

SENATE BILL NO. 72—SENATOR MANENDO

PREFILED JANUARY 17, 2013

Referred to Committee on Natural Resources

SUMMARY—Makes various changes concerning cruelty to animals. (BDR 50-114)

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 cruelty to animals; prohibiting a person from intentionally engaging in horse tripping for sport, entertainment, competition or practice or from knowingly organizing, sponsoring, promoting, overseeing or receiving admission money for a horse tripping event under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits a person from engaging in cruelty to animals and
2 provides criminal penalties for a person who engages in that activity, including
3 making a third and any subsequent offense within the immediately preceding 7
4 years a category C felony. (NRS 574.100) This bill prohibits a person from
5 engaging in horse tripping for sport, entertainment, competition or practice or
6 knowingly organizing, sponsoring, promoting, overseeing or receiving admission
7 money for a charreada or rodeo that includes a horse tripping event unless the local
8 government where the horse tripping event is conducted allows it. This bill imposes
9 a criminal penalty against a person who is guilty of committing horse tripping, and
10 provides an exception for catching and releasing an animal.

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

- 1 **Section 1.** NRS 574.100 is hereby amended to read as follows:
2 574.100 1. A person shall not:
3 (a) Torture or unjustifiably maim, mutilate or kill:



(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;



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- 1 (c) Receiving training to hunt a species of wildlife in this State;
- 2 (d) In attendance at and participating in an exhibition, show,
- 3 contest or other event in which the skill, breeding or stamina of the
- 4 dog is judged or examined;
- 5 (e) Being kept in a shelter or boarding facility or temporarily in
- 6 a camping area;
- 7 (f) Temporarily being cared for as part of a rescue operation or
- 8 in any other manner in conjunction with a bona fide nonprofit
- 9 organization formed for animal welfare purposes;
- 10 (g) Living on land that is directly related to an active agricultural
- 11 operation, if the restraint is reasonably necessary to ensure the safety
- 12 of the dog. As used in this paragraph, "agricultural operation"
- 13 means any activity that is necessary for the commercial growing and
- 14 harvesting of crops or the raising of livestock or poultry; or
- 15 (h) With a person having custody or control of the dog, if the
- 16 person is engaged in a temporary task or activity with the dog for
- 17 not more than 1 hour.

18 5. *A person shall not:*

19 (a) *Except as otherwise provided in paragraph (b),*

20 *intentionally engage in horse tripping for sport, entertainment,*

21 *competition or practice; or*

22 (b) *Knowingly organize, sponsor, promote, oversee or receive*

23 *money for the admission of any person to a charreada or rodeo*

24 *that includes a horse tripping event unless the horse tripping event*

25 *is allowed by the local government where the horse tripping event*

26 *is conducted.*

27 6. A person who willfully and maliciously violates paragraph

28 (a) of subsection 1:

29 (a) Except as otherwise provided in paragraph (b), is guilty of a

30 category D felony and shall be punished as provided in

31 NRS 193.130.

32 (b) If the act is committed in order to threaten, intimidate or

33 terrorize another person, is guilty of a category C felony and shall be

34 punished as provided in NRS 193.130.

35 ~~16.1~~ 7. Except as otherwise provided in subsection ~~15.1~~ 6, a

36 person who violates subsection 1, 2 ~~10.3-1~~, 3 or 5:

37 (a) For the first offense within the immediately preceding 7

38 years, is guilty of a misdemeanor and shall be sentenced to:

39 (1) Imprisonment in the city or county jail or detention

40 facility for not less than 2 days, but not more than 6 months; and

41 (2) Perform not less than 48 hours, but not more than 120

42 hours, of community service.

43 ➤ The person shall be further punished by a fine of not less than

44 \$200, but not more than \$1,000. A term of imprisonment imposed

45 pursuant to this paragraph may be served intermittently at the



1 discretion of the judge or justice of the peace, except that each
2 period of confinement must be not less than 4 consecutive hours and
3 must occur either at a time when the person is not required to be at
4 the person's place of employment or on a weekend.

5 (b) For the second offense within the immediately preceding 7
6 years, is guilty of a misdemeanor and shall be sentenced to:

7 (1) Imprisonment in the city or county jail or detention
8 facility for not less than 10 days, but not more than 6 months;
9 and

10 (2) Perform not less than 100 hours, but not more than 200
11 hours, of community service.

12 ➤ The person shall be further punished by a fine of not less than
13 \$500, but not more than \$1,000.

14 (c) For the third and any subsequent offense within the
15 immediately preceding 7 years, is guilty of a category C felony and
16 shall be punished as provided in NRS 193.130.

17 ~~7-1~~ 8. In addition to any other fine or penalty provided
18 in subsection ~~5-1~~ 6 or ~~6-1~~ 7, a court shall order a person convicted
19 of violating subsection 1, 2, ~~for~~ 3 or 5 to pay restitution for all
20 costs associated with the care and impoundment of any mistreated
21 animal under subsection 1, 2 ~~for 3-1~~, 3 or 5 including, without
22 limitation, money expended for veterinary treatment, feed and
23 housing.

24 ~~8-1~~ 9. The court may order the person convicted of violating
25 subsection 1, 2, ~~for~~ 3 or 5 to surrender ownership or possession of
26 the mistreated animal.

27 ~~9-1~~ 10. The provisions of this section do not apply with respect
28 to an injury to or the death of an animal that occurs accidentally in
29 the normal course of:

30 (a) Carrying out the activities of a rodeo or livestock show;
31 or

32 (b) Operating a ranch.

33 *11. As used in this section:*

34 (a) *"Horse tripping" means the roping of the legs of or*
35 *otherwise using a wire, pole, stick, rope or other object to*
36 *intentionally trip or intentionally cause a horse, mule, burro, ass*
37 *or other animal of the equine species to fall. The term does not*
38 *include:*

39 *(1) Tripping such an animal to provide medical or other*
40 *health care for the animal; or*

41 *(2) Catching such an animal by the front legs and then*
42 *releasing it as part of a horse tripping event that is allowed by the*
43 *local government where the event is conducted.*



- 1 ***(b) “Horse tripping event” means an event at which a person***
- 2 ***intentionally engages in horse tripping for sport, entertainment,***
- 3 ***competition or practice.***

