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FIRST REPRINT

S.B. 62

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; 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:

- 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~~ *shall not keep or use,*
3 ~~or~~ in any manner *be* connected with, or *be* interested in the management of,
4 or ~~receives~~ *receive* money for the admission of any person to, a house,
5 apartment, pit or place kept or used for baiting or fighting any bird or
6 animal, ~~and any~~ *or be an* owner or occupant of a house, apartment, pit or
7 place who willfully procures or permits the same to be used or occupied for
8 such baiting or fighting. ~~[, is guilty of a misdemeanor, but if a dog is used~~
9 ~~in such baiting or fighting the person is guilty of a gross misdemeanor.]~~
10 2. *A person who violates any provision of subsection 1 is guilty of:*
11 (a) *For a first offense, a gross misdemeanor.*
12 (b) *For a second offense, a category E felony and shall be punished as*
13 *provided in NRS 193.130.*
14 (c) *For a third or subsequent offense, a category D felony and shall be*
15 *punished as provided in NRS 193.130.*
16 3. Upon complaint under oath or affirmation to any magistrate
17 authorized to issue warrants in criminal cases that the complainant has just
18 and reasonable cause to suspect that any ~~of the provisions~~ *provision* of
19 law relating to or in any ~~wise~~ *way* affecting animals ~~are~~ *is* being or *is*
20 about to be violated in any particular building or place, ~~such~~ *the*
21 magistrate shall immediately issue and deliver a warrant to any person
22 authorized by law to make arrests for such offenses, authorizing him to



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1 enter and search ~~{such}~~ *the* building or place, ~~{and}~~ to arrest any person
2 there present found violating any ~~{of such laws,}~~ *such law* and to bring
3 ~~{such}~~ *the* person before the nearest magistrate of competent jurisdiction to
4 be dealt with according to law.

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

6 574.070 1. Except as otherwise provided in this section, a person
7 ~~{who sets on foot, instigates, promotes or carries on, or does}~~ *shall not set*
8 *on foot, instigate, promote, carry on or do* any act as *an* assistant, umpire
9 or principal, or in any way ~~{aids}~~ *aid* in or ~~{engages}~~ *engage* in the
10 furtherance of any fight between cocks or other birds, or bulls, bears or
11 other animals in an exhibition or for amusement or gain, premeditated by a
12 person owning or having custody of such birds or animals. ~~{, is guilty of a~~
13 ~~gross misdemeanor, but if any dog is used in such a fight the person is~~
14 ~~guilty of a category D felony and shall be punished as provided in NRS~~
15 ~~193.130. If a person who violates this section is not a natural person, he~~
16 ~~shall be punished by a fine of not more than \$10,000.}~~

17 2. A person ~~{who is a witness of}~~ *shall not witness* any fight between
18 cocks or other birds, or bulls, bears or other animals in an exhibition or for
19 amusement or gain, *which is* premeditated by a person having custody of
20 such birds or animals. ~~{, is guilty of a misdemeanor.}~~

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

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

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

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

28 4. *Except as otherwise provided in subsection 5, a person who*
29 *violates any provision of subsection 2 is guilty of:*

30 (a) *For a first offense, a misdemeanor.*

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

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

34 5. *If a violation of subsection 1 or 2 involves a dog, a person who*
35 *commits such a violation is guilty of:*

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

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

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

43 6. *If a person who violates this section is not a natural person, he*
44 *shall be punished by a fine of not more than \$10,000.*

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

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

48 (b) Hunting as permitted by law.



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

2 574.100 1. A person shall not:

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

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

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

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

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

15 2. A person who violates subsection 1 ~~is~~:

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

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

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

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

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

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

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

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

36 ~~—(c) For the third and any subsequent offense within the immediately~~
37 ~~preceding 7 years, is guilty of :~~

38 ~~(a) If no physical injury results to the animal, a misdemeanor.~~

39 ~~(b) If physical injury results to the animal, but substantial bodily harm~~
40 ~~or death does not result to the animal, a gross misdemeanor.~~

41 ~~(c) If substantial bodily harm or death results to the animal, a~~
42 category C felony and shall be punished as provided in NRS 193.130.

