

ASSEMBLY BILL NO. 463—ASSEMBLYMAN COLLINS (BY REQUEST)

MARCH 19, 2001

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Revises provisions governing treatment and use of certain animals.  
(BDR 15-809)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

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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 animals; revising the duties of a driver of a vehicle when approaching or passing a person who is driving an animal-drawn vehicle or riding or herding an animal; providing an additional penalty for certain crimes relating to police animals; clarifying that certain provisions related to riding horses in public places do not apply to police officers while performing their official duties; providing penalties; and providing other matters properly relating thereto.

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

- 1     **Section 1.** NRS 193.169 is hereby amended to read as follows:  
2     193.169 1. A person who is sentenced to an additional term of  
3     imprisonment pursuant to the provisions of subsection 1 of NRS 193.161,  
4     NRS 193.162, 193.163, 193.165, 193.167, 193.1675, 193.168 , ~~for~~  
5     453.3345 *or 574.105* must not be sentenced to an additional term of  
6     imprisonment pursuant to any of the other listed sections even if the  
7     person's conduct satisfies the requirements for imposing an additional term  
8     of imprisonment pursuant to another one or more of those sections.  
9     2. A person who is sentenced to an alternative term of imprisonment  
10    pursuant to subsection 2 of NRS 193.161 must not be sentenced to an  
11    additional term of imprisonment pursuant to subsection 1 of NRS 193.161,  
12    NRS 193.162, 193.163, 193.165, 193.167, 193.1675, 193.168 , ~~for~~  
13    453.3345 *or 574.105* even if the person's conduct satisfies the  
14    requirements for imposing an additional term of imprisonment pursuant to  
15    another one or more of those sections.  
16    3. This section does not:  
17    (a) Affect other penalties or limitations upon probation or suspension of  
18    a sentence contained in the sections listed in subsection 1 or 2.  
19    (b) Prohibit alleging in the alternative in the indictment or information  
20    that the person's conduct satisfies the requirements of more than one of the



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1 sections listed in subsection 1 or 2 and introducing evidence to prove the  
2 alternative allegations.

3 **Sec. 2.** NRS 202.530 is hereby amended to read as follows:

4 202.530 ~~Every person shall be~~

5 **1. Except as otherwise provided in subsection 2, a person is** guilty of  
6 a misdemeanor who ~~shall:~~

7 ~~1. Ride or drive~~ :

8 **(a) Rides or drives** a horse upon a public street or highway in a manner  
9 likely to endanger the safety or life of another person on ~~such~~ **the** public  
10 street or highway.

11 ~~2. (b) While riding or driving a horse upon a public street or highway,~~  
12 ~~create or participate~~ **creates or participates** in any noise, disturbance or  
13 other demonstration calculated or intended to frighten, intimidate or disturb  
14 any person.

15 **2. The provisions of this section do not apply to a peace officer who**  
16 **rides or drives a horse while performing his duties as a peace officer.**

17 **Sec. 3.** NRS 206.150 is hereby amended to read as follows:

18 206.150 1. ~~Except~~ **Unless a greater penalty is provided pursuant**  
19 **to NRS 574.105 or 574.150, except** as otherwise provided in subsections 2  
20 and 3, any person who willfully and maliciously kills, maims or disfigures  
21 any animal belonging to another, or exposes any poison or noxious  
22 substance with intent that it should be taken by the animal, is guilty of a  
23 public offense proportionate to the value of the loss resulting therefrom,  
24 but in no event less than a gross misdemeanor.

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

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

31 4. As used in this section:

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

35 (b) "Livestock" has the meaning ascribed to it in NRS 205.219.

36 **Sec. 4.** Chapter 484 of NRS is hereby amended by adding thereto a  
37 new section to read as follows:

38 **1. The driver of a vehicle shall:**

39 **(a) Exercise reasonable care when approaching or passing a person**  
40 **who is driving an animal-drawn vehicle or riding or herding an animal;**  
41 **and**

42 **(b) Reduce the speed of or stop the vehicle if requested to do so by**  
43 **such a person to ensure the safety of the person or animal.**

44 **2. A person who violates the provisions of subsection 1 is guilty of a**  
45 **misdemeanor.**

46 **Sec. 5.** NRS 484.331 is hereby amended to read as follows:

47 484.331 1. Where sidewalks are provided, it ~~shall be~~ **is** unlawful  
48 for any pedestrian to walk along and upon an adjacent highway.



