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MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL NO. 135
FIRST REPRINT

PREPARED FOR ASSEMBLYMAN COLLINS
MAY 5, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) *green bold dashed underlining* is deleted language in the original bill that is proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.171 is hereby amended to read as follows:

501.171 1. A county advisory board to manage wildlife shall submit written nominations for appointments to the Commission upon the request of the Governor and may submit nominations at any other time.

2. After consideration of the written nominations submitted by a county advisory board to manage wildlife and any additional candidates for appointment to the Commission, the Governor shall appoint to the Commission:

(a) One member who is actively engaged in the conservation of wildlife;

(b) One member who is actively engaged in farming;

(c) One member who is actively engaged in ranching;

(d) One member who represents the interests of the general public; and

(e) Five members who during at least 3 of the 4 years immediately preceding their appointment held a resident license to fish or hunt, or both, in Nevada.

3. The Governor shall not appoint to the Commission any person who has been convicted of:

ASSEMBLY NATURAL RES., AGRICULTURE & MINING
DATE: 5/5/03 ROOM: 3161 EXHIBIT C 1-3
SUBMITTED BY: Linda Eissmann

PROPOSED AMENDMENT TO SB135_R1 C

(a) A *felony or* gross misdemeanor for a violation of NRS 501.376 ; ~~502.060 or 504.395; or~~

(b) A *gross misdemeanor for a violation of NRS 502.060 or 504.395;*
or

(c) Two or more violations of the provisions of chapters 501 to 504, inclusive, of NRS, during the previous 10 years.

4. Not more than three members may be from the same county whose population is 400,000 or more, not more than two members may be from the same county whose population is 100,000 or more but less than 400,000, and not more than one member may be from the same county whose population is less than 100,000.

5. The Commission shall annually select a Chairman and a Vice Chairman from among its members. A person shall not serve more than two consecutive terms as Chairman.

Sec. 2. NRS 501.172 is hereby amended to read as follows:

501.172 1. A member of the Commission may be removed from office for just cause.

2. A member of the Commission must be removed from office for:

(a) A conviction of a *felony or* gross misdemeanor for a violation of NRS 501.376 ; ~~502.060 or 504.395; or~~

(b) A *conviction of a gross misdemeanor for a violation of NRS 502.060 or 504.395; or*

(c) Two or more convictions of violating the provisions of chapters 501 to 504, inclusive, of NRS.

Sec. 3. NRS 501.376 is hereby amended to read as follows:

501.376 1. ~~{Any person who unlawfully kills or possesses} A person shall not willfully kill or aid and abet another person in killing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear {without a valid tag is guilty of a gross misdemeanor. This subsection does not prohibit the killing of such an animal if necessary to protect the life or property of any person in imminent danger of being attacked by such an animal.~~

~~—2—~~ :

(a) *Outside of the prescribed season set by the Commission for the lawful hunting of that animal;*

(b) *By other than the method prescribed on the tag issued by the Division for hunting that animal;*

(c) *In a manner, during a time or in a place otherwise prohibited by a specific statute or a regulation adopted by the Commission; or*

(d) *Without a valid tag issued by the Division for hunting that animal.* A tag issued for hunting any ~~{big game mammal}~~ animal specified in this subsection ~~{+}~~ is not valid if knowingly used by a person:

~~{(a)}~~ (1) Other than the person specified on the tag;

~~{(b)}~~ (2) Outside of the management area or other area specified on the tag;

1 ~~[(c) Outside of the dates established by the Commission for the lawful~~
2 ~~taking of the big game mammal specified on the tag;~~

3 ~~—(d) Outside of the hours set pursuant to NRS 503.140 for the lawful~~
4 ~~hunting of the big game mammal specified on the tag; or~~

5 ~~—(e)] ; or~~

6 (3) If the tag was obtained by a false or fraudulent representation.

7 *This subsection does not prohibit the killing of such an animal if*
8 *necessary to protect the life or property of any person in imminent*
9 *danger of being attacked by such an animal.*

10 2. A person who violates the provisions of subsection 1 is guilty of:

11 (a) A gross misdemeanor for a first offense involving a single
12 animal and shall be punished as provided in NRS 193.140; or

13 (b) A category E felony for a second or subsequent offense, or if
14 more than one animal is involved in a first offense, and shall be
15 punished as provided in NRS 193.130.

16 3. If a person kills more than one animal in violation of subsection
17 1, the court shall consider that fact as an aggravating factor in
18 determining his sentence.

19 4. A person shall not willfully possess any animal specified in
20 subsection 1 if the person knows the animal was killed in violation of
21 subsection 1 or the circumstances should have caused a reasonable
22 person to know that the animal was killed in violation of subsection 1.

23 5. A person who violates the provisions of subsection 4 is guilty of a
24 gross misdemeanor.

25 Sec. 4. NRS 501.388 is hereby amended to read as follows:

26 501.388 1. The Commission may, in addition to any suspension,
27 revocation or other penalty imposed pursuant to any other provision of this
28 title:

29 (a) Revoke any license of any person who is convicted of a violation of
30 NRS 503.050, and may refuse to issue any new license to the convicted
31 person for any period not to exceed 5 years after the date of the conviction;
32 and

33 (b) Revoke any license of any person who is convicted of unlawfully
34 killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn
35 antelope, mountain lion or black bear ~~{without a valid tag,}~~ in violation of
36 NRS 501.376, and may:

37 (1) Refuse to issue any new license to the convicted person for any
38 period not to exceed 3 years; and

39 (2) Revoke that person's privilege to apply for any big game tag for
40 a period not to exceed 10 years.

41 2. The court in which the conviction is had shall require the
42 immediate surrender of all such licenses and shall forward them to the
43 Commission.

This amendment reduces the
penalty for a first offense
involving only one animal.

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