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**DISCUSSION OF SENATE BILL 231
IN RELATION TO ASSEMBLY BILL 332,R1,
INCLUDING POSSIBLE AMENDMENTS**

April 28, 2003

Two measures in the Assembly address the issue of service animals. Senate Bill 231 is currently under consideration by the Assembly Committee on Health and Human Services, and Assembly Bill 332, which was previously heard and amended in the Assembly Committee on Government Affairs, is currently under consideration by the Assembly Committee on Ways and Means.

These two measures have conflicting sections. In addition, Linda Lueck, who indicated that she represents the Governor's Committee on Employment of People with Disabilities, testified in opposition to certain aspects of the bill. In particular, she was opposed to Sections 8 and 11 and to the definition of "service animal" that is contained in the bill. Table 2 describes these issues and identifies the potential conflicts between these two measures.

However, Assembly Bill 332, as amended, addresses more issues than the one contained in S.B. 231, which establishes sanctions for a person when he or his pet injures a service animal. Section 6 of A.B. 332 also includes language that establishes sanctions when a service animal is injured. The following table identifies the relevant sections and key differences concerning this issue.

**TABLE 1
SANCTIONS FOR INJURING A SERVICE ANIMAL
AS DISCUSSED IN SENATE BILL 231 AND ASSEMBLY BILL 332**

S.B. 231	A.B. 332
Subsection 1 of Section 2 <i>1. It is unlawful for a person to injure, disable or cause the death of, or to allow a dog he owns, harbors or controls to injure, disable or cause the death of, a service animal.</i>	Subsection 1 of Section 6 <i>1. It is unlawful for a person to allow any animal that he owns, harbors or controls to cause injury to or the death of any service animal or service animal in training, or to endanger or cause injury to a person who has a disability and is accompanied by a service animal or a person who trains service animals and is accompanied by a service animal in training.</i>
Subsection 2 of Section 2 <i>2. A person who violates the provisions of subsection 1 is guilty of a gross misdemeanor, except that if the violation is willful and malicious the person is guilty of a category C felony and shall be punished as provided in NRS 193.130.</i>	Subsection 2 of Section 6 <i>2. Any person, including, without limitation, any firm, association or corporation, who violates the provisions of subsection 1:</i> <i>(a) Is guilty of a gross misdemeanor and shall be punished:</i> <i>(1) By a fine of not less than \$500 and not more than \$2,500; or</i>

S.B. 231	A.B. 332
	<p>(2) If the violation is intentional, by imprisonment in the county jail for not more than 1 year or by a fine of not more than \$5,000, or by both fine and imprisonment; and</p> <p>(b) In addition to any criminal penalty that may be imposed, is civilly liable to the person against whom the violation was committed as provided in section 8 of this act.</p>
<p>Section 3</p> <p>1. It is unlawful for a person to obtain or exert unauthorized control over a service animal with the intent to deprive the person using the service animal of that service animal.</p> <p>2. A person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.</p>	
<p>Section 4</p> <p>1. If a person is convicted of a violation of NRS 426.790 or section 2 or 3 of this act, the person shall, in addition to any criminal penalty, pay restitution for all damages resulting from the violation.</p> <p>2. Restitution payable pursuant to subsection 1 includes, without limitation:</p> <ul style="list-style-type: none"> (a) Incidental and consequential expenses incurred by the user of the service animal; (b) The cost of all expenses for veterinary and other care of the service animal; (c) The cost of retraining the service animal; (d) The cost of replacing the service animal; (e) The cost of training a replacement service animal; (f) The medical expenses of the user of the service animal; (g) The cost of training the user of the service animal; and (h) Compensation for wages or other earned income lost by the user of the service animal. <p>3. The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law.</p>	<p>Subsection 3 of Section 6</p> <p>3. In addition to any other penalty, the court shall order a person convicted of a violation of subsection 1 to pay restitution to the person who has the disability or the person who has custody or ownership of the service animal or service animal in training for any veterinary bills, and for the replacement cost of the service animal or service animal in training if it was killed or disabled or has become mentally or physically unable to perform its duties. The restitution must cover all costs for aides, assistance, transportation and other hardships incurred during the absence, and until the replacement, of the service animal or service animal in training.</p>

MMW/rd:April 28, 2003.SB231.WS.HHS