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

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



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

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

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

7 574.105 1. A person shall not willfully and maliciously:

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

13 2. A person who violates:

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

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

16 (1) If the police animal is not totally disabled or killed, a ~~gross~~
17 ~~mis~~**category D felony and shall be punished as provided in**
18 **NRS 193.130, and may be further punished by a fine of not more than**
19 **\$10,000.**

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

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

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

33 574.107 1. A person shall not:

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

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

43 2. A person who violates:

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

46 (b) Paragraph (b) of subsection 1 is guilty of a ~~gross mis~~**category D felony and shall be punished as provided in NRS 193.130,**
47 **and may be further punished by a fine of not more than \$10,000.**
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1 (c) Paragraph (c) of subsection 1 is guilty of a category ~~E~~ C felony and
2 shall be punished as provided in NRS 193.130.

3 **Sec. 6.** NRS 574.110 is hereby amended to read as follows:
4 574.110 1. A person being the owner or possessor, or having charge
5 or custody, of a maimed, diseased, disabled or infirm animal ~~[, who~~
6 ~~abandons such]~~ **shall not abandon the** animal or ~~leaves]~~ **leave** it to die in a
7 public street, road or public place, or ~~who allows]~~ **allow** it to lie in a public
8 street, road or public place **for** more than 3 hours after he receives notice
9 that it is left disabled. ~~[, is guilty of a misdemeanor.]~~

10 2. **A person who violates subsection 1 is guilty of:**
11 **(a) If death does not result to the animal, a gross misdemeanor.**
12 **(b) If death results to the animal, a category E felony and shall be**
13 **punished as provided in NRS 193.130.**

14 3. Any agent or officer of any society for the prevention of cruelty to
15 animals, or of any society duly incorporated for that purpose, or any police
16 officer, may lawfully destroy or cause to be destroyed any animal found
17 abandoned and not properly cared for, appearing, in the judgment of two
18 reputable citizens called by him to view the ~~same]~~ **animal** in his presence,
19 to be glandered, injured or diseased past recovery for any useful purpose,
20 or after ~~such]~~ **the** agent or officer has obtained in writing from the owner
21 of ~~such]~~ **the** animal his consent to such destruction.

22 ~~3.]~~ 4. When any person arrested is, at the time of ~~such]~~ **the** arrest, in
23 charge of any animal or of any vehicle drawn by or containing any animal,
24 any agent or officer of such **a** society ~~for societies]~~ or any police officer
25 may take charge of ~~such]~~ **the** animal and of ~~such]~~ **the** vehicle and its
26 contents and deposit the same in a safe place of custody, or deliver the
27 same into the possession of the police or sheriff of the county or place
28 wherein ~~such]~~ **the** arrest was made, who shall thereupon assume the
29 custody thereof. All necessary expenses incurred in taking charge of such
30 property ~~shall be]~~ **are** a charge thereon.

31 **Sec. 7.** NRS 574.120 is hereby amended to read as follows:
32 574.120 1. A person who ~~[, having]~~ **has** impounded or confined any
33 animal ~~[, refuses or neglects]~~ **shall not refuse or neglect** to supply to ~~such]~~
34 **the** animal during its confinement a sufficient supply of good and
35 wholesome air, food, shelter and water. ~~[is guilty of a misdemeanor.]~~

36 2. **A person who violates subsection 1 is guilty of:**
37 **(a) If no physical injury results to the animal, a misdemeanor.**
38 **(b) If physical injury results to the animal, but substantial bodily harm**
39 **or death does not result to the animal, a gross misdemeanor.**
40 **(c) If substantial bodily harm or death results to the animal, a**
41 **category D felony and shall be punished as provided in NRS 193.130.**

