



SENATE BILL NO. 62—SENATOR O’CONNELL (BY REQUEST)

PREFILED JANUARY 31, 2001

Referred to Committee on Natural Resources

SUMMARY—Increases penalties for certain mistreatment of animals. (BDR 50-713)

FISCAL NOTE: Effect on Local Government: No.
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; increasing the penalties for certain mistreatment of animals; 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 574.060 is hereby amended to read as follows:
2 574.060 1. A person who keeps or uses, or is in any manner
3 connected with, or interested in the management of, or receives money for
4 the admission of any person to, a house, apartment, pit or place kept or
5 used for baiting or fighting any bird or animal, and any owner or occupant
6 of a house, apartment, pit or place who willfully procures or permits the
7 same to be used or occupied for such baiting or fighting, is guilty of a
8 ~~[misdemeanor,]~~ *category D felony and shall be punished as provided in*
9 *NRS 193.130*, but if a dog is used in such baiting or fighting the person is
10 guilty of a ~~[gross misdemeanor,]~~ *category D felony and shall be punished*
11 *as provided in NRS 193.130, and may be further punished by a fine of*
12 *not more than \$10,000.*
13 2. Upon complaint under oath or affirmation to any magistrate
14 authorized to issue warrants in criminal cases that the complainant has just
15 and reasonable cause to suspect that any ~~[of the provisions]~~ *provision* of
16 law relating to or in any ~~[wise]~~ *way* affecting animals ~~[are]~~ *is* being or *is*
17 about to be violated in any particular building or place, ~~[such]~~ *the*
18 magistrate shall immediately issue and deliver a warrant to any person
19 authorized by law to make arrests for such offenses, authorizing him to
20 enter and search ~~[such]~~ *the* building or place, ~~[and]~~ to arrest any person
21 there present found violating any ~~[of such laws,]~~ *such law* and to bring
22 ~~[such]~~ *the* person before the nearest magistrate of competent jurisdiction to
23 be dealt with according to law.

Sec. 2. NRS 574.070 is hereby amended to read as follows:

1. Except as otherwise provided in this section, a person who sets on foot, instigates, promotes or carries on, or does any act as assistant, umpire or principal, or in any way aids in or engages in the furtherance of any fight between cocks or other birds, or bulls, bears or other animals in an exhibition or for amusement or gain, premeditated by a person owning or having custody of such birds or animals, is guilty of a ~~[gross misdemeanor.]~~ *category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000,* but if any dog is used in such a fight the person is guilty of a category ~~[D]~~ *C felony and shall be punished as provided in NRS 193.130.* If a person who violates this section is not a natural person, he shall be punished by a fine of not more than ~~[\$10,000.]~~ *\$20,000.*

2. A person who is a witness of any fight between cocks or other birds, or bulls, bears or other animals in an exhibition or for amusement or gain, premeditated by a person having custody of such birds or animals, is guilty of a ~~[misdemeanor.]~~ *category D felony and shall be punished as provided in NRS 193.130.*

3. This section does not prohibit the use of dogs or birds for:

(a) The management of livestock by the owner thereof, his employees or agents or any other person in the lawful custody of the livestock; or

(b) Hunting as permitted by law.

Sec. 3. NRS 574.100 is hereby amended to read as follows:

574.100 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;

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

(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;

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

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

2. A person who violates subsection 1:

(a) For the first offense, ~~[within the immediately preceding 7 years,]~~ is guilty of a ~~[misdemeanor]~~ *category D felony* 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~~

1 ~~person is not required to be at his place of employment or on a weekend.]~~
2 ~~**punished as provided in NRS 193.130.**~~

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

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

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

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

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

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

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

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

24 (a) Carrying out the activities of a rodeo or livestock show; or

25 (b) Operating a ranch.

