

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 or stalking; or (2) with the intent
9 to cause harm to the person and with the knowledge of or reckless disregard for the
10 reasonable likelihood that disseminating the information could result in death,
11 bodily injury or stalking. Further, a person is liable for the dissemination of such
12 information if it: (1) would cause a reasonable person to fear the death, bodily
13 injury, or stalking of himself or herself or a close relation; or (2) causes the death,
14 bodily injury or stalking of the person whose information was disseminated or a
15 close relation of the person. This bill exempts from liability under the provisions of
16 this bill the dissemination of such information: (1) for the purpose of reporting



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17 conduct reasonably believed to be unlawful; (2) which depicts a law enforcement
18 officer acting under the color of law or an elected officer acting in an official
19 capacity; (3) gathered in the exercise of the constitutionally protected rights of
20 freedom of speech and assembly; or (4) which is a good faith communication in
21 furtherance of the right to petition or the right to free speech in direct connection
22 with an issue of public concern. This bill also: (1) defines certain terms, including,
23 among other terms, "personal identifying information" and "sensitive information"
24 for the purposes of the provisions of this bill; (2) imposes joint and several liability
25 if multiple persons are found liable for the same dissemination of personal
26 identifying information or sensitive information; (3) authorizes a court to issue a
27 temporary restraining order or a permanent or temporary injunction to prevent the
28 dissemination of any personal identifying information or sensitive information of a
29 person; and (4) excludes certain computer services from liability under the
30 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:

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 or stalking; or*

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

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

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

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

24 *2. If a person is found liable to a person whose information*
25 *was disseminated pursuant to subsection 1, the person whose*
26 *information was disseminated may recover damages, reasonable*
27 *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 an elected officer of the State of Nevada or any of*
8 *its political subdivisions acting in an official capacity;*

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

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

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

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

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

27 7. *As used in this section:*

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

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

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

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

40 (e) *"Sensitive information" means information concerning:*

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

42 (2) *Whether a person is transgender or has undergone a*
43 *gender transition; or*

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

45 (f) *"Stalking" means a violation of NRS 200.575.*



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

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