

Senate Bill No. 62—Senator O’Connell (by request)

CHAPTER.....

AN ACT relating to animals; increasing the penalties for certain mistreatment of animals; authorizing a court to require a defendant convicted of certain offenses involving the mistreatment of animals to submit to a psychiatric evaluation and to participate in counseling or therapy as a condition of probation; 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 574.060 is hereby amended to read as follows:

574.060 1. A person ~~who keeps or uses, or is~~ **shall not keep or use,** or in any manner **be** connected with, or **be** interested in the management of, or ~~receives~~ **receive** money for the admission of any person to, a house, apartment, pit or place kept or used for baiting or fighting any bird or animal, ~~and any~~ **or be an** owner or occupant of a house, apartment, pit or place who willfully procures or permits the same to be used or occupied for such baiting or fighting. ~~It is guilty of a misdemeanor, but if a dog is used in such baiting or fighting the person is guilty of a gross misdemeanor.~~

2. **A person who violates any provision of subsection 1 is guilty of:**

(a) For a first offense, a gross misdemeanor.

(b) For a second offense, a category E felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. Upon complaint under oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant has just and reasonable cause to suspect that any ~~of the provisions~~ **provision** of law relating to or in any ~~wise~~ **way** affecting animals ~~are~~ **is** being or **is** about to be violated in any particular building or place, ~~such~~ **the** magistrate shall immediately issue and deliver a warrant to any person authorized by law to make arrests for such offenses, authorizing him to enter and search ~~such~~ **the** building or place, ~~and~~ to arrest any person there present found violating any ~~of such laws,~~ **such law** and to bring ~~such~~ **the** person before the nearest magistrate of competent jurisdiction to be dealt with according to law.

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

574.070 1. Except as otherwise provided in this section, a person ~~who sets on foot, instigates, promotes or carries on, or does~~ **shall not set on foot, instigate, promote, carry on or do** any act as **an** assistant, umpire or principal, or in any way ~~aids~~ **aid** in or ~~engages~~ **engage** 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. ~~It is guilty of a gross misdemeanor, but if any dog is used in such a fight the person is guilty of a category D 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.~~

2. A person ~~who is a witness of~~ **shall not witness** any fight between cocks or other birds, or bulls, bears or other animals in an exhibition or for

amusement or gain, *which is* premeditated by a person having custody of such birds or animals. ~~He is guilty of a misdemeanor.~~

3. *Except as otherwise provided in subsection 5, a person who violates any provision of subsection 1 is guilty of:*

(a) For a first offense, a gross misdemeanor.

(b) For a second offense, a category E felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

4. *A person who violates any provision of subsection 2 is guilty of:*

(a) For a first offense, a misdemeanor.

(b) For a second offense, a gross misdemeanor.

(c) For a third or subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

5. *If a violation of subsection 1 involves a dog, a person who commits such a violation is guilty of:*

(a) For a first offense, a category D felony and shall be punished as provided in NRS 193.130.

(b) For a second offense, a category C felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

6. *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.*

7. 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 574.105 is hereby amended to read as follows:

574.105 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.~~ *category D felony and shall be punished as provided in NRS 193.130.*

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

(1) If the police animal is not totally disabled or killed, 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) 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. 4. NRS 574.107 is hereby amended to read as follows:

574.107 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 ~~misdeemeanor~~ *category D felony and shall be punished as provided in NRS 193.130.*

(b) Paragraph (b) of subsection 1 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.*

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

Sec. 5. NRS 574.120 is hereby amended to read as follows:

574.120 1. A person who ~~is having~~ *has* impounded or confined any animal ~~is refusing or neglects~~ *shall not refuse or neglect* 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~~

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 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. 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. 6. 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. *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. 7. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. As a condition of probation, the court may order a defendant who is convicted of a violation of chapter 574 of NRS that is punishable as a felony or gross misdemeanor to:

(a) Submit to a psychiatric evaluation; and
(b) Participate in any counseling or therapy recommended in the evaluation.

2. The court shall order a defendant, to the extent of his financial ability, to pay the cost for an evaluation and any counseling or therapy pursuant to this section.

Sec. 8. 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. 9. 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.

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

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

Sec. 10. 1. Except as otherwise provided in subsection 2, the amendatory provisions of this act do not apply to offenses committed before the effective date of this act.

2. The amendatory provisions of this act apply to offenses committed before the effective date of this act for the purpose of determining whether a person is subject to the provisions of paragraph (b) or (c) of subsection 2 of NRS 574.060, paragraph (b) or (c) of subsection 3 of NRS 574.070, paragraph (b) or (c) of subsection 4 of NRS 574.070 or paragraph (b) or (c) of subsection 5 of NRS 574.070, as amended by this act.

Sec. 11. This act becomes effective upon passage and approval.