

Senate Bill No. 396—Senators Townsend and Titus

CHAPTER.....

AN ACT relating to animals; making certain acts regarding the treatment of certain animals unlawful; increasing the penalties for certain mistreatment of animals; clarifying the definition of a service animal; providing penalties; providing certain exceptions with respect to rodeos, livestock shows and ranches; prohibiting a place of public accommodation from refusing admission or service to a person who is accompanied by a police dog; and providing other matters properly relating thereto.

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

Section 1. NRS 206.150 is hereby amended to read as follows:

206.150 1. Except as *otherwise* provided in ~~subsection 2,~~ *subsections 2 and 3*, any person who willfully and maliciously kills, maims or disfigures any animal belonging to another, or exposes any poison or noxious substance with intent that it should be taken by the animal is guilty of a public offense proportionate to the value of the loss resulting therefrom but in no event less than a gross misdemeanor.

2. *Except as otherwise provided in NRS 205.220, a person who willfully and maliciously kills an estray or one or more head of livestock, without the authority to do so, is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

3. The provisions of subsection 1 do not apply to any person who kills a dog pursuant to NRS 575.020.

4. *As used in this section:*

(a) *“Estray” means any livestock running at large upon public or private lands in this state, whose owner is unknown in the section where the animal is found.*

(b) *“Livestock” has the meaning ascribed to it in NRS 205.219.*

Sec. 2. NRS 426.097 is hereby amended to read as follows:

426.097 “Service animal” means an animal which has been or is being trained to provide a specialized service to a handicapped person ~~or by a school that is approved by the division to train such an animal.~~

Sec. 3. NRS 426.790 is hereby amended to read as follows:

426.790 1. ~~It is unlawful for any person to beat, harass, intimidate or interfere with~~ *A person shall not willfully and maliciously:*

(a) *Interfere with;*

(b) *Beat, harass or intimidate; or*

(c) *Kill,*

a guide dog, hearing dog, helping dog or other service animal.

2. Any person who violates ~~subsection 1 shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not less than \$100 nor more than \$500, or by both fine and imprisonment.~~ :

- (a) Paragraph (a) of subsection 1 is guilty of a misdemeanor.*
- (b) Paragraph (b) of subsection 1 is guilty of a gross misdemeanor.*
- (c) Paragraph (c) of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Sec. 4. NRS 504.490 is hereby amended to read as follows:

504.490 **1.** Any person, not authorized to do so, who:

- ~~(1.)~~ **(a)** Removes or attempts to remove a wild horse from the public lands;
 - ~~(2.)~~ **(b)** Converts a wild horse to private use;
 - ~~(3.)~~ **(c)** Harasses a wild horse or *, except as otherwise provided in subsection 2,* kills a wild horse;
 - ~~(4.)~~ **(d)** Uses an aircraft or a motor vehicle to hunt any wild horse;
 - ~~(5.)~~ **(e)** Pollutes or causes the pollution of a watering hole on public land to trap, wound, kill or maim a wild horse;
 - ~~(6.)~~ **(f)** Makes or causes the remains of a wild horse to be made into any commercial product;
 - ~~(7.)~~ **(g)** Sells a wild horse which strays onto private property; or
 - ~~(8.)~~ **(h)** Willfully violates a regulation adopted by the commission for the preservation of wild horses,
- is guilty of a gross misdemeanor.

2. A person who willfully and maliciously kills a wild horse is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 5. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. 1. *A person shall not willfully and maliciously:*

- (a) Taunt, torment, tease, beat, strike or administer a desensitizing drug, chemical or substance to a police animal;*
- (b) Interfere with a police animal or a handler thereof in the performance of duties assigned to the police animal or handler; or*
- (c) Torture, mutilate, injure, poison, disable or kill a police animal.*

2. *A person who violates:*

- (a) Paragraph (a) or (b) of subsection 1 is guilty of a misdemeanor.*
- (b) Paragraph (c) of subsection 1 is guilty of:*

(1) If the police animal is not totally disabled or killed, a gross misdemeanor.

(2) If the police animal is totally disabled or killed, a category C felony and shall be punished as provided in NRS 193.130. In addition to the punishment imposed pursuant to this subparagraph, the court may require a person who is punished pursuant to this subparagraph to pay restitution to the agency that owns the police animal, including, without limitation, payment for veterinary services and the cost of replacing the police animal.

3. The provisions of this section do not prohibit a euthanasia technician licensed pursuant to chapter 638 of NRS, a peace officer or a veterinarian from euthanizing a police animal in an emergency if the police animal is critically wounded and would otherwise endure undue suffering and pain.

Sec. 7. 1. A person shall not:

(a) Willfully, unjustifiably and maliciously tamper or interfere with;
(b) Willfully and unjustifiably abuse or injure, or willfully and unjustifiably set on foot, instigate, engage in or in any way further an act of abusing or injuring; or

(c) Willfully and unjustifiably kill or willfully and unjustifiably set on foot, instigate, engage in or in any way further an act of killing, a dog owned by another person that is used in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined.

