

ASSEMBLY BILL NO. 172—ASSEMBLYMEMBER HANSEN

PREFILED JANUARY 31, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the disclosure of certain records stored on the Internet. (BDR 15-768)

FISCAL NOTE: Effect on Local Government: No.  
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 criminal procedure; expanding the applicability of certain provisions governing the disclosure by a provider of Internet service of certain records stored on the Internet; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing federal law: (1) regulates the ability of federal, state and local  
2 governmental entities to access certain records stored on the Internet; and (2) sets  
3 forth certain requirements governing the disclosure of such information. (18 U.S.C.  
4 § 2701-2713) In general, existing federal law authorizes a governmental entity to  
5 require an Internet service provider that provides a remote computing service to  
6 disclose the contents of a wire or electronic communication that has been in  
7 electronic storage pursuant to a court order, subpoena or warrant. (18 U.S.C. §  
8 2703)

9 Under existing state law, a provider of Internet service who violates federal law  
10 is guilty of a misdemeanor, punishable by a fine of not more than \$500. Existing  
11 state law also: (1) authorizes certain governmental entities to compel a provider of  
12 Internet service to disclose certain information pertaining to a user or subscriber  
13 pursuant to a subpoena; and (2) requires a provider of Internet service to keep  
14 certain information confidential. (NRS 179.467, 193.340) For the purpose of these  
15 provisions, existing state law defines the term “provider of Internet service” to  
16 mean any provider who provides subscribers with access to the Internet or an  
17 electronic email address, or both. (NRS 205.4758) **Section 5** of this bill expands  
18 this definition to include a provider of Internet service who provides subscribers or  
19 customers with a remote computing service. **Section 5** thereby: (1) provides that a  
20 provider of Internet service who provides a remote computing service is guilty of a  
21 misdemeanor under certain circumstances; (2) authorizes certain governmental  
22 entities to compel any such provider to disclose certain information pursuant to a  
23 subpoena; and (3) requires any such provider to keep certain information  
24 confidential.



25       **Section 2** of this bill defines the term “electronic communications system” to  
 26 mean any: (1) wire, radio, electromagnetic, photooptical or photoelectronic  
 27 facilities for the transmission of wire or electronic communications; and (2)  
 28 computer facilities or related electronic equipment for the electronic storage of such  
 29 communications. **Section 3** of this bill defines the term “remote computing service”  
 30 to mean the provision to the public of computer storage or processing services by  
 31 means of an electronic communications system. **Section 4** of this bill makes a  
 32 conforming change to prescribe the applicability of the definitions set forth in  
 33 **sections 2 and 3.**

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

1       **Section 1.** Chapter 205 of NRS is hereby amended by adding  
 2 thereto the provisions set forth as sections 2 and 3 of this act.

3       **Sec. 2. “Electronic communications system” means any:**

4       **1. Wire, radio, electromagnetic, photooptical or**  
 5 **photoelectronic facilities for the transmission of wire or electronic**  
 6 **communications; and**

7       **2. Computer facilities or related electronic equipment for the**  
 8 **electronic storage of such communications.**

9       **Sec. 3. “Remote computing service” means the provision to**  
 10 **the public of computer storage or processing services by means of**  
 11 **an electronic communications system.**

12       **Sec. 4.** NRS 205.473 is hereby amended to read as follows:

13       205.473 As used in NRS 205.473 to 205.513, inclusive, **and**  
 14 **sections 2 and 3 of this act**, unless the context otherwise requires,  
 15 the words and terms defined in NRS 205.4732 to 205.476, inclusive,  
 16 **and sections 2 and 3 of this act** have the meanings ascribed to them  
 17 in those sections.

18       **Sec. 5.** NRS 205.4758 is hereby amended to read as follows:

19       205.4758 “Provider of Internet service” means any provider  
 20 who provides subscribers **or customers** with **[access]** :

21       **1. Access** to the Internet or an electronic mail address, or both  
 22 **[;]** **or**

23       **2. A remote computing service.**

