

Bond Case Briefs

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MUNICIPAL ORDINANCE - NEVADA

Scott v. First Jud. Dist. Ct.

Supreme Court of Nevada - December 31, 2015 - P.3d - 2015 WL 9586796 - 131 Nev. Adv. Op. 101

Defendant appealed his conviction for violating municipal ordinance making it unlawful for any person to hinder, obstruct, resist, delay, molest any member of the sheriff's office in the discharge of his official duties. The District Court affirmed. Defendant petitioned for writ of certiorari.

The Supreme Court of Nevada held that:

- Ordinance was unconstitutionally overbroad, and
- Ordinance was unconstitutionally vague.

Municipal ordinance prohibiting any conduct that may "hinder, obstruct, resist, delay, or molest" a police officer in the discharge of his official duties, regardless of intent, was unconstitutionally overbroad on its face, in violation of First Amendment, where the ordinance encompassed protected speech and was not narrowly tailored to prohibit only disorderly conduct or fighting words.

Municipal ordinance prohibiting any conduct that in any way may "hinder, obstruct, resist, delay, or molest" a police officer in the discharge of his official duties, regardless of intent, was unconstitutionally vague, in violation of due process. Ordinance was worded so broadly that sheriffs deputies were given unfettered discretion to arrest individuals for words or conduct that annoyed or offended them.