

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:**

1 This bill establishes a civil cause of action against a person who commits  
2 certain acts commonly referred to as “doxing.” Specifically, this bill authorizes a  
3 person to bring a civil action to recover damages, reasonable attorney’s fees and  
4 costs from another person if the other person disseminates any personal identifying  
5 information or sensitive information of the person without the consent of the  
6 person, knowing that the person could be identified and: (1) with the intent to aid,  
7 assist, encourage, facilitate, further or promote any criminal offense which would  
8 be reasonably likely to cause death, bodily injury, stalking or mental anguish; or (2)  
9 with the intent to cause harm to the person and with the knowledge of or reckless  
10 disregard for the reasonable likelihood that disseminating the information could  
11 result in death, bodily injury, stalking or mental anguish. Further, a person is liable  
12 for the dissemination of such information if it: (1) would cause a reasonable person  
13 to feel mental anguish or fear the death, bodily injury, or stalking of himself or  
14 herself or a close relation; or (2) causes the death, bodily injury, stalking or mental  
15 anguish of the person whose information was disseminated or a close relation of the  
16 person. This bill exempts from liability under the provisions of this bill the



17 dissemination of such information: (1) for the purpose of reporting conduct  
18 reasonably believed to be unlawful; (2) which depicts a law enforcement officer  
19 acting under the color of law or a public officer acting in an official capacity; or (3)  
20 gathered in the exercise of the constitutionally protected rights of freedom of  
21 speech and assembly. This bill also: (1) defines certain terms, including, among  
22 other terms, “personal identifying information,” “sensitive information” and  
23 “mental anguish” for the purposes of the provisions of this bill; (2) imposes joint  
24 and several liability if multiple persons are found liable for the same dissemination  
25 of personal identifying information or sensitive information; (3) authorizes a court  
26 to issue a temporary restraining order or a permanent or temporary injunction to  
27 prevent the dissemination of any personal identifying information or sensitive  
28 information of a person; and (4) excludes certain computer services from liability  
29 under the provisions of this bill for content provided by another person.

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

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

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

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

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

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

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

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

22 **(2) Causes the death, bodily injury, stalking or mental**  
23 **anguish of the person whose information was disseminated or a**  
24 **close relation of the person.**

25 **2. If a person is found liable to a person whose information**  
26 **was disseminated pursuant to subsection 1, the person whose**  
27 **information was disseminated may recover damages, reasonable**  
28 **attorney’s fees and costs.**



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

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

6 (b) *Which depicts a law enforcement officer acting under the*  
7 *color of law or a public officer acting in an official capacity; or*

8 (c) *Gathered in the exercise of the constitutionally protected*  
9 *rights of freedom of speech and assembly.*

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

15 5. *Upon a motion by a party in a civil action brought under*  
16 *this section, a court may issue a temporary restraining order or a*  
17 *permanent or temporary injunction to prevent the dissemination of*  
18 *any personal identifying information or sensitive information of a*  
19 *person.*

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

23 7. *As used in this section:*

24 (a) *"Close relation" means a current or former spouse or*  
25 *domestic partner, parent, child, sibling, stepparent, grandparent or*  
26 *any person who regularly resides in the household or who, within*  
27 *the immediately preceding 6 months, regularly resided in the*  
28 *household.*

29 (b) *"Interactive computer service" has the meaning ascribed to*  
30 *it in 47 U.S.C. § 230(f)(2).*

31 (c) *"Law enforcement officer" means any person upon whom*  
32 *some or all of the powers of a peace officer are conferred pursuant*  
33 *to NRS 289.150 to 289.360, inclusive.*

34 (d) *"Mental anguish" means protracted severe emotional*  
35 *distress and does not require the physical manifestation of*  
36 *symptoms or a diagnosis by any clinical professional counselor,*  
37 *physician or licensed psychologist.*

38 (e) *"Personal identifying information" has the meaning*  
39 *ascribed to it in NRS 205.4617.*

40 (f) *"Public officer" has the meaning ascribed to it in*  
41 *NRS 205.4627.*

42 (g) *"Sensitive information" means information concerning:*

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

44 (2) *Whether a person is transgender or has undergone a*  
45 *gender transition; or*



1           (3) *The human immunodeficiency virus status of a person.*  
2           (h) *“Stalking” means a violation of NRS 200.575.*  
3           **Sec. 2.** This act becomes effective on July 1, 2021.