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1 2. Pedestrians walking along highways where sidewalks are not  
2 provided shall walk on the left side of ~~such~~ *those* highways facing the  
3 approaching traffic.

4 3. A person shall not stand in a highway to solicit a ride or any  
5 business from the driver or any occupant of a vehicle. A person shall not,  
6 without a permit issued pursuant to NRS 244.3555 or 268.423, solicit any  
7 contribution from the driver or any occupant of a vehicle.

8 4. It is unlawful for any pedestrian who is under the influence of  
9 intoxicating liquors or any narcotic or stupefying drug to be within the  
10 traveled portion of any highway.

11 5. The provisions of this section apply ~~false~~ to riders of animals ~~+~~,  
12 *except that the provisions of subsections 1, 2 and 3 do not apply to a*  
13 *peace officer who rides an animal while performing his duties as a peace*  
14 *officer.*

15 6. *A person who violates the provisions of this section is guilty of a*  
16 *misdemeanor.*

17 **Sec. 6.** NRS 574.105 is hereby amended to read as follows:

18 574.105 1. A person shall not willfully and maliciously:

19 (a) Taunt, torment, tease, beat, strike or administer a desensitizing drug,  
20 chemical or substance to a police animal;

21 (b) Interfere with a police animal or a handler thereof in the  
22 performance of duties assigned to the police animal or handler; or

23 (c) Torture, mutilate, injure, poison, disable or kill a police animal.

24 2. ~~+~~ *Unless a greater penalty is provided pursuant to NRS 574.150,*  
25 *a person who violates:*

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

27 (b) Paragraph (c) of subsection 1 is guilty of:

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

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

37 3. *Except as otherwise provided in NRS 193.169, a person who is*  
38 *punished for a violation of paragraph (c) of subsection 1 pursuant to*  
39 *subparagraph (2) of paragraph (b) of subsection 2 who causes*  
40 *substantial bodily harm to another person during the commission of the*  
41 *crime, other than an accomplice to the crime, shall be punished by*  
42 *imprisonment in the state prison for a term equal to and in addition to*  
43 *the term of imprisonment prescribed in subsection 2 for the crime. The*  
44 *sentence prescribed by this subsection runs consecutively with the*  
45 *sentence prescribed by subsection 2 for the crime.*

46 4. The provisions of this section do not prohibit a euthanasia  
47 technician licensed pursuant to chapter 638 of NRS, a peace officer or a  
48 veterinarian from euthanizing a police animal in an emergency if the police



1 animal is critically wounded and would otherwise endure undue suffering  
2 and pain.

3 **Sec. 7.** NRS 574.150 is hereby amended to read as follows:

4 574.150 1. A person who unjustifiably administers any poisonous or  
5 noxious drug or substance to a horse, mule or domestic cattle, or  
6 unjustifiably exposes any such drug or substance with the intent that it be  
7 taken by a horse, mule or by domestic cattle, whether the horse, mule or  
8 domestic cattle are the property of himself or another, is guilty of a  
9 category C felony and shall be punished as provided in NRS 193.130. In  
10 addition to any other penalty, the court shall order the person to pay  
11 restitution.

12 2. ~~1A~~ *Unless a greater penalty is provided pursuant to NRS 574.105,*  
13 *a* person who unjustifiably administers any poisonous or noxious drug or  
14 substance to any animal other than a horse, mule or domestic cattle, or  
15 unjustifiably exposes any such drug or substance with the intent that it be  
16 taken by an animal other than a horse, mule or domestic cattle, whether the  
17 animal is the property of himself or another, is guilty of a gross  
18 misdemeanor.

19 3. This section does not prohibit the destruction of noxious animals.

20 **Sec. 8.** NRS 574.160 is hereby amended to read as follows:

21 574.160 ~~1A~~ *Unless a greater penalty is provided pursuant to NRS*  
22 *575.105, a* person who willfully throws, drops or places, or causes to be  
23 thrown, dropped or placed, upon any road, highway, street or public place,  
24 any glass, nails, pieces of metal, or other substance which might wound,  
25 disable or injure any animal, is guilty of a misdemeanor.

26 **Sec. 9.** The amendatory provisions of this act do not apply to offenses  
27 committed before October 1, 2001.

