

SENATE BILL NO. 299—SENATORS SETTELMAYER; BROWER,
CEGAVSKE, GOICOECHEA, GUSTAVSON, HAMMOND,
HARDY, HUTCHISON, JONES, KIHUEN, ROBERSON,
SEGERBLOM AND SMITH

MARCH 18, 2013

JOINT SPONSORS: ASSEMBLYMEN ELLISON, HAMBRICK, BOBZIEN;
PAUL ANDERSON, BENITEZ-THOMPSON, DALY, FIORE,
GRADY, HICKEY, KIRNER, OSCARSON AND WHEELER

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing falconry.
(BDR 45-589)

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 wildlife; revising provisions governing
falconry; providing a penalty; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Federal regulations provide certain requirements for persons who practice falconry and who propagate and rehabilitate raptors. (50 C.F.R. §§ 21.29, 21.30) **Section 12** of this bill requires any person who practices falconry or trains birds of prey in this State to comply with federal regulations as well as state law governing falconry. **Sections 13 and 24** of this bill contain provisions governing the captive propagation of raptors. **Section 14** of this bill: (1) requires a falconry licensee who releases raptors after game birds or game mammals to possess, in addition to a falconry license, a hunting license issued by the Department of Wildlife; and (2) prohibits a falconry licensee from keeping certain animals taken by a raptor or intentionally releasing a raptor after wildlife on certain land. **Sections 15 and 25** of this bill require a person to attach a nonreusable and numbered leg band to any raptor that the person obtains and prohibit the altering, counterfeiting or defacing of a nonreusable and numbered leg band except in certain circumstances.

Section 16 of this bill specifies conditions under which a raptor may be brought into or removed from this State. **Section 17** of this bill allows the transfer of a



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raptor under certain conditions. **Section 18** of this bill establishes certain requirements for the release of a raptor into the wild. **Section 19** of this bill governs the sponsorship of an apprentice falconry licensee. **Section 20** of this bill allows the Department to inspect the raptors, facilities and equipment of a falconry licensee under certain conditions.

Existing law prohibits a person from hunting, trapping, possessing or selling a raptor without having obtained a permit from the Department. (NRS 503.582) **Sections 21-23 and 25** of this bill allow a falconry licensee who obtains a permit to take raptors to capture certain raptors from the wild for use in falconry under certain conditions. **Sections 25-28** of this bill establish requirements and procedures concerning an application for a permit to take raptors. **Section 28** of this bill sets forth fees for permits and applications for permits, which are identical to the existing fees set forth in regulation. (NAC 503.340) Existing law prohibits the practice of falconry without a license. (NRS 503.583) **Section 31** of this bill provides requirements and procedures concerning falconry licenses. Unless otherwise provided, a violation of any provision of this bill is a misdemeanor. (NRS 501.385)

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

Section 1. Chapter 503 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 29, inclusive, of this act.

Sec. 2. *As used in NRS 503.582 to 503.5835, inclusive, and sections 2 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Apprentice falconry license” has the meaning ascribed to it in 50 C.F.R. § 21.29.*

Sec. 4. *“Captivity” means a controlled environment which:*
1. Is intensively manipulated by humans to produce raptors of selected species; and

2. Has boundaries designed to prevent raptors, eggs or gametes of the selected species from entering or leaving the controlled environment.

Sec. 5. *“Falconry” means the sport of taking, or attempting to take, quarry by means of a trained raptor. The term includes caring for and training a raptor to use the raptor to take quarry.*

Sec. 6. *“Falconry licensee” means a person who holds an apprentice, general or master falconry license issued by the Department pursuant to NRS 503.583.*

Sec. 7. *“Form 3-186A” means:*
1. Form 3-186A provided by the United States Fish and Wildlife Service; or



2. If the United States Fish and Wildlife Service no longer provides Form 3-186A, any form provided by the Department for reporting the acquisition, transfer, release, loss, rebanding, implantation, death or theft of a raptor.