2. A person who violates:

(a) Paragraph (a) of subsection 1 is guilty of a misdemeanor.

(b) Paragraph (b) of subsection 1 is guilty of a gross misdemeanor.

(c) Paragraph (c) of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 8. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~§~~, and sections 6 and 7 of this act:

1. “Animal” does not include the human race, but includes every other living creature.

2. “Police animal” means an animal which is owned by a state or local governmental agency and which is used by a peace officer in performing his duties as a peace officer.

3. “Torture” or “cruelty” includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 9. NRS 574.055 is hereby amended to read as follows:

574.055 1. Any peace officer or officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. When an officer takes possession of an animal, he shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the

officer cannot find the owner after a reasonable search, he shall post the notice on the property from which he takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with subsection 2 or, if he has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. This section does not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of *paragraph (b) of* subsection ~~{2}~~ 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or his designee, a licensed veterinarian and the district brand inspector or his designee. In such a case, the sheriff shall direct that the impoundment occur no later than 48 hours after the veterinarian determines that a violation of *paragraph (b) of* subsection ~~{2}~~ 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with subsection 6 must, before the animal is released to his custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the division of agriculture of the department of business and industry shall sell the animal. The division shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 10. NRS 574.100 is hereby amended to read as follows:

574.100 ~~{Except in any case involving a willful or malicious act for which a greater penalty is provided by NRS 206.150, a person who:~~

~~—1.—Overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any}~~

1. A person shall not:

(a) Overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to himself or to another;

~~{2.—Deprives any~~

~~}~~

(b) Deprive an animal of necessary sustenance, food or drink, or ~~{neglects or refuses}~~ neglect or refuse to furnish it such sustenance or drink;

~~{3. Causes, procures or permits any}~~

(c) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink;

~~{4. Willfully sets on foot, instigates, engages}~~

(d) Instigate, engage in, or in any way ~~{furthers}~~ further an act of cruelty to any animal, or any act tending to produce such cruelty; or

~~{5. Abandons}~~

(e) Abandon an animal in circumstances other than those prohibited in NRS 574.110 . ~~Is~~

~~is guilty of a misdemeanor.}~~

2. A person who violates subsection 1:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. In addition to any other fine or penalty provided in subsection 2, a court shall order a person convicted of violating subsection 1 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, including, without limitation, money expended for veterinary treatment, feed and housing.

4. The court may order the person convicted of violating subsection 1 to surrender ownership or possession of the mistreated animal.

5. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

- (a) Carrying out the activities of a rodeo or livestock show; or**
- (b) Operating a ranch.**

Sec. 11. NRS 651.075 is hereby amended to read as follows:

651.075 1. It is unlawful for a place of public accommodation to:

(a) Refuse admittance or service to a person with a visual, aural or physical disability because he is accompanied by a guide dog, hearing dog, helping dog or other service animal . ~~;~~

(b) Refuse admittance or service to a person training such an animal . ~~;~~

(c) Refuse to permit an employee of the place of public accommodation who is training such an animal to bring the animal into:

(1) The place of public accommodation; or

(2) Any area within the place of public accommodation to which employees of the place have access, regardless of whether the area is open to the public . ~~;~~ ~~or~~

(d) **Refuse admittance or service to a person because he is accompanied by a police dog.**

(e) Charge an additional fee for such an animal.

2. A place of accommodation may require proof that an animal is a guide dog, hearing dog, helping dog or other service animal, or that a person is training such an animal. This requirement may be satisfied, by way of example and not of limitation, by exhibition of the identification card normally presented to a trainer of such an animal or to a person with a visual, aural or physical disability upon his graduation from a school for guide dogs, school for hearing dogs , ~~or~~ school for helping dogs ~~;~~ **or other school that is approved by the rehabilitation division of the department of employment, training and rehabilitation to train a service animal to provide a specialized service to a handicapped person.**

3. A guide dog, hearing dog, helping dog or other service animal may not be presumed dangerous by reason of the fact it is not muzzled.

4. This section does not relieve ~~it~~ :

(a) A person with a disability or a person who trains such an animal from liability for damage caused by his guide dog, hearing dog, helping dog or other service animal.

(b) A person who is accompanied by a police dog from liability for damage caused by the police dog.

5. Persons with disabilities who are accompanied by guide dogs, hearing dogs, helping dogs or other service animals are subject to the same conditions and limitations that apply to persons who are not so disabled and accompanied.

6. **Persons who are accompanied by police dogs are subject to the same conditions and limitations that apply to persons who are not so accompanied.**

7. For the purposes of this section ~~it, the~~ :

(a) *The* terms “guide dog,” “hearing dog,” “helping dog” and “service animal” have the meanings ascribed to them respectively in NRS 426.075, 426.081, 426.083 and 426.097.

(b) *“Police dog” means a dog which is owned by a state or local governmental agency and which is used by a peace officer in performing his duties as a peace officer.*

Sec. 12. The amendatory provisions of this act do not apply to offenses that were committed before October 1, 1999.

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