, financial loss or a substantial
- 10 life disruption; or (2) with knowledge of or reckless disregard for the possibility
- 11 that disseminating the information could result in death, bodily injury, harassment,
- 12 stalking, financial loss or a substantial life disruption. Further, the dissemination of
- 13 such information is punishable if it: (1) would cause a reasonable person to fear
- 14 death, bodily injury, harassment, stalking, financial loss or a substantial life
- 15 disruption to himself or herself or to a close relation of the person; or (2) causes
- 16 death, bodily injury, harassment, stalking, financial loss or a substantial life
- 17 disruption to the person whose information was disseminated or to a close relation



18 of the person. Under **section 6**, a person who commits the crime of doxxing is
19 guilty of: (1) a category D felony, if death, bodily injury, harassment, stalking or a
20 financial loss of \$3,000 or more results; (2) a gross misdemeanor, if a financial loss
21 of less than \$3,000 or a substantial life disruption results; and (3) a misdemeanor in
22 all other circumstances.

23 **Section 7** of this bill: (1) authorizes a victim of doxxing to bring a civil action
24 to recover damages, reasonable attorney's fees and costs; and (2) imposes joint and
25 several liability if multiple persons are found liable for the same act of doxxing.

26 **Section 8** of this bill authorizes a court to issue a temporary restraining order or a
27 permanent or temporary injunction to prevent the dissemination of any personal
28 identifying information or sensitive information of a person. **Section 9** of this bill
29 excludes certain computer services from liability under the provisions of **sections**
30 **3-9** for content provided by another person.

31 Existing law imposes an additional penalty for the commission of certain
32 crimes that are motivated by the actual or perceived race, color, religion, national
33 origin, physical or mental disability, sexual orientation or gender identity or
34 expression of the victim. (NRS 193.1675, 207.185) **Sections 1 and 10** of this bill
35 expand those provisions to include the crime of doxxing.

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

1 **Section 1.** NRS 193.1675 is hereby amended to read as
2 follows:

3 193.1675 1. Except as otherwise provided in NRS 193.169,
4 any person who willfully violates any provision of NRS 200.030,
5 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to
6 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471,
7 NRS 200.481 which is punishable as a felony, NRS 200.508,
8 200.5099, subsection 2 of NRS 200.575, NRS 205.010 to 205.025,
9 inclusive, 205.060, 205.067, 205.075, NRS 205.0832 which is
10 punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270,
11 206.150, NRS 206.330 which is punishable as a felony or NRS
12 207.190 *or section 6 of this act which is punishable as a felony*
13 because the actual or perceived race, color, religion, national origin,
14 physical or mental disability, sexual orientation or gender identity or
15 expression of the victim was different from that characteristic of the
16 perpetrator may, in addition to the term of imprisonment prescribed
17 by statute for the crime, be punished by imprisonment in the state
18 prison for a minimum term of not less than 1 year and a maximum
19 term of not more than 20 years. In determining the length of any
20 additional penalty imposed, the court shall consider the following
21 information:

- 22 (a) The facts and circumstances of the crime;
23 (b) The criminal history of the person;
24 (c) The impact of the crime on any victim;
25 (d) Any mitigating factors presented by the person; and



1 (e) Any other relevant information.

2 ➔ The court shall state on the record that it has considered the
3 information described in paragraphs (a) to (e), inclusive, in
4 determining the length of any additional penalty imposed.

5 2. A sentence imposed pursuant to this section:

6 (a) Must not exceed the sentence imposed for the crime; and

7 (b) Runs consecutively with the sentence prescribed by statute
8 for the crime.

9 3. This section does not create a separate offense but provides
10 an additional penalty for the primary offense, whose imposition is
11 contingent upon the finding of the prescribed fact.

12 **Sec. 2.** Chapter 200 of NRS is hereby amended by adding
13 thereto the provisions set forth as sections 3 to 9, inclusive, of this
14 act.

15 **Sec. 3.** *As used in sections 3 to 9, inclusive, of this act, unless*
16 *the context otherwise requires, the words and terms defined in*
17 *sections 4 and 5 of this act have the meanings ascribed to them in*
18 *those sections.*

19 **Sec. 4.** *“Personal identifying information” has the meaning*
20 *ascribed to it in NRS 205.4617.*

21 **Sec. 5.** *“Sensitive information” means information*
22 *concerning:*

23 1. *The sexual orientation of a person;*

24 2. *Whether a person is transgender or has undergone a*
25 *gender transition; or*

26 3. *The human immunodeficiency virus status of a person.*

27 **Sec. 6.** 1. *Except as otherwise provided in subsection 3, a*
28 *person commits the crime of doxxing if the person:*

29 (a) *Disseminates any personal identifying information or*
30 *sensitive information of another person without the consent of the*
31 *person, knowing that the person could be identified by such*
32 *information:*

33 (1) *With the intent to aid, assist, encourage, facilitate,*
34 *further or promote any criminal offense causing death, bodily*
35 *injury, harassment, stalking, financial loss or a substantial life*
36 *disruption; or*

37 (2) *With knowledge of or reckless disregard for the*
38 *reasonable likelihood that the dissemination may cause death,*
39 *bodily injury, harassment, stalking, financial loss, or a substantial*
40 *life disruption; and*