26 **Sec. 4.** NRS 574.105 is hereby amended to read as follows:

27 574.105 1. A person shall not willfully and maliciously:

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

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

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

33 2. A person who violates:

34 (a) Paragraph (a) or (b) of subsection 1 is guilty of a ~~[misdemeanor.]~~
35 ~~**category D felony and shall be punished as provided in NRS 193.130.**~~

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

37 (1) If the police animal is not totally disabled or killed, a ~~[gross~~
38 ~~misdemeanor.]~~ ~~**category D felony and shall be punished as provided in**~~
39 ~~**NRS 193.130, and may be further punished by a fine of not more than**~~
40 ~~**\$10,000.**~~

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

48 3. The provisions of this section do not prohibit a euthanasia
49 technician licensed pursuant to chapter 638 of NRS, a peace officer or a

1 veterinarian from euthanizing a police animal in an emergency if the police
2 animal is critically wounded and would otherwise endure undue suffering
3 and pain.

4 **Sec. 5.** NRS 574.107 is hereby amended to read as follows:

5 574.107 1. A person shall not:

6 (a) Willfully, unjustifiably and maliciously tamper or interfere with;

7 (b) Willfully and unjustifiably abuse or injure, or willfully and
8 unjustifiably set on foot, instigate, engage in or in any way further an act of
9 abusing or injuring; or

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

15 2. A person who violates:

16 (a) Paragraph (a) of subsection 1 is guilty of a ~~[misdemeanor.]~~ *category*
17 *D felony and shall be punished as provided in NRS 193.130.*

18 (b) Paragraph (b) of subsection 1 is guilty of a ~~[gross misdemeanor.]~~
19 *category D felony and shall be punished as provided in NRS 193.130,*
20 *and may be further punished by a fine of not more than \$10,000.*

21 (c) Paragraph (c) of subsection 1 is guilty of a category ~~[E]~~ *C* felony and
22 shall be punished as provided in NRS 193.130.

23 **Sec. 6.** NRS 574.110 is hereby amended to read as follows:

24 574.110 1. A person being the owner or possessor, or having charge
25 or custody, of a maimed, diseased, disabled or infirm animal, who
26 abandons ~~[such]~~ *the* animal or leaves it to die in a public street, road or
27 public place, or who allows it to lie in a public street, road or public place
28 more than 3 hours after he receives notice that it is left disabled, is guilty of
29 a ~~[misdemeanor.]~~ *category D felony and shall be punished as provided in*
30 *NRS 193.130.*

31 2. Any agent or officer of any society for the prevention of cruelty to
32 animals, or of any society duly incorporated for that purpose, or any police
33 officer, may lawfully destroy or cause to be destroyed any animal found
34 abandoned and not properly cared for, appearing, in the judgment of two
35 reputable citizens called by him to view the ~~[same]~~ *animal* in his presence,
36 to be glandered, injured or diseased past recovery for any useful purpose,
37 or after ~~[such]~~ *the* agent or officer has obtained in writing from the owner
38 of ~~[such]~~ *the* animal his consent to such destruction.

39 3. When any person arrested is, at the time of ~~[such]~~ *the* arrest, in
40 charge of any animal or of any vehicle drawn by or containing any animal,
41 any agent or officer of such *a* society ~~[or societies]~~ or any police officer
42 may take charge of ~~[such]~~ *the* animal and of ~~[such]~~ *the* vehicle and its
43 contents and deposit the same in a safe place of custody, or deliver the
44 same into the possession of the police or sheriff of the county or place
45 wherein ~~[such]~~ *the* arrest was made, who shall thereupon assume the
46 custody thereof. All necessary expenses incurred in taking charge of such
47 property ~~[shall be]~~ *are* a charge thereon.

