

SUMMARY—Revises provisions concerning canines and breed discrimination. (BDR 15-567)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: No.

AN ACT relating to crimes; revising provisions concerning the criteria and procedures for determining whether a dog is dangerous or vicious; providing that a dog may not be determined to be dangerous or vicious based solely on its breed; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth the circumstances under which a dog may be deemed dangerous or vicious and provides criminal penalties for a person who knowingly owns or keeps a vicious dog after notice that the dog is vicious or who knowingly transfers ownership of such a vicious dog. (NRS 202.500) This bill: (1) revises the criteria by which a dog may be determined to be dangerous or vicious; (2) requires that, before a dog is determined to be dangerous or vicious, a designated animal control agency conduct an investigation and the owner or keeper of the dog, if known, be given notice and an opportunity for a hearing; and (3) provides that a dog may not be determined to be dangerous or vicious based solely on the breed of the dog.



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]~~ *For the purposes of* this section, a dog is:

(a) “Dangerous” if ~~[]~~ , *after an investigation conducted by an animal control agency designated by a local authority and the owner or keeper of the dog, if known, is given notice and an opportunity for a hearing, it is determined by a preponderance of the evidence that:*

(1) ~~[It is so declared pursuant to subsection 2;]~~ *The dog injured a person while being used in the commission of a crime by its owner or keeper;* or

(2) Without provocation, on two separate occasions within 18 months, ~~[it behaves]~~ *the dog behaved* menacingly, to a degree that would lead a reasonable person to defend himself or herself , *or a domestic animal*, against substantial bodily harm, when the dog ~~[is:]~~ *was:*

(I) Off the premises of its owner or keeper ~~[]~~ *and not on a leash or otherwise controlled;* or

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

(b) “Provoked” when ~~[it]~~ *the dog* is tormented , *abused* or subjected to pain.

(c) “Vicious” if ~~[]~~ , *after an investigation conducted by an animal control agency designated by a local authority and the owner or keeper of the dog, if known, is given notice and an opportunity for a hearing, it is determined by clear and convincing evidence that:*



(1) Without being provoked, ~~[it kills or inflicts]~~ *the dog killed or inflicted* substantial bodily harm upon a human being;

(2) *While off the premises of its owner or keeper, the dog killed a domestic animal;* or

~~[(2)]~~ (3) After its owner or keeper ~~[has]~~ *had* been notified by a law enforcement agency *or animal control agency* that ~~[it]~~ *the dog* is dangerous, ~~[it continues]~~ *the dog continued* 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]~~ :

(a) *Based solely on the breed of the dog; or*

(b) *Because* of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.

~~[4.]~~ 3. A person who knowingly:

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

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

↪ is guilty of a misdemeanor.

~~[5.]~~ 4. If substantial bodily harm 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, the judge may order the vicious dog to be humanely destroyed.

5. A local authority shall not adopt or enforce an ordinance or regulation that deems a dog dangerous or vicious based solely on the breed of the dog.

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

7. As used in this section, "local authority" means the governing board of a county, city or other political subdivision having authority to enact laws or ordinances or promulgate regulations relating to dogs.