42 3. If any animal ~~shall be]~~ **is** at any time impounded as provided in
43 subsection 1, and ~~shall continue]~~ **continues** to be without necessary food
44 and water for more than 12 successive hours, ~~it shall be lawful for any~~
45 ~~person from time to time, and]~~ **any person may**, as often as it ~~shall be~~
46 ~~necessary, to]~~ **is necessary**, enter into and upon any pound in which ~~any~~
47 ~~such animal shall be]~~ **the animal is** so confined and ~~to]~~ supply it with
48 necessary food and water, so long as it ~~shall remain]~~ **remains** so confined.
49 Such **a** person ~~shall not be]~~ **is not** liable to any action for such entry, and



1 the reasonable cost of such food and water may be collected by him from
2 the owner of ~~{such}~~ *the* animal, and the animal ~~{shall not be}~~ *is not* exempt
3 from levy and sale upon execution issued upon a judgment therefor.

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

5 574.130 A person who willfully sells or offers to sell, uses, exposes, or
6 causes or permits to be sold, offered for sale, used or exposed, any horse or
7 other animal having the disease known as glanders or farcy, or other
8 contagious or infectious disease dangerous to the life or health of human
9 beings or animals, or which is diseased past recovery, or who refuses upon
10 demand to deprive of life an animal affected with any such disease, is
11 guilty of a ~~{misdemeanor}~~ *category D felony and shall be punished as*
12 *provided in NRS 193.130.*

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

14 574.150 1. A person who unjustifiably administers any poisonous or
15 noxious drug or substance to a horse, mule or domestic cattle, or
16 unjustifiably exposes any such drug or substance with the intent that it be
17 taken by a horse, mule or ~~{by}~~ domestic cattle, whether the horse, mule or
18 domestic cattle are the property of himself or another, is guilty of a
19 category C felony and shall be punished as provided in NRS 193.130. In
20 addition to any other penalty, the court shall order the person to pay
21 restitution.

22 2. A person who unjustifiably administers any poisonous or noxious
23 drug or substance to any animal other than a horse, mule or domestic cattle,
24 or unjustifiably exposes any such drug or substance with the intent that it
25 be taken by an animal other than a horse, mule or domestic cattle, whether
26 the animal is the property of himself or another, is guilty of a ~~{gross~~
27 ~~misdemeanor}~~ *category D felony and shall be punished as provided in*
28 *NRS 193.130, and may be further punished by a fine of not more than*
29 *\$10,000. In addition to any other penalty, the court shall order the person*
30 *to pay restitution.*

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

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

33 574.160 A person who willfully throws, drops or places, or causes to
34 be thrown, dropped or placed, upon any road, highway, street or public
35 place, any glass, nails, pieces of metal, or other substance which might
36 wound, disable or injure any animal is guilty of a ~~{misdemeanor}~~ *category*
37 *D felony and shall be punished as provided in NRS 193.130.*

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

39 574.170 1. A person ~~{who keeps}~~ *shall not keep* a cow or any animal
40 for the production of milk in a crowded or unhealthy place, or in a diseased
41 condition, or ~~{feeds}~~ *feed* such *a* cow or animal upon any food that
42 produces impure or unwholesome milk. ~~{is guilty of a misdemeanor}~~

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

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

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

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

48 574.180 1. A person driving any vehicle upon any plank road,
49 turnpike or public highway ~~{who unjustifiably runs}~~ *shall not*



