

SENATE BILL NO. 83—COMMITTEE ON NATURAL RESOURCES

PREFILED JANUARY 31, 2013

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to animal fighting.
(BDR 50-148)

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; increasing the penalties for certain offenses related to the use of an animal or a bird for baiting or fighting; prohibiting a person from manufacturing, owning or possessing a gaff, spur or other sharp implement designed for attachment to a cock or other bird with the intent that it be used in fighting another cock or other bird under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who owns, occupies or is otherwise connected in certain ways to a house, apartment, pit or place kept or used for baiting or fighting any bird or animal is subject to criminal penalties. A first offense is punishable as a gross misdemeanor, a second offense is punishable as a category E felony and a third or subsequent offense is punishable as a category D felony. (NRS 574.060) **Section 1** of this bill increases those penalties to make the first offense punishable as a category E felony and a second or subsequent offense punishable as a category D felony. **Section 1** also revises the offense to impose criminal penalties against a person only if he or she knowingly owns, occupies or is connected with the house, apartment, pit or place kept or used for baiting or fighting any bird or animal.

Existing law imposes criminal penalties against a person who: (1) takes certain actions in furtherance of a fight between animals under certain circumstances; (2) owns, possesses, keeps, trains, promotes or purchases an animal with the intent to use it to fight another animal; or (3) sells an animal knowing that it is intended to be used to fight another animal. A first offense is punishable as a gross misdemeanor, a second offense is punishable as a category E felony and a third or subsequent offense is punishable as a category D felony. (NRS 574.070) **Section 2** of this bill



* S B 8 3 R 1 *

increases those penalties to make the first offense punishable as a category E felony and a second or subsequent offense punishable as a category D felony.

Existing law also imposes criminal penalties against a person who knowingly witnesses a fight between animals in an exhibition or for amusement or gain. A first offense is punishable as a misdemeanor, a second offense is punishable as a gross misdemeanor and a third or subsequent offense is punishable as a category E felony. (NRS 574.070) **Section 2** of this bill increases those penalties to make the first offense punishable as a gross misdemeanor and a second or subsequent offense punishable as a category E felony. **Section 2** also revises the offense to impose criminal penalties against a person who, instead of witnessing such a fight, attends such a fight. **Section 2** also imposes the same criminal penalties against a person who manufactures, owns, possesses, sells, barter or exchanges, or advertises for sale, barter or exchange, certain sharp instruments designed to be attached to certain fighting birds.

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

Section 1. NRS 574.060 is hereby amended to read as follows:

574.060 1. A person shall not *knowingly* keep or use, or in any manner be connected with, or be interested in the management of, or receive money for the admission of any person to, a house, apartment, pit or place kept or used for baiting or fighting any bird or animal, or be an owner or occupant of a house, apartment, pit or place who willfully procures or permits the same to be used or occupied for such baiting or fighting.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense, a ~~gross misdemeanor~~ *category E felony and shall be punished as provided in NRS 193.130.*

(b) For a second ~~offense, a category E felony and shall be punished as provided in NRS 193.130.~~

~~—(c) For a third~~ or subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. Upon complaint under oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant has just and reasonable cause to suspect that any provision of law relating to or in any way affecting animals is being or is about to be violated in any particular building or place, the magistrate shall immediately issue and deliver a warrant to any person authorized by law to make arrests for such offenses, authorizing the person to enter and search the building or place, to arrest any person there present found violating any such law and to bring the person before the nearest magistrate of competent jurisdiction to be dealt with according to law.



1 **Sec. 2.** NRS 574.070 is hereby amended to read as follows:

2 574.070 1. Except as otherwise provided in this section, a
3 person shall not begin, cause, instigate, promote, carry on or do any
4 act as an assistant, umpire or principal, or in any way aid in or
5 engage in the furtherance of any fight between animals in an
6 exhibition or for amusement or gain which is premeditated by a
7 person owning or having custody of the animals.

8 2. A person shall not:

9 (a) Own, possess, keep, train, promote or purchase an animal
10 with the intent to use it to fight another animal; or

11 (b) Sell an animal knowing that it is intended to be used to fight
12 another animal.

13 3. A person shall not ~~knowingly~~ :

14 (a) ~~Knowingly~~ ~~witness~~ attend any fight between animals in an
15 exhibition or for amusement or gain ~~; or~~

16 (b) *Manufacture, own, possess, purchase, sell, barter or*
17 *exchange, or advertise for sale, barter or exchange, any gaff, spur*
18 *or other sharp implement designed for attachment to a cock or*
19 *other bird with the intent that the implement be used in fighting*
20 *another cock or other bird.*

21 4. Except as otherwise provided in subsection 7, a person who
22 violates any provision of subsection 1 is guilty of:

23 (a) For a first offense, a ~~gross misdemeanor.~~ *category E felony*
24 *and shall be punished as provided in NRS 193.130.*

25 (b) For a second ~~offense, a category E felony and shall be~~
26 ~~punished as provided in NRS 193.130.~~

27 ~~(c) For a third~~ or subsequent offense, a category D felony and
28 shall be punished as provided in NRS 193.130.

29 5. A person who violates any provision of subsection 2 is
30 guilty of:

31 (a) For a first offense, a ~~gross misdemeanor.~~ *category E felony*
32 *and shall be punished as provided in NRS 193.130.*

33 (b) For a second ~~offense, a category E felony and shall be~~
34 ~~punished as provided in NRS 193.130.~~

35 ~~(c) For a third~~ or subsequent offense, a category D felony and
36 shall be punished as provided in NRS 193.130.

37 6. A person who violates any provision of subsection 3 is
38 guilty of:

39 (a) For a first offense, a *gross* misdemeanor.

40 (b) For a second ~~offense, a gross misdemeanor.~~

41 ~~(c) For a third~~ or subsequent offense, a category E felony and
42 shall be punished as provided in NRS 193.130.

43 7. If a violation of subsection 1 involves a dog, a person who
44 commits such a violation is guilty of:



1 (a) For a first offense, a category D felony and shall be punished
2 as provided in NRS 193.130.

3 (b) For a second offense, a category C felony and shall be
4 punished as provided in NRS 193.130.

5 (c) For a third or subsequent offense, a category B felony and
6 shall be punished by imprisonment in the state prison for a
7 minimum term of not less than 1 year and a maximum term of not
8 more than 6 years.

9 8. If a person who violates this section is not a natural person,
10 the person shall be punished by a fine of not more than \$10,000.

11 9. This section does not prohibit the use of dogs or birds for:

12 (a) The management of livestock by the owner thereof, the
13 owner's employees or agents or any other person in the lawful
14 custody of the livestock; or

15 (b) Hunting as permitted by law.

