

ASSEMBLY BILL NO. 315—ASSEMBLYMAN SPRINKLE

MARCH 16, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to persons convicted of certain violations of law concerning cruelty to animals. (BDR 5-523)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; requiring a court to order a child adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal to participate in counseling; requiring a court to order a person convicted of certain violations of law concerning cruelty to animals to submit to a psychiatric evaluation and participate in counseling or therapy as a condition of probation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court is required to: (1) order the child to participate in counseling or other psychological treatment; and (2) order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay the cost of the child to participate in the counseling or other psychological treatment. (NRS 62E.680) **Section 1** of this bill provides that the juvenile court is required to order such a child to participate in counseling and may, in its discretion, order the child to participate in other psychological treatment.

Existing law also provides that as a condition of probation, a court is authorized to order a defendant who is convicted of a violation of existing law governing cruelty to animals that is punishable as a felony or gross misdemeanor to: (1) submit to a psychiatric evaluation; and (2) participate in any counseling or therapy recommended in the evaluation. Additionally, the court is required to order the defendant, to the extent of the defendant's financial ability, to pay the cost for any such psychiatric evaluation and counseling or therapy. (NRS 176A.416) **Section 2** of this bill requires a court to order such a defendant to submit to a psychiatric evaluation and participate in counseling or therapy.



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

Section 1. NRS 62E.680 is hereby amended to read as follows:

62E.680 1. If a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court ~~{shall}~~:

(a) *Shall* order the child to participate in counseling. ~~{or}~~

(b) *May, in its discretion, order the child to participate in* other psychological treatment.

2. The juvenile court shall order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay the cost of the child to participate in the counseling ~~{or}~~ *and any* other psychological treatment ~~{}~~ *required by the juvenile court.*

3. As used in this section:

(a) "Animal" does not include the human race, but includes every other living creature.

(b) "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 2. NRS 176A.416 is hereby amended to read as follows:

176A.416 1. As a condition of probation, the court ~~{may}~~ *shall* order a defendant who is convicted of a violation of chapter 574 of NRS that is punishable as a felony or gross misdemeanor to:

(a) Submit to a psychiatric evaluation; and

(b) Participate in ~~{any}~~ counseling or therapy. ~~{recommended in the evaluation.}~~

2. The court shall order a defendant, to the extent of the defendant's financial ability, to pay the cost for an evaluation and any counseling or therapy pursuant to this section.