Sec. 8. "General falconry license" has the meaning ascribed to it in 50 C.F.R. § 21.29.

Sec. 9. "Master falconry license" has the meaning ascribed to it in 50 C.F.R. § 21.29.

Sec. 10. "Raptor" means a live migratory bird of the order Accipitriformes, Falconiformes or Strigiformes, including the bald eagle (Haliaeetus leucocephalus) and the golden eagle (Aquila chrysaetos).

Sec. 11. "Take" means to trap or capture, or attempt to trap or capture, a raptor for the purpose of falconry.

Sec. 12. Any person who practices falconry or trains birds of prey shall comply with the provisions of 50 C.F.R. Part 21, and NRS 503.582 to 503.5835, inclusive, and sections 2 to 29, inclusive, of this act and any regulations adopted pursuant thereto.

Sec. 13. 1. Raptor eggs may not be taken or possessed, except that raptor eggs laid by a bird in the possession of a person who holds a permit for captive propagation of raptors obtained pursuant to 50 C.F.R. § 21.30 and a permit for captive breeding and propagation of raptors obtained pursuant to section 24 of this act may be possessed if the holder of the permit notifies the headquarters of the Department in writing within 10 calendar days after the first egg has been laid. Eggs laid by a raptor held under the authority of a falconry license must be reported by the falconry licensee to the Department within 10 calendar days after the first egg has been laid. The falconry licensee shall comply with the directions given by the Department concerning the eggs.

2. Raptor feathers that are molted or are obtained from raptors held in captivity that have died may be retained and exchanged by falconry licensees for imping purposes only.

3. As used in this section, "imping" means grafting feathers onto the wing of a trained raptor to repair damage or increase flying capacity.

Sec. 14. 1. A falconry licensee shall not release a raptor after game birds or game mammals during the open season unless the licensee possesses a valid hunting license issued by the Department.

2. When practicing falconry on game species, a falconry licensee shall comply with the provisions of this title and any regulations of the Commission and the provisions of 50 C.F.R. Part 21. A species of wildlife which is classified as protected by the



1 *Department, or as threatened or endangered by the United States*
2 *Fish and Wildlife Service, that is taken by a raptor may not be*
3 *retained or possessed by a falconry licensee.*

4 3. *A species of wildlife which is classified as a game species*
5 *by the Department that is taken incidentally by a raptor during the*
6 *closed season may not be retained or be possessed by the falconry*
7 *licensee.*

8 4. *A falconry licensee shall not intentionally release a raptor*
9 *after any wildlife which is in a refuge or a state or national park*
10 *or is on privately owned property where the licensee does not have*
11 *permission to hunt.*

12 **Sec. 15.** 1. *A person shall not acquire a raptor unless he or*
13 *she first obtains from the Department a nonreusable and*
14 *numbered leg band supplied by:*

15 (a) *The United States Fish and Wildlife Service for those*
16 *raptors required to be identified by such a leg band pursuant to 50*
17 *C.F.R. § 21.29; or*

18 (b) *The Department for all other raptors,*
19 *↪ and attaches it to the raptor immediately upon acquisition.*

20 2. *A person shall not alter, counterfeit or deface a*
21 *nonreusable and numbered leg band except that a holder of a*
22 *permit to take raptors may remove the rear tab from the leg band*
23 *and make smooth any imperfect surface if the integrity of the leg*
24 *band and its numbering are not affected.*

25 **Sec. 16.** 1. *A falconry licensee may bring into this State or*
26 *remove to any other state any raptor, the acquisition of which has*
27 *been reported to the United States Fish and Wildlife Service using*
28 *Form 3-186A without having a permit for the importation or*
29 *exportation of a raptor if a leg band is attached to the leg of the*
30 *raptor as required by section 15 of this act.*

