

Amendment No. 549

Senate Amendment to Senate Bill No. 213	(BDR 45-450)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

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.

EWR/JRS



Date: 4/21/2013

S.B. No. 213—Revises certain provisions relating to the trapping of wild animals.
(BDR 45-450)



SENATE BILL NO. 213—SENATORS PARKS, MANENDO, SPEARMAN,
SEGERBLOM; AND WOODHOUSE (BY REQUEST)

MARCH 4, 2013

JOINT SPONSORS: ASSEMBLYMEN CARLTON, OHRENSCHALL;
MARTIN, MUNFORD AND PIERCE

Referred to Committee on Natural Resources

SUMMARY—Revises certain provisions relating to ~~the~~ trapping ~~of wild animals~~ (BDR 45-450)

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 trapping; requiring the registration of each trap, snare, ~~poisoning device~~ or similar device used in the taking of wild mammals; authorizing the removal or disturbance of a trap, snare, ~~poisoning device~~ or similar device under certain circumstances; requiring the ~~marking of a trap, snare, poisoning device or similar device with a warning flag; increasing~~ **Board of Wildlife Commissioners to adopt regulations prescribing** the frequency of required visits for a trap, snare, ~~poisoning device~~ or similar device; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person who intentionally steals, takes and carries away personal goods or property of another person with a value of less than \$650 or who knowingly buys, receives, possesses or withholds such property is guilty of a misdemeanor. (NRS 205.240, 205.275) Section 1.6 of this bill provides that a person who intentionally steals, takes and carries away traps, snares or similar devices with an aggregate value of less than \$650 or who knowingly buys, receives, possesses or withholds stolen traps, snares or similar devices with an aggregate value of less than \$650 is guilty of a gross misdemeanor.

Existing law requires a person who takes fur-bearing mammals by any legal method or unprotected mammals by trapping to obtain a trapping license. (NRS 503.454) Existing law also provides that each trap, snare or similar device used in the taking of wild mammals may bear a number registered with the Department of Wildlife or may be permanently marked with the name and address of the owner or trapper using it. If a trap is registered, the registration is permanent and the registrant must pay a one-time fee of \$10 at the time the first trap, snare or

similar device is registered. (NRS 503.452) **Section 3** of this bill amends those provisions by: (1) requiring each trap, snare, ~~poisoning device~~ or similar device used in the taking of wild mammals to be registered with the Department of Wildlife; and (2) requiring each registered trap, snare, ~~poisoning device~~ or similar device to bear a number assigned by the Department ~~for be permanently marked with the name and address of the owner or trapper using it.~~

Under existing law, it is unlawful to move or disturb a lawfully-set trap. (NRS 503.454) **Section 4** of this bill removes this prohibition for a trap, snare, ~~poisoning device~~ or similar device that creates immediate and obvious risk or injury or death to persons, pets and service animals. ~~[Section 4 also requires a person who sets a trap, snare, poisoning device or similar device to mark the locations of those devices with flags.]~~

Existing law requires each person who sets or places a trap, snare or similar device to visit those devices at least once every 96 hours and requires the removal of trapped ~~(animals)~~ mammals from the devices. (NRS 503.570) **Section 5** of this bill ~~increases the required frequency of those visits to at least once every 24 hours. Under existing law, employees of the State Department of Agriculture and the United States Department of Agriculture are exempt from this requirement when acting in their official capacities. (NRS 503.570) Section 5 deletes this exemption, notwithstanding any applicable federal immunity or preemption.]~~ requires the Board of Wildlife Commissioners to adopt regulations prescribing the frequency at which a person who sets or places a trap, snare or similar device is required to visit the trap, snare or similar device, which must be at least once every 96 hours.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. *“Trap” means a device that is designed, built or made to close upon or hold fast any portion of an animal.*

Sec. 1.6. 1. Any person who intentionally steals, takes and carries away one or more traps, snares or similar devices owned by another person with an aggregate value of less than \$650 is guilty of a gross misdemeanor.

2. Any person who buys, receives, possesses or withholds one or more traps, snares or similar devices owned by another person with an aggregate value of less than \$650:

(a) Knowing that the traps, snares or similar devices are stolen property; or
(b) Under such circumstances as should have caused a reasonable person to know that the traps, snares or similar devices are stolen property,
is guilty of a gross misdemeanor.

Sec. 2. NRS 501.001 is hereby amended to read as follows:

501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, ~~and section 1.3 of this act~~ have the meanings ascribed to them in those sections.

