

ASSEMBLY BILL NO. 136—ASSEMBLYMEN ELLISON, WHEELER,
FIORE; DICKMAN, MOORE, SEAMAN AND TITUS

FEBRUARY 11, 2015

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes relating to wildlife.
(BDR 45-561)

FISCAL NOTE: Effect on Local Government: No.
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; requiring the Board of Wildlife Commissioners to adopt regulations prescribing the circumstances under which a person may assist a licensed hunter with certain disabilities in the killing and retrieval of a big game mammal; requiring the Department of Wildlife to make reasonable accommodations for the completion of a course in the responsibilities of hunters by persons with disabilities; authorizing a person hunting during a period of a hunting season in which hunting is restricted to the use of only archery equipment or a muzzle-loading firearm to carry certain handguns for self-defense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish certain policies and adopt certain regulations to carry out and enforce the provisions of title 45 of NRS and chapter 488 of NRS. (NRS 501.181) **Section 2.1** of this bill requires the Commission to adopt regulations prescribing the circumstances under which a person may assist in the killing and retrieval of a wounded big game mammal by another person who: (1) is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and (2) has obtained a valid tag issued by the Department for hunting that animal.

Existing law authorizes the Department of Wildlife to provide a course of instruction in the responsibilities of hunters and requires a person to complete such a course before obtaining a hunting license. (NRS 502.330, 502.340) **Section 2.5** of



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this bill requires the Department to make reasonable accommodations for the completion of the course in the responsibilities of hunters by a person with a disability.

Existing law provides for the manner of hunting game birds and game mammals. (NRS 503.090-503.245) **Section 3** of this bill authorizes a person who is hunting during any period of an open season during which hunting is restricted to the use of only archery equipment or a muzzle-loading firearm to carry for self-defense a handgun that: (1) has a barrel length of less than 8 inches; and (2) does not have a telescopic sight.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.1. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.



(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.



8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

Sec. 2.2. NRS 501.376 is hereby amended to read as follows:

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of an aircraft or helicopter in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) ~~{Other}~~ *Except as otherwise provided by the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181, other* than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or



(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

Sec. 2.3. NRS 502.140 is hereby amended to read as follows:

502.140 1. Tags may be used as a method of enforcing a limit of the number of any species which may be taken by any one person in any one season or year, and may be issued in such a manner that only a certain number may be used in any one management area, or that one tag may be used in several management areas, as designated by the Commission.

2. The Commission shall designate the number of tags for any species which may be obtained by any one person, and it is unlawful for any person to obtain tags for the person's use in excess of this number. Except as otherwise provided in NRS 502.145 **and the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181**, it is unlawful for any person to use or possess tags issued to any other person, or to transfer or give tags issued to him or her to any other person.

Sec. 2.5. NRS 502.340 is hereby amended to read as follows:

502.340 1. The Department shall certify instructors who will, with the cooperation of the Department, provide instruction in the responsibilities of hunters established by the Department to all eligible persons who, upon the successful completion of the course, must be issued a certificate. Persons who are disqualified from obtaining a hunting license, pursuant to NRS 502.330, are eligible for the course.



1 **2. The Department shall make reasonable accommodations**
2 **for the completion of the course by a person with a disability.**

3 **Sec. 3.** NRS 503.150 is hereby amended to read as follows:

4 503.150 1. Unless otherwise specified by Commission
5 regulation, it is unlawful to hunt:

6 (a) Any game bird or game mammal with any gun capable of
7 firing more than one round with one continuous pull of the trigger,
8 or with any full steel, full steel core, full metal jacket, tracer or
9 incendiary bullet or shell, or any shotgun larger than number 10
10 gauge.

11 (b) Big game mammals in any manner other than with a rifle,
12 held in the hand, that exerts at least 1,000 foot-pounds of energy at
13 100 yards, or with a longbow and arrow which meet the
14 specifications established by Commission regulation.

15 (c) Small game mammals in any manner other than with a
16 handgun, shotgun, rifle, longbow and arrow or by means of
17 falconry.

18 (d) Game birds with any rifle or handgun, or in any manner
19 other than with a shotgun held in the hand, with a longbow and
20 arrow or by means of falconry.

21 (e) Migratory game birds with any shotgun capable of holding
22 more than three shells.

23 (f) Any game bird or game mammal with the aid of any artificial
24 light.

25 (g) Any big game mammal, except mountain lions, with a dog
26 of any breed.

27 **2. A person who is hunting during any period of an open**
28 **season during which hunting is restricted to the use of only**
29 **archery equipment or a muzzle-loading firearm:**

30 **(a) May carry for self-defense a handgun that:**

31 **(1) Has a barrel length of less than 8 inches; and**

32 **(2) Does not have a telescopic sight.**

33 **(b) May not use the handgun carried pursuant to paragraph**
34 **(a) to hunt any wildlife.**

35 **3.** Nothing in this section prohibits the use of dogs in the
36 hunting of game birds or small game mammals.

37 **Sec. 4.** This act becomes effective on July 1, 2015.