31 2. *A person who is a resident of another state or country and*
32 *who holds a valid falconry license issued by the appropriate*
33 *agency of that state or country may bring into or remove from this*
34 *State any raptor in his or her possession under the authority of*
35 *that falconry license the acquisition of which has been reported to*
36 *the United States Fish and Wildlife Service using Form 3-186A*
37 *without having a permit for importation or exportation of a raptor*
38 *issued by the Department if a leg band which is supplied by the*
39 *United States Fish and Wildlife Service and which is required by*
40 *50 C.F.R. § 21.29 or the appropriate agency of the state or country*
41 *which issued the license, if required by that agency, is attached to*
42 *the raptor.*

43 3. *A raptor taken from the wild in this State by a resident of*
44 *this State may not be permanently removed from this State unless:*



1 (a) *The resident is a falconry licensee and leaves this State to*
2 *establish his or her domicile in another state; or*

3 (b) *The raptor has been held for at least 1 year.*

4 **Sec. 17.** 1. *Any person who receives a raptor by transfer,*
5 *purchase, trade or barter must have a valid falconry license. A*
6 *falconry licensee may receive by transfer legally acquired raptors*
7 *from any other person possessing a valid falconry license or a*
8 *permit for the captive propagation of raptors obtained pursuant to*
9 *50 C.F.R. § 21.29.*

10 2. *Except as otherwise provided in subsection 3, a falconry*
11 *licensee may purchase, sell, trade or barter any captive-bred*
12 *raptor if a nonreusable and numbered leg band is attached to the*
13 *leg of the raptor pursuant to section 15 of this act.*

14 3. *A captive-bred raptor may not be transferred, purchased,*
15 *sold, traded or bartered until it is 2 weeks old and only after a*
16 *nonreusable and numbered leg band is attached to the leg of the*
17 *raptor pursuant to section 15 of this act.*

18 4. *Each time a person acquires a raptor, that person shall,*
19 *within 10 calendar days after the acquisition, report the*
20 *acquisition to the United States Fish and Wildlife Service using*
21 *Form 3-186A.*

22 5. *As used in this section, "captive-bred" means hatched in*
23 *captivity from parents that mated or otherwise transferred gametes*
24 *in captivity.*

25 **Sec. 18.** 1. *If a nonreusable and numbered leg band is*
26 *attached to any raptor released into the wild, the leg band must be*
27 *removed and surrendered to the Department within 10 days after*
28 *the date on which the bird is released.*

29 2. *A falconry licensee must obtain written authorization from*
30 *the Department before he or she intentionally releases into the*
31 *wild a raptor of any species not indigenous to this State.*

32 **Sec. 19.** 1. *Any person who has been the holder of a*
33 *general falconry license for 2 years or more or is a holder of a*
34 *master falconry license may sponsor an apprentice falconry*
35 *licensee as described in 50 C.F.R. § 21.29.*

36 2. *The Department shall, upon request, provide to any person*
37 *a list of all falconry licensees in the State.*

38 **Sec. 20.** 1. *Before obtaining a raptor, an applicant must*
39 *allow an inspection by an employee of the Department to ensure*
40 *that the applicant possesses the equipment required by 50 C.F.R.*
41 *§ 21.29.*

42 2. *A falconry licensee must allow employees of the*
43 *Department to enter his or her premises at any reasonable hour to*
44 *inspect raptors, housing facilities for raptors and other equipment*
45 *possessed by the falconry licensee or to inspect, audit or copy any*



1 *permit, book or record required to be kept by 50 C.F.R. § 21.29*
2 *and NRS 503.582 to 503.5835, inclusive, and sections 2 to 29,*
3 *inclusive, of this act and any regulations adopted pursuant*
4 *thereto.*

5 3. *Refusal to allow the inspection of raptors, facilities and*
6 *equipment during reasonable hours will result in the denial of*
7 *issuance or the revocation of a falconry license or permit and the*
8 *seizure of any raptor in the possession of the falconry licensee.*