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

43 (1) *Would cause a reasonable person to fear death, bodily*
44 *injury, harassment, stalking, financial loss or a substantial life*



1 *disruption to himself or herself or to a close relation of the person;*
2 *or*

3 *(2) Causes death, bodily injury, harassment, stalking,*
4 *financial loss or a substantial life disruption to the person whose*
5 *information was disseminated or to a close relation of the person.*

6 *2. A person who commits doxxing shall be punished:*

7 *(a) If the doxxing results in death, bodily injury, harassment,*
8 *stalking or a financial loss of \$3,000 or more, for a category D*
9 *felony and shall be punished as provided in NRS 193.130.*

10 *(b) If the doxxing results in a financial loss of less than \$3,000*
11 *or a substantial life disruption, for a gross misdemeanor.*

12 *(c) If the doxing is not otherwise punishable pursuant to*
13 *paragraph (a) or (b), for a misdemeanor.*

14 *3. The provisions of this section do not apply to the*
15 *dissemination of personal identifying information or sensitive*
16 *information for the purpose of:*

17 *(a) A legitimate public interest;*

18 *(b) Reporting unlawful conduct;*

19 *(c) A law enforcement or correctional activity authorized by*
20 *law;*

21 *(d) Investigating or prosecuting a violation of this section; or*

22 *(e) Preparing for or participating in any legal proceeding.*

23 *4. The criminal penalty provided for in this section may be*
24 *imposed in addition to any penalty that may be imposed for any*
25 *other criminal offense arising from the same conduct or for any*
26 *contempt of court arising from the same conduct. Any sentence*
27 *imposed for a violation of this section must run concurrently with*
28 *any sentence imposed for any other criminal offense arising from*
29 *the same conduct or for any contempt of court arising from the*
30 *same conduct.*

31 *5. As used in this section:*

32 *(a) "Close relation" means a current or former spouse or*
33 *domestic partner, parent, child, sibling, stepparent, grandparent,*
34 *or any person who regularly resides in the household or who*
35 *within the immediately preceding 6 months regularly resided in*
36 *the household.*

37 *(b) "Harassment" means a violation of NRS 200.571.*

38 *(c) "Stalking" means a violation of NRS 200.575.*

39 *(d) "Substantial life disruption" means a significant*
40 *modification to the actions or routines of a person undertaken to*
41 *avoid or mitigate death, bodily injury, harassment, stalking or*
42 *financial loss as a result of the dissemination of his or her*
43 *personal identifying information or sensitive information by*
44 *another person, including, without limitation:*

45 *(1) Changing his or her name.*



1 (2) *Changing or eliminating his or her telephone number,*
2 *electronic mail address or account on an Internet or network site*
3 *or significantly decreasing his or her use of the Internet. As used*
4 *in this subsection, "Internet or network site" has the meaning*
5 *ascribed to it in NRS 205.4744.*

6 (3) *Moving from an established residence.*

7 (4) *Changing any daily routine, including his or her route*
8 *to his or her place of employment.*

9 (5) *Changing his or her employment or work schedule or*
10 *losing time from his or her employment.*

11 **Sec. 7. 1.** *A person whose personal identifying information*
12 *or sensitive information is disseminated in violation of section 6 of*
13 *this act may bring a civil action against the person who commits*
14 *such a violation. The court may award damages, reasonable*
15 *attorney's fees and costs to the person whose personal identifying*
16 *information or sensitive information has been disseminated.*

17 2. *Each person who is found liable under this section for the*
18 *same violation of section 6 of this act is jointly and severally liable*
19 *for the damages, reasonable attorney's fees and costs awarded by*
20 *the court.*

21 **Sec. 8.** *Upon a motion by a party in a prosecution for a*
22 *violation of section 6 of this act or a civil action for a violation of*
23 *section 6 of this act, a court may issue a temporary restraining*
24 *order or a permanent or temporary injunction to prevent the*
25 *dissemination of any personal identifying information or sensitive*
26 *information of a person.*

27 **Sec. 9. 1.** *The provisions of sections 3 to 9, inclusive, of this*
28 *act must not be construed to impose liability on an interactive*
29 *computer service for any content provided by another person.*

30 2. *As used in subsection 1, "interactive computer service" has*
31 *the meaning ascribed to it in 47 U.S.C. § 230(f)(2).*

32 **Sec. 10.** NRS 207.185 is hereby amended to read as follows:

33 207.185 Unless a greater penalty is provided by law, a person
34 who, by reason of the actual or perceived race, color, religion,
35 national origin, physical or mental disability, sexual orientation or
36 gender identity or expression of another person or group of persons,
37 willfully violates any provision of NRS 200.471, 200.481,
38 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060,
39 203.080, 203.090, 203.100, 203.110, 203.119, NRS 205.0832 which
40 is punishable as a misdemeanor, NRS 205.240, 205.2715, 205.274,
41 205.2741, 206.010, 206.040, 206.125, 206.140, 206.200, 206.310,
42 NRS 206.330 which is punishable as a misdemeanor, NRS 207.180,
43 207.200 or 207.210 *or section 6 of this act which is punishable as*
44 *a misdemeanor* is guilty of a gross misdemeanor.



1 **Sec. 11.** This act becomes effective on July 1, 2021.

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