

Amendment No. 121

Assembly Amendment to Assembly Bill No. 110

(BDR 15-567)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

BFG/BAW



Date: 4/4/2013

A.B. No. 110—Revises provisions concerning canines and breed discrimination.
(BDR 15-567)



ASSEMBLY BILL NO. 110—ASSEMBLYMAN OHRENSCHALL

FEBRUARY 13, 2013

Referred to Committee on Judiciary

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.

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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 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.~~ 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

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

1 person to defend himself or herself ~~from or a domestic animal,~~ against substantial
2 bodily harm, when the dog ~~is:~~ **was:**

3 (I) Off the premises of its owner or keeper ~~and not on a leash or~~
4 ~~otherwise controlled,~~ or

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

6 (b) "Provoked" when ~~it~~ ~~the dog~~ is tormented ~~or abused~~ or subjected to pain.

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

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

13 ~~it~~ ~~(2) While off the premises of its owner or keeper, the dog killed a~~
14 ~~domestic animal,~~ or

15 ~~(2) (3)~~ After its owner or keeper ~~has~~ **had** been notified by a law
16 enforcement agency ~~for animal control agency~~ that ~~it~~ **the dog** is dangerous, ~~it~~
17 **continues** **the dog continued** the behavior described in paragraph (a).

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

20 3. A dog may not be found dangerous or vicious ~~because~~ :

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

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

24 4. ~~(3)~~ A person who knowingly:

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

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

29 **is** guilty of a misdemeanor.

30 5. ~~(4)~~ If substantial bodily harm results from an attack by a dog known to be
31 vicious, its owner or keeper is guilty of a category D felony and shall be punished
32 as provided in NRS 193.130. In lieu of, or in addition to, a penalty provided in this
33 subsection, the judge may order the vicious dog to be humanely destroyed.

34 ~~(5)~~ 6. A local authority shall not adopt or enforce an ordinance or
35 regulation that deems a dog dangerous or vicious based solely on the breed of the
36 dog.

37 ~~(6)~~ 7. This section does not apply to a dog used by a law enforcement officer
38 in the performance of his or her duty.

39 ~~(7)~~ 8. As used in this section, "local authority" means the governing board
40 of a county, city or other political subdivision having authority to enact laws or
41 ordinances or promulgate regulations relating to dogs.