9 4. *A falconry licensee shall abide by all State and federal*
10 *regulations regarding facility inspections as set forth in 50 C.F.R.*
11 *§ 21.29 and NRS 503.582 to 503.5835, inclusive, and sections 2 to*
12 *29, inclusive, of this act and any regulations adopted pursuant*
13 *thereto.*

14 **Sec. 21.** *Each year, the Commission may establish a resident*
15 *and nonresident quota for raptors that may be taken from the wild*
16 *under a permit to take raptors. A holder of a permit to take raptors*
17 *may obtain from the wild only the number of raptors specified in*
18 *the permit but in no case more than two raptors per calendar year.*
19 *Before obtaining a permit to take raptors, a person must possess a*
20 *valid falconry license issued by this State or, if the person is not a*
21 *resident of this State and does not possess a falconry license issued*
22 *by this State, a valid falconry license issued by the state or country*
23 *of which he or she is a resident.*

24 **Sec. 22.** 1. *A holder of a permit to take raptors is subject to*
25 *the following conditions:*

26 (a) *Eyasses may be taken only by a general or master falconry*
27 *licensee during a calendar year.*

28 (b) *Passage birds may be taken only pursuant to subsection 11*
29 *of NRS 503.583.*

30 (c) *The only raptors over 1 year of age which may be taken are*
31 *the American kestrel (Falco sparverius) and the great horned owl*
32 *(Bubo virginianus), except that under a depredation or special*
33 *purpose permit which was jointly authorized by the United States*
34 *Fish and Wildlife Service and the Department, any raptor other*
35 *than a raptor of a threatened or endangered species may be taken*
36 *for falconry purposes by a general or master falconry licensee.*

37 (d) *Any raptor under 1 year of age, other than a raptor of a*
38 *threatened or endangered species, may be taken for falconry*
39 *purposes by a general or master falconry licensee.*

40 (e) *Birds of the following species may not be captured,*
41 *transported, possessed or used in the practice of falconry:*

42 (1) *Bald eagle (Haliaeetus leucocephalus);*

43 (2) *Osprey (Pandion haliaetus);*

44 (3) *White-tailed kite (Elanus leucurus); and*



(4) Any owl except the great horned owl (Bubo virginianus).

(f) Permits to take raptors are not transferable.

2. As used in this section:

(a) "Eyas" means a nestling bird not yet capable of flight.

(b) "Passage bird" means a bird that has fledged and is less than 1 year of age.

Sec. 23. 1. A raptor may be taken by a trap or bird net which is humane in its operation and use. Snare-type traps must be attended at all times. Swedish goshawk traps must be checked every 12 hours. All other traps must be identified with the name and address of the falconry licensee and checked every 24 hours when set. Raptors may not be taken by means of a steel-jawed trap or jump-trap. Apprentice falconry licensees may use only bal-chatri, harness or bow net traps in taking raptors.

2. As used in this section:

(a) "Bal-chatri" means a hemispherical cage on which many nooses are tied that is baited with a bird or mammal and placed in view of a wild raptor to serve as a trap in which neither the raptor nor the bait is injured.

(b) "Bow net" means a circular hoop hinged in the middle and covered with netting and may be attached to the ground in such a manner that one side swings freely.

(c) "Harness" means a light leather or cloth saddle covered with nooses which is placed on a tethered bait.

(d) "Snare-type trap" means a trap which uses a noose to take a raptor.

(e) "Swedish goshawk trap" means a humane, predator-safe, stationary box trap.

Sec. 24. 1. The Department may issue a permit to rehabilitate raptors for the possession and temporary care of raptors. The permit may authorize a person to hold an injured raptor for rehabilitation and later release the raptor into the wild upon recovery or when directed by the Department. An applicant for a permit to rehabilitate raptors must hold a valid permit to rehabilitate raptors issued by the United States Fish and Wildlife Service pursuant to 50 C.F.R. § 21.31, or to provide evidence satisfactory to the Department that approval for that permit is pending. A permit to rehabilitate raptors issued by the Department is not valid until the Department receives a copy of a permit to rehabilitate raptors issued to the applicant by the United States Fish and Wildlife Service.

