

Amendment No. 358

Assembly Amendment to Assembly Bill No. 391	(BDR 15-29)
Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BAW/BJE



Date: 4/20/2017

A.B. No. 391—Creates the crime of bestiality. (BDR 15-29)



ASSEMBLY BILL NO. 391—ASSEMBLYMEN CARRILLO, SWANK, OHRENSCHALL,
ELLISON; MONROE-MORENO AND SPRINKLE (BY REQUEST)

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Creates the crime of bestiality. (BDR 15-29)

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 crimes; creating the crime of bestiality; providing a penalty;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates various crimes against public decency and good morals and provides penalties to be imposed upon persons who commit such crimes. (Chapter 201 of NRS) This bill creates the crime of bestiality and sets forth the punishment for the crime.

Under this bill, a person who commits the crime of bestiality is guilty of a gross misdemeanor, except that the penalty is increased to a category ~~(C)~~ **D** felony if: (1) the animal dies or suffers serious bodily injury as the result of the crime; or (2) the person has a previous felony conviction for animal cruelty. This bill further ~~authorizes~~ **requires** the court to order a person convicted of the crime of bestiality: (1) ~~to undergo a psychological evaluation and any recommended counseling and to pay the expenses for such an evaluation and counseling;~~ **to relinquish and permanently forfeit ownership or possession of all animals which are owned by the person and which reside** in the same household as the person; ~~(3) and (2)~~ **not to harbor, own, possess, keep or exercise control over any animal for, not to reside in any household where an animal is present and not to work at or volunteer for a business, animal shelter or other place where the person may access an animal** for a period determined by the court. ~~1 and (4)~~ **Finally, this bill also authorizes the court to order a person convicted of the crime of bestiality: (1) to undergo a psychological evaluation and any recommended counseling and to pay the expenses for such an evaluation and counseling; (2) to pay all reasonable costs incurred for the care and maintenance of the animal involved in the crime and any other animal that is relinquished by the person; and (3) if the person is not the owner of the animal involved in the crime, to reimburse the owner of the animal for all medical expenses incurred for treating the animal.**

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

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person commits the crime of bestiality if the person knowingly and intentionally:

(a) Engages in sexual conduct with an animal;

(b) Causes another person to engage in sexual conduct with an animal or aids or abets another person in engaging in sexual conduct with an animal;

(c) Permits any sexual conduct with an animal to be conducted on any premises under the control of the person;

(d) Engages in, organizes, promotes, conducts, advertises, aids, abets, participates in and is physically present as an observer, or performs any service in the furtherance of an act involving any sexual conduct with an animal; ~~for a commercial or recreational purpose;~~ or

(e) Photographs or films, for purposes of his or her sexual gratification or the sexual gratification of another person, a person engaged in sexual conduct with an animal.

2. A person who commits the crime of bestiality is guilty of:

(a) If the crime does not cause the death of or serious bodily injury to an animal involved in the crime and the person has not previously been convicted of a violation of NRS 574.100 punishable as a felony, a gross misdemeanor.

(b) If the crime causes the death of or serious bodily injury to an animal involved in the crime or if the person has previously been convicted of a violation of NRS 574.100 punishable as a felony, a category ~~1~~ D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty imposed by the court, the court ~~may~~ shall order a person convicted of the crime of bestiality to comply with ~~any or all of~~ the following:

(a) ~~Undergoing a psychological evaluation and any recommended counseling and to pay the expenses for the psychological evaluation and any recommended counseling.~~

~~(b)~~ Relinquishing and permanently forfeiting ownership or possession of all animals which are ~~owned by the person and which reside~~ in the same household as the person to an animal shelter, an organization that takes into custody animals which have been abused or neglected, or a society for the prevention of cruelty to animals established pursuant to NRS 574.010.

~~(c)~~ (b) Not harboring ~~for~~, owning, possessing, keeping or exercising control over any animal ~~for~~, not residing in any household where an animal is present and not working at or volunteering for a business, animal shelter or other place where the person may access an animal, for a period determined by the court.

~~(d)~~ 4. In addition to any other penalty imposed by the court, the court may order a person convicted of the crime of bestiality to comply with any or all of the following:

(a) Undergoing a psychological evaluation and any recommended counseling, including, without limitation, any counseling for the treatment of substance abuse, and to pay the expenses for the psychological evaluation and any recommended counseling.

(b) Paying all reasonable costs incurred for the care and maintenance of the animal involved in the crime and any other animal relinquished by the person to

an animal shelter, an organization that takes into custody animals which have been abused or neglected, or a society for the prevention of cruelty to animals established pursuant to NRS 574.010.

~~4.4.~~ (c) If the person convicted of the crime of bestiality is not the owner of the animal involved in the crime, reimbursing the owner of the animal for all medical expenses incurred for treating the animal.

5. As used in this section:

(a) "Animal" means every living creature other than a human being.

(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.

(c) "Licensed veterinarian" has the meaning ascribed to it in NRS 638.007.

(d) "Sexual conduct" ~~means~~ :

(1) Means any sexual act involving:

~~1.1.~~ (I) The genitalia of a person and the genitalia, anus or mouth of an animal;

~~1.2.~~ (II) The genitalia of an animal and the genitalia, anus or mouth of a person; ~~for~~

~~(3) A~~

(III) Any insertion, however slight, of any part of the body of a person or of a foreign object ~~and~~ into the genitalia or anus of an animal ~~for~~

~~→ "Sexual conduct" does ; or~~

(IV) Any touching or fondling by a person, directly or indirectly through clothing, of the genitalia or anus of an animal.

(2) Does not include ~~any~~ :

(I) Any accepted practice of animal husbandry ~~for any~~ which provides care for an animal;

(II) Any accepted method of insemination of an animal for the purpose of procreation;

(III) Any accepted practice relating to conformation judging ; ~~for~~ or ~~any~~

(IV) Any accepted medical procedure performed by a licensed veterinarian while engaging in the practice of veterinary medicine ~~for~~ or by his or her employee while acting under his or her supervision.