- 1 ~~unjustifiably run~~ the horses drawing the same, or ~~[causes or permits]~~
2 ~~cause or permit~~ them to run. ~~[, is guilty of a misdemeanor.]~~
- 3 2. *A person who violates subsection 1 is guilty of:*
4 (a) *For a first offense, a misdemeanor.*
5 (b) *For a second offense, a gross misdemeanor.*
6 (c) *For a third or subsequent offense, a category E felony and shall be*
7 *punished as provided in NRS 193.130.*
- 8 **Sec. 13.** NRS 574.190 is hereby amended to read as follows:
9 574.190 1. A person ~~[who carries or causes]~~ *shall not carry or cause*
10 to be carried in or upon any vessel or vehicle or otherwise any animal in a
11 cruel or ~~[inhuman]~~ *inhumane* manner, or so as to produce torture. ~~[, is~~
12 ~~guilty of a misdemeanor.]~~
- 13 2. *A person who violates subsection 1 is guilty of:*
14 (a) *If no physical injury results to the animal, a misdemeanor.*
15 (b) *If physical injury results to the animal, but substantial bodily harm*
16 *or death does not result to the animal, a gross misdemeanor.*
17 (c) *If substantial bodily harm or death results to the animal, a*
18 *category D felony and shall be punished as provided in NRS 193.130.*
- 19 **Sec. 14.** Chapter 176A of NRS is hereby amended by adding thereto a
20 new section to read as follows:
21 1. *As a condition of probation, the court may order a defendant who*
22 *is convicted of a violation of chapter 574 of NRS that is punishable as a*
23 *felony or gross misdemeanor to:*
24 (a) *Submit to a psychiatric evaluation; and*
25 (b) *Participate in any counseling or therapy recommended in the*
26 *evaluation.*
27 2. *The court shall order a defendant, to the extent of his financial*
28 *ability, to pay the cost for an evaluation and any counseling or therapy*
29 *pursuant to this section.*
- 30 **Sec. 15.** NRS 206.150 is hereby amended to read as follows:
31 206.150 1. Except as otherwise provided in subsections 2 and 3, any
32 person who willfully and maliciously kills, maims or disfigures any animal
33 belonging to another, or exposes any poison or noxious substance with
34 intent that it should be taken by the animal is guilty of a ~~[public offense~~
35 ~~proportionate to the value of the loss resulting therefrom but in no event~~
36 ~~less than a gross misdemeanor.]~~ *category D felony and shall be punished*
37 *as provided in NRS 193.130, and may be further punished by a fine of*
38 *not more than \$10,000.*
- 39 2. Except as otherwise provided in NRS 205.220, a person who
40 willfully and maliciously kills an estray or one or more head of livestock,
41 without the authority to do so, is guilty of a category C felony and shall be
42 punished as provided in NRS 193.130.
- 43 3. The provisions of subsection 1 do not apply to any person who kills
44 a dog pursuant to NRS 575.020.
- 45 4. As used in this section:
46 (a) "Estray" means any livestock running at large upon public or private
47 lands in this state, whose owner is unknown in the section where the
48 animal is found.
49 (b) "Livestock" has the meaning ascribed to it in NRS 205.219.



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- 1 **Sec. 16.** NRS 426.790 is hereby amended to read as follows:
2 426.790 1. A person shall not willfully and maliciously:
3 (a) Interfere with;
4 (b) ~~Beat, harass~~ *Harass* or intimidate; ~~or~~
5 (c) *Beat; or*
6 (d) Kill,
7 a guide dog, hearing dog, helping dog or other service animal.
8 2. Any person who violates:
9 (a) Paragraph (a) of subsection 1 is guilty of a misdemeanor.
10 (b) Paragraph (b) of subsection 1 is guilty of a gross misdemeanor.
11 (c) Paragraph (c) of subsection 1 is guilty of a category ~~H~~ *D* felony
12 and shall be punished as provided in NRS 193.130.
13 (d) *Paragraph (d) of subsection 1 is guilty of a category C felony and*
14 *shall be punished as provided in NRS 193.130.*
15 **Sec. 17.** 1. Except as otherwise provided in subsection 2, the
16 amendatory provisions of this act do not apply to offenses committed
17 before the effective date of this act.
18 2. The amendatory provisions of this act apply to offenses committed
19 before the effective date of this act for the purpose of determining whether
20 a person is subject to the provisions of paragraph (b) or (c) of subsection 2
21 of NRS 574.060, paragraph (b) or (c) of subsection 3 of NRS 574.070,
22 paragraph (b) or (c) of subsection 4 of NRS 574.070, paragraph (b) or (c)
23 of subsection 5 of NRS 574.070, paragraph (b) of subsection 2 of NRS
24 574.170, or paragraph (b) or (c) of subsection 2 of 574.180, as amended by
25 this act.
26 **Sec. 18.** This act becomes effective upon passage and approval.