2. The Department may approve a project for the captive breeding and propagation of raptors if the applicant holds a permit for the captive propagation of raptors issued by the United



1 *States Fish and Wildlife Service pursuant to 50 C.F.R. § 21.30, or*
2 *provides evidence satisfactory to the Department that approval for*
3 *that permit is pending. A permit for the captive breeding and*
4 *propagation of raptors issued by the Department is not valid until*
5 *the Department receives a copy of a permit for the captive*
6 *propagation of raptors issued to the applicant by the United States*
7 *Fish and Wildlife Service. The applicant must first provide a*
8 *statement setting forth the objectives and justification for the*
9 *project. The failure of the applicant to comply with the terms,*
10 *conditions and restrictions of the federal permit for the captive*
11 *propagation of raptors is cause for the Department to cancel*
12 *approval of the project.*

13 **Sec. 25.** 1. *A holder of a permit to take raptors who is*
14 *successful in taking a raptor shall immediately attach a leg band*
15 *to the leg of the raptor pursuant to section 15 of this act. A raptor*
16 *taken from the wild in this State must not be transported from this*
17 *State until a leg band is attached to the leg of the raptor pursuant*
18 *to that section.*

19 2. *A holder of a permit to take raptors who has not taken a*
20 *raptor shall return the unused permit and leg band to the*
21 *Department for cancellation within 10 calendar days after the*
22 *close of the season for which the Department issues the permit.*

23 **Sec. 26.** 1. *If a holder of a permit to take raptors submits*
24 *any false statement on his or her application for the permit or fails*
25 *to return the permit and leg band for cancellation or validation*
26 *within the period specified, the Department shall deny him or her*
27 *a permit to take raptors for the following year.*

28 2. *Any person who has been denied a permit to take raptors*
29 *pursuant to this section may have the privilege reinstated if the*
30 *person pays to the Department an administrative fine of \$50.*

31 **Sec. 27.** 1. *An application for a permit to take raptors must*
32 *be submitted to the Department at an address specified on the*
33 *application on or before the deadline for the submission of the*
34 *application specified by the Commission.*

35 2. *The applicant must include on the application:*

36 (a) *The name of the applicant.*

37 (b) *The physical and mailing address of the residence of the*
38 *applicant.*

39 (c) *The date of birth of the applicant.*

40 (d) *The telephone number of the residence of the applicant.*

41 (e) *The driver's license number of the applicant, if the*
42 *applicant has been issued a driver's license.*

43 (f) *The number of the applicant's falconry license, the class of*
44 *the license and the name of the state or country which issued the*
45 *license.*



(g) *The signature of the applicant and the date on which the applicant signs the application.*

3. *The Department shall return an incomplete application without action.*

4. *An applicant must possess a valid falconry license from this State, another state or, if the applicant is not a resident of the United States, the country of which the applicant is a resident at the time he or she applies for a permit to take raptors pursuant to this section. If the applicant does not possess such a license, the applicant must apply for a falconry license at the same time that he or she applies for the permit to take raptors pursuant to this section.*

Sec. 28. *Each application for a permit to take raptors must be accompanied by the following fee:*

1. *For a permit to take raptors issued to a resident, \$15.*

2. *For a permit to take raptors issued to a nonresident, \$120.*

3. *For acting upon each application, a nonrefundable fee of \$5.*

Sec. 29. 1. *If a quota is not filled from applications received on or before the deadline for acceptance, the Department shall accept applications received after that date and award permits to take raptors in the order of receipt of applications until the quota is filled.*

2. *An applicant who does not draw a permit to take raptors may reapply for a permit to take any species of raptor for which the quota is not filled after the drawing. The Department shall award permits to take raptors for the unfilled quota in the order of receipt of the applications.*