Sec. 3. NRS 503.452 is hereby amended to read as follows:

503.452 1. Each trap, snare, ~~poisoning device~~ or similar device used in the taking of wild mammals ~~may~~ must be registered with the Department before it is used. Each registered trap, snare, ~~poisoning device~~ or similar device must bear a number ~~registered with~~ assigned by the Department, ~~for be permanently marked with the name and address of the owner or trapper using it.~~ ~~If a trap is registered, the~~ The registration of a trap, snare, ~~poisoning device~~ or similar device is ~~permanent~~ valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.

2. A registration fee of \$10 ~~for each registrant~~ is payable only once ~~by each person who registers a trap, snare, poisoning device or similar device. The fee must be paid at the time the first trap, snare, poisoning device or similar device is registered.~~

3. A trap, snare or similar device sold or for which ownership is otherwise transferred on or after July 31, 2013, must not bear the registration number of the seller or transferor unless the trap, snare or similar device was permanently marked with the registration number of the person before that date.

4. It is unlawful to possess or use a trap, snare or similar device registered to another person without written authorization from the person to whom the trap, snare or similar device is registered.

5. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

6. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.

Sec. 4. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by ~~any legal method~~ trap, snare, ~~poisoning device~~ or similar device or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. It is unlawful to remove or disturb the trap, snare, ~~poisoning device~~ or similar device of any holder of a trapping license while the trap, snare, ~~poisoning device~~ or similar device is being legally used by the holder on public land or on land where the holder has permission to trap ~~unless the trap, snare, poisoning device or similar device creates an immediate and obvious risk of injury or death to any person, pet or service animal.~~

~~3. Every person who takes fur-bearing mammals or unprotected mammals by trap, snare, poisoning device or similar device shall mark each trap, snare, poisoning device or similar device he or she sets with a flag which is clearly visible and of sufficient size to warn a person who is in close proximity to the trap, snare, poisoning device or similar device of its location.~~

~~4. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.~~

Sec. 5. NRS 503.570 is hereby amended to read as follows:

503.570 1. A person taking or causing to be taken ~~wild mammals, animals~~ by means of traps, snares, ~~poisoning devices~~ or ~~any other~~ similar devices ~~which do not, or are not designed to, cause immediate death to the mammals,~~ shall, if the traps, snares, ~~poisoning devices~~ or similar devices are placed or set to take ~~mammals, animals,~~ visit or cause to be visited ~~at least once each 96~~ ~~24 hours~~ each trap, snare, ~~poisoning device~~ or ~~other~~ similar device ~~at a frequency specified in regulations adopted by the Commission pursuant to subsection 3~~ during all of the time the trap, snare, ~~poisoning device~~ or similar device is placed, set or used to take ~~wild mammals, animals,~~ and remove therefrom any ~~mammals, animals~~ caught therein.

2. The provisions of subsection 1 do not apply to employees of the State Department of Agriculture or the United States Department of Agriculture when acting in their official capacities.

3. The Commission shall adopt regulations setting forth the frequency at which a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices which do not, or are not designed to, cause immediate death to the mammals must visit a trap, snare or similar device. The regulations must require the person to visit a trap, snare or similar device at least once each

96 hours. In adopting the regulations, the Commission shall consider requiring a trap, snare or similar device placed in close proximity to a populated or heavily used area by persons to be visited more frequently than a trap, snare or similar device which is not placed in close proximity to such an area.

Sec. 5.5. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228 and 475.105, and section 1.6 of this act, a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than \$650, owned by another person;

(2) Bedding, furniture or other property, with a value of less than \$650, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than \$650, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than \$650, owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 5.6. NRS 205.275 is hereby amended to read as follows:

205.275 1. ~~+~~ Except as otherwise provided in section 1.6 of this act, a person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than \$650, is guilty of a misdemeanor;

(b) If the value of the property is \$650 or more but less than \$3,500, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If the value of the property is \$3,500 or more or if the property is a firearm, is guilty of 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 10 years, and by a fine of not more than \$10,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any

1 other offense that is a crime against property, whether or not the person who
2 committed the taking is or has been prosecuted or convicted for the offense.

3 **Sec. 6.** 1. This section ~~and~~, sections 1 ~~to~~ 2, inclusive, 4 , 5.5 and ~~5,~~
4 5.6 of this act become effective upon passage and approval.

5 2. ~~Section~~ Sections 3 and 5 of this act ~~becomes~~ become effective upon
6 passage and approval for the purpose of adopting regulations and performing any
7 other preparatory administrative tasks that are necessary to carry out the provisions
8 of this act and on ~~October 1,~~ July 31, 2013, for all other purposes.