

ASSEMBLY BILL NO. 123—ASSEMBLYMEMBER NADEEM

PREFILED JANUARY 27, 2025

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections communications. (BDR 24-733)

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: No.

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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 elections communications; prohibiting a person, during any speech or other communication made in the course of his or her political campaign, from making certain statements which threaten the life of any other person; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The United States Supreme Court has held that: (1) a “true threat” is an
2 unprotected category of communication which subjects a person to the fear of
3 violence and to the many kinds of disruption that fear engenders; and (2) the First
4 Amendment of the United States Constitution requires a speaker who
5 communicates a true threat to act recklessly when making such a statement.
6 (*Counterman v. Colorado*, 600 U.S. 66, 74-81 (2023)) The Supreme Court has
7 further held that a person acts recklessly when he or she “consciously disregards a
8 substantial and unjustifiable risk that the conduct will cause harm to another.”
9 (*Counterman*, 600 U.S. at 79 (quoting *Voisine v. U.S.*, 579 U.S. 686, 691 (2016))

10 Existing law provides that a person is guilty of harassment if he or she, without
11 lawful authority, knowingly makes certain threats and, by words or conduct, places
12 the person threatened in reasonable fear that the threat will be carried out. Existing
13 law further provides that a person who is guilty of harassment is: (1) for the first
14 offense, guilty of a misdemeanor; and (2) for the second or any subsequent offense,
15 guilty of a gross misdemeanor. (NRS 200.571)

16 This bill prohibits a person from, during any speech or other communication
17 made in the course of his or her political campaign, threatening the life of any other
18 person: (1) with conscious disregard for the substantial and unjustifiable risk of
19 harm to another caused by his or her speech or communication; and (2) in a manner
20 which places the person who is the subject of the threat in reasonable fear that the
21 threat will be carried out. This bill further provides that a person who violates the



22 provisions of this bill is: (1) for the first offense, guilty of a misdemeanor; and (2)
23 for the second or any subsequent offense, guilty of a gross misdemeanor.

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

1 **Section 1.** Chapter 293 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *A person shall not, during any speech or other*
4 *communication made in the course of his or her political*
5 *campaign, threaten the life of any other person:*

6 (a) *With conscious disregard for the substantial and*
7 *unjustifiable risk of harm to another caused by his or her speech*
8 *or communication; and*

9 (b) *In a manner which places the person who is the subject of*
10 *the threat in reasonable fear that the threat will be carried out.*

11 2. *Nothing in this section shall be construed as to prohibit a*
12 *person from engaging in any constitutionally protected exercise of*
13 *free speech, including political hyperbole.*

14 3. *A person who violates the provisions of subsection 1:*

15 (a) *For the first offense, is guilty of a misdemeanor.*

16 (b) *For the second or any subsequent offense, is guilty of a*
17 *gross misdemeanor.*

