



## LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

### Nevada Fact Sheet

## Obstructing Public Officer

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Nevada's relevant law.

### Nevada Revised Statutes, § 197-090 Obstructing Public Officer

Every person who, after due notice, shall refuse or neglect to make or furnish any statement, report or information lawfully required of the person by any public officer, or who, in such statement, report or information shall make any willfully untrue, misleading or exaggerated statement, or who shall willfully hinder, delay or obstruct any public officer in the discharge of official powers or duties, shall, where no other provision of law applies, be guilty of a misdemeanor.

### Relevant Definitions

#### ***Nevada Revised Statutes, § 193-019***

“Officer” and “public officer” include all persons exercising or assuming to exercise any of the powers or functions of a public officer and all officers, members and employees of:

1. The State of Nevada;
2. Any political subdivision of this State;
3. Any other special district, public corporation or quasi-public corporation of this State; and
4. Any agency, board or commission established by this State or any of its political subdivisions.



## Penalties

### ***Nevada Revised Statutes, § 193-140***

Up to 364 days imprisonment and/or up to a \$2,000 fine

## Summary

A person is guilty of obstructing a police officer when he/she hinders, delays, or obstructs any public officer in the discharge of his/her official powers or duties. A “public officer” includes employees of the state and any of its political subdivisions. If a convicted, a person faces up to 364 days imprisonment and/or a fine of up to \$2,000.

## Template for Notifying Violators

**Below is a sample template for notifying individuals regarding their conduct relative to the code.**

***Nevada Revised Statutes, § 197-090*** prohibits obstructing a public officer. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the Nevada Governor threatening his life if he announced a mask mandate.] *This may constitute a violation of § 197-090. If convicted, you face up to 364 days imprisonment and a fine of up to \$2,000.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*