

SENATE BILL NO. 11—SENATORS TOWNSEND AND TITUS

PREFILED DECEMBER 11, 2006

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the treatment of animals. (BDR 50-239)

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.

AN ACT relating to animals; prohibiting a person from chaining or otherwise restraining an animal in a manner that deprives the animal of the ability to eat, drink or shelter itself; prohibiting a person from causing another person to commit certain acts of cruelty to animals; requiring the state emergency management plan and certain plans for emergency operations adopted by a state or local governmental agency to include certain provisions concerning the evacuation, transportation and sheltering of service animals during a disaster or emergency; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law prohibits a person from depriving an animal of necessary food or
- 2 drink. (NRS 574.100)
- 3 **Section 1** of this bill prohibits a person from depriving an animal of necessary
- 4 food, drink or shelter, including, without limitation, chaining or otherwise
- 5 restraining the animal continuously for more than 9 hours or in any other manner
- 6 that deprives the animal of the ability to eat, drink, shelter or avoid injury to itself
- 7 or move sufficiently to maintain its mobility and good health. **Section 1** also
- 8 prohibits a person from causing another person to deprive an animal of necessary
- 9 food, drink or shelter or to commit certain other acts of cruelty to an animal.



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Existing law authorizes the Governor, in carrying out the provisions of chapter 414 of NRS, to prepare a comprehensive state emergency management plan. (NRS 414.060) Existing law also requires the Chief of the Division of Emergency Management of the Department of Public Safety to prepare state and local governmental agencies to be capable of responding appropriately if a disaster or emergency occurs. In carrying out this duty, the Chief may encourage state and local agencies to adopt plans for emergency operations. (NRS 414.040)

Section 2 of this bill requires the state emergency management plan prepared by the Governor and each plan for emergency operations adopted by a state or local governmental agency to include provisions ensuring that, to the greatest extent practicable, a person with a disability who uses a service animal is evacuated, transported and sheltered together with the service animal during a disaster or emergency.

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

Section 1. NRS 574.100 is hereby amended to read as follows:
574.100 1. A person shall not:

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

(b) Deprive an animal of necessary ~~sustenance, food or drink,~~ *food, drink or shelter, including, without limitation, chaining or otherwise restraining the animal continuously for more than 9 hours or in any other manner that deprives the animal of the ability to eat, drink, shelter or avoid injury to itself or move sufficiently to maintain its mobility and good health,* or neglect or refuse to furnish it such ~~sustenance or drink;~~ *food, drink or shelter;*

(c) Cause ~~I, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink;~~ *another person to commit any act described in paragraph (a) or (b);*

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

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

2. A person who violates subsection 1:

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

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

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



1 ➤ The person shall be further punished by a fine of not less than
2 \$200, but not more than \$1,000. A term of imprisonment imposed
3 pursuant to this paragraph may be served intermittently at the
4 discretion of the judge or justice of the peace, except that each
5 period of confinement must be not less than 4 consecutive hours and
6 must occur either at a time when the person is not required to be at
7 his place of employment or on a weekend.

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

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

12 (2) Perform not less than 100 hours, but not more than 200
13 hours, of community service.

14 ➤ The person shall be further punished by a fine of not less than
15 \$500, but not more than \$1,000.

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

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

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

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

31 (a) Carrying out the activities of a rodeo or livestock show; or

32 (b) Operating a ranch.

33 **Sec. 2.** Chapter 414 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 ***1. The state emergency management plan prepared pursuant***
36 ***to NRS 414.060 and each plan for emergency operations specified***
37 ***in paragraph (b) of subsection 4 of NRS 414.040 that is adopted by***
38 ***a state or local governmental agency must include provisions***
39 ***ensuring that, to the greatest extent practicable, a person with a***
40 ***disability who uses a service animal is evacuated, transported and***
41 ***sheltered together with the service animal during a disaster or***
42 ***emergency.***

43 ***2. As used in this section:***



- 1 (a) “Disability” has the meaning ascribed to it in
- 2 NRS 426.068.
- 3 (b) “Service animal” has the meaning ascribed to it in
- 4 NRS 426.097.

