

SENATE BILL NO. 133—SENATOR TOWNSEND

FEBRUARY 12, 2009

Referred to Committee on Natural Resources

SUMMARY—Prohibits a person from possessing an animal for certain purposes. (BDR 50-26)

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 possessing an animal with the intent to use the animal in a fight with another animal or to engage in certain other prohibited acts; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits a person from instigating, promoting or in any way
2 engaging in the furtherance of any fight between animals in an exhibition or for
3 amusement or gain, if the fight is premeditated by a person who owns or has
4 custody of the animals. If the person commits such a violation, he is guilty of a
5 gross misdemeanor for a first offense, a category E felony for a second offense and
6 a category D felony for a third or subsequent offense. If the violation involves a
7 dog, the person is guilty of a category D felony for a first offense, a category C
8 felony for a second offense and a category B felony for a third or subsequent
9 offense. Existing law also prohibits a person from witnessing such a fight. If the
10 person commits such a violation, he is guilty of a misdemeanor for a first offense, a
11 gross misdemeanor for a second offense and a category E felony for a third or
12 subsequent offense. (NRS 574.070) This bill expands the prohibition set forth in
13 existing law to include a person who possesses any animal with the intent to use the
14 animal in a fight with another animal or to engage in certain other acts that are
15 prohibited under NRS 574.070.



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

Section 1. 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 on foot,~~ :

(a) *Begin, cause,* 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 ~~which is~~ *which is* premeditated by a person owning or having custody *or possession* of ~~such birds or~~ *the* animals.

(b) *Possess any animal with the intent to use the animal in a fight with another animal or to engage in any other act prohibited by paragraph (a).*

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~~ *which is* premeditated by a person *owning or* having custody *or possession* of ~~such birds or~~ *the* animals.

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

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

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

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

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

(a) For a first offense, a misdemeanor.

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

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

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

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

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

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

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

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



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- 1 (a) The management of livestock by the owner thereof, his
- 2 employees or agents or any other person in the lawful custody of the
- 3 livestock; or
- 4 (b) Hunting as permitted by law.

