

SENATE BILL NO. 371—SENATORS KIECKHEFER,
SMITH; GOICOECHEA AND SETTELMEYER

MARCH 18, 2013

JOINT SPONSOR: ASSEMBLYMAN BOBZIEN

Referred to Committee on Natural Resources

SUMMARY—Prohibits a person from intentionally feeding any big game mammal under certain circumstances. (BDR 45-838)

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; prohibiting a person from intentionally feeding any big game mammal under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill prohibits a person from intentionally feeding any big game mammal
2 without written authorization from the Department of Wildlife. For the purpose of
3 this prohibition, the term "big game mammal" is defined to mean any pronghorn
4 antelope, black bear, mule deer, mountain goat, mountain lion, Rocky Mountain elk
5 or certain subspecies of bighorn sheep and "intentionally feed" is defined to mean
6 supplying, providing or otherwise making available any salt, grain, meat or other
7 form of nourishment with the intent to attract or feed a big game mammal. The
8 term is limited so that it does not include any incidental or unintentional feeding of
9 a big game mammal, including, without limitation, any such feeding associated
10 with certain agricultural, landscaping or outdoor activities. If a person is found
11 guilty of intentionally feeding a big game mammal, the person: (1) for a first
12 offense, must be issued a written warning; (2) for a second offense, must be
13 punished by a fine of not more than \$250; and (3) for a third or subsequent offense,
14 must be punished by a fine of not more than \$500. This bill also provides an
15 exception from the prohibition against intentionally feeding a big game mammal
16 for any employee or agent of the Department or the Animal and Plant Health



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17 Inspection Service of the United States Department of Agriculture while carrying
18 out his or her duties as such an employee or agent.

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

1 **Section 1.** Chapter 501 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 3, a person*
4 *shall not intentionally feed any big game mammal without written*
5 *authorization from the Department.*

6 2. *A person who violates subsection 1:*

7 (a) *For a first offense, must not be cited or charged criminally*
8 *but must be informed, in writing, of the behavior that constitutes*
9 *the violation and the penalties prescribed by this section for any*
10 *subsequent violation of this section.*

11 (b) *For a second offense, shall be punished by a fine of not*
12 *more than \$250.*

13 (c) *For a third or subsequent offense, shall be punished by a*
14 *fine of not more than \$500.*

15 3. *The provisions of this section do not apply to any employee*
16 *or agent of the Department or the Animal and Plant Health*
17 *Inspection Service of the United States Department of Agriculture*
18 *who, while carrying out his or her duties, intentionally feeds a big*
19 *game mammal for any purpose.*

20 4. *As used in this section :*

21 (a) *“Big game mammal” means:*

22 (1) *Any pronghorn antelope, black bear, mule deer,*
23 *mountain goat, mountain lion or Rocky Mountain elk; or*

24 (2) *Any of the following subspecies of bighorn sheep:*

25 (I) *Nelson bighorn sheep;*

26 (II) *California bighorn sheep; or*

27 (III) *Rocky Mountain bighorn sheep.*

28 (b) *“Intentionally feed” means to supply, provide or otherwise*
29 *make available any salt, grain, meat or other form of nourishment*
30 *with the intent to attract or feed a big game mammal. The term*
31 *does not include any incidental or unintentional feeding of a big*
32 *game mammal, including, without limitation, any such feeding*
33 *associated with:*

34 (1) *Any accepted agricultural or livestock practice;*

35 (2) *Any planting or maintenance of any shrub, tree or other*
36 *landscaping for any residence, property or area; or*

37 (3) *Any sporting event or outdoor activity at which food is*
38 *served or consumed.*



1 **Sec. 2.** NRS 501.005 is hereby amended to read as follows:
2 501.005 ~~["Big"]~~ *Except as otherwise provided in section 1 of*
3 *this act, "big* game mammal" means any game mammal so
4 classified by Commission regulation.

5 **Sec. 3.** NRS 501.386 is hereby amended to read as follows:
6 501.386 ~~["Whenever"]~~ *Except as otherwise provided in section*
7 *1 of this act, whenever* any person is halted by a game warden for
8 any violation of this title, the person ~~["shall"]~~ *must*, in the discretion
9 of the game warden, either be given a citation or be taken without
10 unnecessary delay before the proper magistrate. The person ~~["shall"]~~
11 *must* be taken before the magistrate in either of the following cases:

12 1. When the person does not furnish satisfactory evidence of
13 identity; or

14 2. When the game warden has reasonable and probable
15 grounds to believe the person will disregard a written promise to
16 appear in court.

