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SECOND REPRINT

S.B. 62

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

PREFILED JANUARY 31, 2001

Referred to Committee on Natural Resources

SUMMARY—Revises provisions regarding 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; prohibiting state and local governmental entities from prohibiting or imposing certain restrictions concerning certain events in which animals are used; 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.** Chapter 574 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *1. Except as otherwise provided by a specific statute, an agency,*
4 *board, commission or political subdivision of this state, including an*
5 *agency, board, commission or governing body of a local government,*
6 *shall not prohibit or impose restrictions that are more stringent than*
7 *those set forth in this chapter concerning any of the following events in*
8 *which an animal is used:*

9 *(a) A rodeo; or*

10 *(b) A livestock show or exhibition that promotes the proper care,*
11 *husbandry or performance of an animal.*

12 *2. As used in this section, “animal” has the meaning ascribed to it in*
13 *NRS 574.050.*

14 **Sec. 1.5** NRS 574.060 is hereby amended to read as follows:

15 574.060 1. A person ~~who keeps or uses, or is~~ *shall not keep or use,*
16 *or* in any manner *be* connected with, or *be* interested in the management of,
17 or ~~receives~~ *receive* money for the admission of any person to, a house,
18 apartment, pit or place kept or used for baiting or fighting any bird or
19 animal, ~~and any~~ *or be an* owner or occupant of a house, apartment, pit or
20 place who willfully procures or permits the same to be used or occupied for



1 such baiting or fighting. ~~I, is guilty of a misdemeanor, but if a dog is used~~
2 ~~in such baiting or fighting the person is guilty of a gross misdemeanor.~~
3 2. *A person who violates any provision of subsection 1 is guilty of:*
4 (a) *For a first offense, a gross misdemeanor.*
5 (b) *For a second offense, a category E felony and shall be punished as*
6 *provided in NRS 193.130.*
7 (c) *For a third or subsequent offense, a category D felony and shall be*
8 *punished as provided in NRS 193.130.*
9 3. Upon complaint under oath or affirmation to any magistrate
10 authorized to issue warrants in criminal cases that the complainant has just
11 and reasonable cause to suspect that any ~~of the provisions~~ *provision* of
12 law relating to or in any ~~wise~~ *way* affecting animals ~~are~~ *is* being or *is*
13 about to be violated in any particular building or place, ~~such~~ *the*
14 magistrate shall immediately issue and deliver a warrant to any person
15 authorized by law to make arrests for such offenses, authorizing him to
16 enter and search ~~such~~ *the* building or place, ~~and~~ to arrest any person
17 there present found violating any ~~of such laws,~~ *such law* and to bring
18 ~~such~~ *the* person before the nearest magistrate of competent jurisdiction to
19 be dealt with according to law.
20 **Sec. 2.** NRS 574.070 is hereby amended to read as follows:
21 574.070 1. Except as otherwise provided in this section, a person
22 ~~who sets on foot, instigates, promotes or carries on, or does~~ *shall not set*
23 *on foot, instigate, promote, carry on or do* any act as *an* assistant, umpire
24 or principal, or in any way ~~aids~~ *aid* in or ~~engages~~ *engage* in the
25 furtherance of any fight between cocks or other birds, or bulls, bears or
26 other animals in an exhibition or for amusement or gain, premeditated by a
27 person owning or having custody of such birds or animals. ~~I, is guilty of a~~
28 ~~gross misdemeanor, but if any dog is used in such a fight the person is~~
29 ~~guilty of a category D felony and shall be punished as provided in NRS~~
30 ~~193.130. If a person who violates this section is not a natural person, he~~
31 ~~shall be punished by a fine of not more than \$10,000.~~
32 2. A person ~~who is a witness of~~ *shall not witness* any fight between
33 cocks or other birds, or bulls, bears or other animals in an exhibition or for
34 amusement or gain, *which is* premeditated by a person having custody of
35 such birds or animals. ~~I, is guilty of a misdemeanor.~~
36 3. *Except as otherwise provided in subsection 5, a person who*
37 *violates any provision of subsection 1 is guilty of:*
38 (a) *For a first offense, a gross misdemeanor.*
39 (b) *For a second offense, a category E felony and shall be punished as*
40 *provided in NRS 193.130.*
41 (c) *For a third or subsequent offense, a category D felony and shall be*
42 *punished as provided in NRS 193.130.*
43 4. *A person who violates any provision of subsection 2 is guilty of:*
44 (a) *For a first offense, a misdemeanor.*
45 (b) *For a second offense, a gross misdemeanor.*
46 (c) *For a third or subsequent offense, a category E felony and shall be*
47 *punished as provided in NRS 193.130.*
48 5. *If a violation of subsection 1 involves a dog, a person who*
49 *commits such a violation is guilty of:*



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

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

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

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

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

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

13 (b) Hunting as permitted by law.

14 Sec. 3. NRS 574.105 is hereby amended to read as follows:

15 574.105 1. A person shall not willfully and maliciously:

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

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

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

21 2. A person who violates:

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

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

25 (1) If the police animal is not totally disabled or killed, a ~~gross~~
26 misdemeanor category D felony and shall be punished as provided in
27 NRS 193.130, and may be further punished by a fine of not more than
28 \$10,000.