Sec. 30. NRS 503.582 is hereby amended to read as follows:

503.582 Except as otherwise provided in ~~this section~~ *NRS 503.582 to 503.5835, inclusive, and sections 2 to 29, inclusive, of this act*, it is unlawful for any person to hunt, trap, possess or sell any species, native or otherwise, of owl, hawk or other birds of prey, including all raptors or the parts thereof, without first obtaining a permit from the Department. The Commission may adopt regulations:

1. *Covering the hunting, trapping, possession or sale of any of those species.*

2. *Authorizing a person to hunt, trap, possess or sell any of those species without obtaining a permit pursuant to the provisions of this section.*

Sec. 31. NRS 503.583 is hereby amended to read as follows:

503.583 1. *The Department may issue apprentice, general and master falconry licenses.*



2. Except as otherwise provided in this section, any person who practices falconry or trains ~~birds of prey~~ *raptors* must obtain a falconry license from the Department upon payment of a license fee as provided in NRS 502.240.

~~{2. The}~~

3. *An applicant for a falconry license must include on his or her application:*

(a) *The name of the applicant.*

(b) *The physical and mailing address of the residence of the applicant.*

(c) *The telephone number of the residence of the applicant.*

(d) *The date of birth of the applicant.*

(e) *The driver's license number of the applicant, if the applicant has been issued a driver's license.*

(f) *A statement in substantially the following form:*

I certify, under penalty of perjury, that I have read and am familiar with the provisions of 50 C.F.R. Part 21 and NRS 503.582 to 503.5835, inclusive, and sections 2 to 29, inclusive, of this act and any regulations adopted pursuant thereto, and that the information I have submitted is complete and accurate to the best of my knowledge and belief.

.....
(Signature of applicant)

(g) *The signature of the applicant and the date on which the applicant signs the application.*

4. *If the applicant has moved to this State with the intention of making this State his or her permanent residence and he or she holds a falconry license issued by the state from which he or she is moving, the applicant shall attach a copy of his or her falconry license to his or her application in lieu of taking the examination required by subsection 5. If the applicant fails to attach a copy of his or her falconry license issued by the applicant's previous state of residence, the applicant may be required to take the examination required by subsection 5.*

5. *Except as otherwise provided in subsection 3, before the Department issues a falconry license, the applicant must correctly answer at least 80 percent of the questions on a supervised examination supplied or approved by the United States Fish and Wildlife Service and administered by the Department. The examination must test the applicant's knowledge of basic biology, the care and handling of raptors, and literature, laws, regulations and other subjects relating to falconry. Any applicant who fails the*



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1 *examination must wait at least 15 calendar days before he or she*
2 *may retake the examination.*

3 6. *The Department may deny issuance or renewal of any*
4 *class of falconry license or permit if the applicant has been*
5 *convicted of violating any provision of this title, any regulations*
6 *adopted pursuant thereto or 50 C.F.R. § 21.29. An applicant*
7 *whose license has been denied may appeal the denial to the*
8 *Commission.*

9 7. *A person who does not reside in this State is not required to*
10 *obtain a falconry license of the proper class from the Department*
11 *to practice falconry while visiting this State if the person possesses*
12 *a valid falconry license issued by the state or country of which the*
13 *person is a resident.*

14 8. *A person who possesses a raptor solely for commercial*
15 *displays or exhibitions is not required to obtain a falconry license*
16 *if:*

17 (a) *The species of raptor used or to be used in the commercial*
18 *display or exhibition is not listed as a protected species by the*
19 *Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq.;*
20 *and*

21 (b) *The raptor is not used for falconry.*

22 9. *Any person may, without obtaining a falconry license and*
23 *under the direct supervision of a falconry licensee, hold or*
24 *practice flying a raptor which is legally possessed by the falconry*
25 *licensee.*