Sec. 7. NRS 574.120 is hereby amended to read as follows:

574.120 1. A person who, having impounded or confined any animal, refuses or neglects to supply to ~~[such]~~ *the* animal during its confinement a sufficient supply of good and wholesome air, food, shelter and water is guilty of a ~~[misdemeanor.]~~ *category D felony and shall be punished as provided in NRS 193.130.*

2. If any animal ~~[shall be]~~ *is* at any time impounded as provided in subsection 1, and ~~[shall continue]~~ *continues* to be without necessary food and water for more than 12 successive hours, ~~[it shall be lawful for any person from time to time, and]~~ *any person may*, as often as it ~~[shall be necessary, to]~~ *is necessary*, enter into and upon any pound in which ~~[any such animal shall be]~~ *the animal is* so confined and ~~[to]~~ supply it with necessary food and water, so long as it ~~[shall remain]~~ *remains* so confined. Such a person ~~[shall not be]~~ *is not* liable to any action for such entry, and the reasonable cost of such food and water may be collected by him from the owner of ~~[such]~~ *the* animal, and the animal ~~[shall not be]~~ *is not* exempt from levy and sale upon execution issued upon a judgment therefor.

Sec. 8. NRS 574.130 is hereby amended to read as follows:

574.130 A person who willfully sells or offers to sell, uses, exposes, or causes or permits to be sold, offered for sale, used or exposed, any horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the life or health of human beings or animals, or which is diseased past recovery, or who refuses upon demand to deprive of life an animal affected with any such disease, is guilty of a ~~[misdemeanor.]~~ *category D felony and shall be punished as provided in NRS 193.130.*

Sec. 9. NRS 574.150 is hereby amended to read as follows:

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

2. A person who unjustifiably administers any poisonous or noxious drug or substance to any animal other than a horse, mule or domestic cattle, or unjustifiably exposes any such drug or substance with the intent that it be taken by an animal other than a horse, mule or domestic cattle, whether the animal is the property of himself or another, is guilty of a ~~[gross misdemeanor.]~~ *category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000. In addition to any other penalty, the court shall order the person to pay restitution.*

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

Sec. 10. NRS 574.160 is hereby amended to read as follows:

574.160 A person who willfully throws, drops or places, or causes to be thrown, dropped or placed, upon any road, highway, street or public place, any glass, nails, pieces of metal, or other substance which might

wound, disable or injure any animal is guilty of a ~~[misdemeanor.] category D felony and shall be punished as provided in NRS 193.130.~~

Sec. 11. NRS 574.170 is hereby amended to read as follows:

574.170 A person who keeps a cow or any animal for the production of milk in a crowded or unhealthy place, or in a diseased condition, or feeds such a cow or animal upon any food that produces impure or unwholesome milk, is guilty of a ~~[misdemeanor.] category D felony and shall be punished as provided in NRS 193.130.~~

Sec. 12. NRS 574.180 is hereby amended to read as follows:

574.180 A person driving any vehicle upon any plank road, turnpike or public highway, who unjustifiably runs the horses drawing the same, or causes or permits them to run, is guilty of a ~~[misdemeanor.] category D felony and shall be punished as provided in NRS 193.130.~~

Sec. 13. NRS 574.190 is hereby amended to read as follows:

574.190 A person who carries or causes to be carried in or upon any vessel or vehicle or otherwise any animal in a cruel or ~~[inhuman] inhumane~~ manner, or so as to produce torture, is guilty of a ~~[misdemeanor.] category D felony and shall be punished as provided in NRS 193.130.~~

Sec. 14. NRS 206.150 is hereby amended to read as follows:

206.150 1. Except as otherwise provided in 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.] category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.~~

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. 15. NRS 426.790 is hereby amended to read as follows:

426.790 1. A person shall not willfully and maliciously:

(a) Interfere with;

(b) ~~[Beat, harass]~~ **Harass** or intimidate; ~~[or]~~

(c) **Beat; or**

(d) Kill,

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

2. Any 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.

1 (c) Paragraph (c) of subsection 1 is guilty of a category ~~DE~~ **D** felony
2 and shall be punished as provided in NRS 193.130.

3 ***(d) Paragraph (d) of subsection 1 is guilty of a category C felony and***
4 ***shall be punished as provided in NRS 193.130.***

5 **Sec. 16.** The amendatory provisions of this act do not apply to
6 offenses committed before the effective date of this act.

7 **Sec. 17.** This act becomes effective upon passage and approval.

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