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

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

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

42 574.107 1. A person shall not:

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

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

47 (c) Willfully and unjustifiably kill or willfully and unjustifiably set on
48 foot, instigate, engage in or in any way further an act of killing,



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1 a dog owned by another person that is used in an exhibition, show, contest
2 or other event in which the skill, breeding or stamina of the dog is judged
3 or examined.

4 2. A person who violates:

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

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

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

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

13 574.120 1. A person who ~~is having~~ *has* impounded or confined any
14 animal ~~is refuses or neglects~~ *shall not refuse or neglect* to supply to ~~such~~
15 *the* animal during its confinement a sufficient supply of good and
16 wholesome air, food, shelter and water. ~~is guilty of a misdemeanor~~

17 *A person who violates subsection 1:*

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

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

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

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

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

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

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

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

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

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

46 4. If any animal ~~shall be~~ *is* at any time impounded as provided in
47 subsection 1, and ~~shall continue~~ *continues* to be without necessary food
48 and water for more than 12 successive hours, ~~it shall be lawful for any~~
49 ~~person from time to time, and~~ *any person may*, as often as it ~~shall be~~



1 ~~necessary, to~~ *is necessary*, enter into and upon any pound in which ~~any~~
2 ~~such animal shall be~~ *the animal is* so confined and ~~to~~ supply it with
3 necessary food and water, so long as it ~~shall remain~~ *remains* so confined.
4 Such *a* person ~~shall not be~~ *is not* liable to any action for such entry, and
5 the reasonable cost of such food and water may be collected by him from
6 the owner of ~~such~~ *the* animal, and the animal ~~shall not be~~ *is not* exempt
7 from levy and sale upon execution issued upon a judgment therefor.

8 **Sec. 6.** NRS 574.150 is hereby amended to read as follows:

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

17 2. A person who unjustifiably administers any poisonous or noxious
18 drug or substance to any animal other than a horse, mule or domestic cattle,
19 or unjustifiably exposes any such drug or substance with the intent that it
20 be taken by an animal other than a horse, mule or domestic cattle, whether
21 the animal is the property of himself or another, is guilty of a gross
22 misdemeanor. *In addition to any other penalty, the court shall order the*
23 *person to pay restitution.*

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

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

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

30 *(a) Submit to a psychiatric evaluation; and*

31 *(b) Participate in any counseling or therapy recommended in the*
32 *evaluation.*

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

36 **Sec. 8.** NRS 206.150 is hereby amended to read as follows:

37 206.150 1. Except as otherwise provided in subsections 2 and 3, any
38 person who willfully and maliciously kills, maims or disfigures any animal
39 belonging to another, or exposes any poison or noxious substance with
40 intent that it should be taken by the animal is guilty of a ~~public offense~~
41 ~~proportionate to the value of the loss resulting therefrom but in no event~~
42 ~~less than a gross misdemeanor.~~ *category D felony and shall be punished*
43 *as provided in NRS 193.130, and may be further punished by a fine of*
44 *not more than \$10,000.*

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



1 3. The provisions of subsection 1 do not apply to any person who kills
2 a dog pursuant to NRS 575.020.
3 4. As used in this section:
4 (a) "Estray" means any livestock running at large upon public or private
5 lands in this state, whose owner is unknown in the section where the
6 animal is found.
7 (b) "Livestock" has the meaning ascribed to it in NRS 205.219.
8 **Sec. 9.** NRS 426.790 is hereby amended to read as follows:
9 426.790 1. A person shall not willfully and maliciously:
10 (a) Interfere with;
11 (b) ~~Beat, harass~~ *Harass* or intimidate; ~~or~~
12 (c) *Beat; or*
13 (d) Kill,
14 a guide dog, hearing dog, helping dog or other service animal.
15 2. Any person who violates:
16 (a) Paragraph (a) of subsection 1 is guilty of a misdemeanor.
17 (b) Paragraph (b) of subsection 1 is guilty of a gross misdemeanor.
18 (c) Paragraph (c) of subsection 1 is guilty of a category ~~H~~ *D* felony
19 and shall be punished as provided in NRS 193.130.
20 *(d) Paragraph (d) of subsection 1 is guilty of a category C felony and*
21 *shall be punished as provided in NRS 193.130.*
22 **Sec. 10.** 1. Except as otherwise provided in subsection 2, the
23 amendatory provisions of this act do not apply to offenses committed
24 before the effective date of this act.
25 2. The amendatory provisions of this act apply to offenses committed
26 before the effective date of this act for the purpose of determining whether
27 a person is subject to the provisions of paragraph (b) or (c) of subsection 2
28 of NRS 574.060, paragraph (b) or (c) of subsection 3 of NRS 574.070,
29 paragraph (b) or (c) of subsection 4 of NRS 574.070 or paragraph (b) or (c)
30 of subsection 5 of NRS 574.070, as amended by this act.
31 **Sec. 11.** This act becomes effective upon passage and approval.

