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ASSEMBLY BILL NO. 318—ASSEMBLYMEN WEBER,  
MABEY AND HARDY (BY REQUEST)

MARCH 21, 2005

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JOINT SPONSOR: SENATOR TITUS

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Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning vicious dogs and animals used to fight birds or other animals. (BDR 15-287)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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.

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AN ACT relating to crimes; providing that a dog is vicious if it kills another domesticated animal in certain circumstances; authorizing the destruction of a dog that is found to be vicious because it killed or inflicted substantial bodily harm upon a human being or killed another domesticated animal; prohibiting the possession of a bird or an animal with the intent that the bird or animal will be engaged in any illegal fight between birds or animals; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth the circumstances which demonstrate that a dog is vicious. Existing law makes it a crime for a person who has actual notice that a dog is vicious to own or keep the vicious dog or to transfer ownership of the vicious dog. A person who commits this crime is guilty of a misdemeanor, unless substantial bodily harm results to the person attacked and then the owner or keeper of the dog is guilty of a category D felony. (NRS 202.500)

This bill revises the circumstances which demonstrate that a dog is vicious to include a dog that, without provocation, kills another domesticated animal. "Domesticated animal" means a dog, cat or other domesticated animal under the



restraint or control of a person. A dog that kills another domesticated animal is not considered dangerous or vicious if the domesticated animal was biting or otherwise attacking the dog without provocation from the dog.

Existing law provides that if a vicious dog caused substantial bodily harm to a person, a judge may order the destruction of the dog in lieu of, or in addition to, the felony penalty imposed on the owner or keeper of the dog. (NRS 202.500)

This bill authorizes the judge to order a dog to be humanely destroyed if the dog killed or caused substantial bodily harm to a person or if the dog killed another domesticated animal without provocation. An order to destroy a dog may be in lieu of, or in addition to, any other penalty.

Existing law prohibits a person from instigating or witnessing a fight between birds or other animals. (NRS 574.070)

This bill prohibits a person from possessing a bird or other animal with the intent that the bird or other animal will be engaged in any such illegal fight between birds or other animals.

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

**Section 1.** NRS 202.500 is hereby amended to read as follows:  
202.500 1. As used in this section, a dog is:

(a) "Dangerous" if:

(1) It is so declared pursuant to subsection 2; or

(2) Without provocation, on two separate occasions within 18 months, it behaves menacingly, to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog is:

(I) Off the premises of its owner or keeper; or

(II) Not confined in a cage, pen or vehicle.

(b) "Provoked" when it is tormented or subjected to pain.

(c) "Vicious" if:

(1) Without being provoked, it kills or inflicts substantial bodily harm upon a human being; ~~for~~

(2) *Without being provoked, it kills another domesticated animal; or*

(3) After its owner or keeper has been notified by a law enforcement agency that it is dangerous, it continues the behavior described in paragraph (a).

2. A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper.

3. A dog may not be found dangerous or vicious because of a defensive act against ~~for~~:

(a) A person who was committing or attempting to commit a crime ~~for~~;

(b) A person who provoked the dog ~~for~~

~~4. A~~; or



*(c) A domesticated animal that, without being provoked, was biting or otherwise attacking the dog.*

*4. Except as otherwise provided in subsection 6, a person who knowingly:*

*(a) Owns or keeps a vicious dog, for more than 7 days after he has actual notice that the dog is vicious; or*

*(b) Transfers ownership of a vicious dog after he has actual notice that the dog is vicious,*

*➔ is guilty of a misdemeanor.*

*5. ~~HH~~ Except as otherwise provided in subsection 6, if substantial bodily harm or death to a person results from an attack by a dog known to be vicious, its owner or keeper is guilty of a category D felony and shall be punished as provided in NRS 193.130. ~~In lieu of, or in addition to, a penalty provided in this subsection,~~*

*6. If the dog of a person who is found to have violated the provisions of this section killed or inflicted substantial bodily harm upon a human being or killed another domesticated animal, the judge may order the vicious dog to be humanely destroyed.*

*~~6.~~ Such an order may be in lieu of, or in addition to, any other penalty provided pursuant to this section.*

*7. This section does not apply to a dog used by a law enforcement officer in the performance of his duty.*

*8. As used in this section, "domesticated animal" means a dog, cat or other domesticated animal under the restraint or control of a person.*

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

574.070 1. Except as otherwise provided in this section, a person shall not ~~set~~:

*(a) Possess any cock or other bird, or bull, bear or other animal with the intent that the animal will be engaged in 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; or*

*(b) Set on foot, instigate, promote, carry on or do any act as an assistant, umpire or principal, or in any way aid in or 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.*

*2. A person 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.*



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30      (b) Hunting as permitted by law.