26 10. *A falconry licensee, under permit, may obtain from the*
27 *wild only two ~~{birds}~~ raptors per calendar year. All such ~~{birds of~~*
28 *~~prey}~~ raptors must be banded in accordance with ~~{regulations~~*
29 *~~adopted by the Commission.~~*

30 ~~—3.—Birds of prey} section 15 of this act.~~

31 11. *Raptors may not be taken, captured or disturbed during the*
32 *months in which they breed.*

33 ~~{4-}~~ 12. *This section does not prohibit the capture or killing of*
34 *a hawk or an owl by holders of scientific collecting permits.*

35 ~~{5-}~~ 13. *The Commission may adopt regulations authorizing a*
36 *person to practice falconry or train birds of prey ~~{without obtaining~~*
37 *~~a falconry license pursuant to the provisions of subsection 1-}~~ under*
38 *conditions not specified in this section.*

39 **Sec. 32.** *NRS 503.597 is hereby amended to read as follows:*

40 503.597 1. *Except as otherwise provided in this section, it is*
41 *unlawful, except by the written consent and approval of the*
42 *Department, for any person at anytime to receive, bring or have*
43 *brought or shipped into this State, or remove from one stream or*
44 *body of water in this State to any other, or from one portion of the*



1 State to any other, or to any other state, any aquatic life or wildlife,
2 or any spawn, eggs or young of any of them.

3 2. The Department shall require an applicant to conduct an
4 investigation to confirm that such an introduction or removal will
5 not be detrimental to the wildlife or the habitat of wildlife in this
6 State. Written consent and approval of the Department may be given
7 only if the results of the investigation prove that the introduction,
8 removal or importation will not be detrimental to existing aquatic
9 life or wildlife, or any spawn, eggs or young of any of them.

10 3. The Commission may through appropriate regulation
11 provide for the inspection of such introduced or removed creatures
12 and the inspection fees therefor.

13 4. ~~The~~ *Except as otherwise provided in section 16 of this*
14 *act, the* Commission may adopt regulations to prohibit the
15 importation, transportation or possession of any species of wildlife
16 which the Commission deems to be detrimental to the wildlife or the
17 habitat of the wildlife in this State.

18 5. A person who knowingly or intentionally introduces, causes
19 to be introduced or attempts to introduce an aquatic invasive species
20 or injurious aquatic species into any waters of this State is guilty of:

21 (a) For a first offense, a misdemeanor; and

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

24 6. A court before whom a defendant is convicted of a violation
25 of subsection 5 shall, for each violation, order the defendant to pay a
26 civil penalty of at least \$25,000 but not more than \$250,000. The
27 money must be deposited into the Wildlife Fund Account in the
28 State General Fund and used to:

29 (a) Remove the aquatic invasive species or injurious aquatic
30 species;

31 (b) Reintroduce any game fish or other aquatic wildlife
32 destroyed by the aquatic invasive species or injurious aquatic
33 species;

34 (c) Restore any habitat destroyed by the aquatic invasive species
35 or injurious aquatic species;

36 (d) Repair any other damage done to the waters of this State by
37 the introduction of the aquatic invasive species or injurious aquatic
38 species; and

39 (e) Defray any other costs incurred by the Department because
40 of the introduction of the aquatic invasive species or injurious
41 aquatic species.

42 7. The provisions of this section do not apply to:

43 (a) Alternative livestock and products made therefrom; or

44 (b) The introduction of any species by the Department for sport
45 fishing or other wildlife management programs.



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8. As used in this section:

(a) “Aquatic invasive species” means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

(b) “Injurious aquatic species” means an aquatic species which the Commission has determined to be a threat to sensitive, threatened or endangered aquatic species or game fish or to the habitat of sensitive, threatened or endangered aquatic species or game fish by any means, including, without limitation:

- (1) Predation;
- (2) Parasitism;
- (3) Interbreeding; or
- (4) The transmission of disease.

Sec. 33. This act becomes effective on July 1, 2013.

