

Amendment No. 234

Senate Amendment to Senate Bill No. 371	(BDR 50-153)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

EMR/HAC



Date: 4/17/2017

S.B. No. 371—Revises provisions governing the care of an animal which has been impounded or treated cruelly. (BDR 50-153)



SENATE BILL NO. 371—SENATOR GOICOECHEA

MARCH 20, 2017

Referred to Committee on Natural Resources

SUMMARY—~~[Revises]~~ **Establishes** provisions governing the care of an animal which has been impounded . ~~for treated cruelly;~~
(BDR ~~[50-153]~~ **14-153**)

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 animals; ~~[deleting provisions which limit the duration of certain liens for the reasonable cost of care and shelter furnished to an animal which has been treated cruelly;]~~ authorizing a county to recover the reasonable cost of care and shelter furnished to an animal impounded by the county under certain circumstances; authorizing a county to take certain other actions relating to an impounded animal; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a peace officer or an officer of a society for the prevention of cruelty to animals who is authorized to make certain arrests who discovers any animal being treated cruelly to: (1) take possession of the animal; and (2) provide a written notice to the owner of the animal, if the owner can be found, setting forth the reasons the animal was taken, the location of where the animal will be cared for and sheltered and the fact that there is a lien on the animal, limited to not more than 2 weeks, for the reasonable cost of shelter and care furnished to the animal. (NRS 574.055) Existing law confers a similar lien upon a peace officer or certain other persons who forcibly remove a cat or dog from a motor vehicle during a period of extreme heat or cold. (NRS 574.195) Section 1 of this bill deletes the 2-week limit on those liens.]~~

Existing law authorizes the board of county commissioners of a county to enact ordinances: (1) governing the control and protection of animals; (2) regulating or prohibiting the running at large and disposal of animals; and (3) prohibiting cruelty to animals. (NRS 244.189, 244.359) **Section 2** of this bill expands existing law by providing that, if a person is lawfully arrested and detained in a county for more than ~~[45]~~ **7** days, and if the county impounds any animal owned or possessed by the person, the county ~~[may: (1) recover the reasonable cost of any care and shelter furnished to the animal by the county;]~~ **must: (1) notify the person of the impoundment and request that the person provide to the county the name of any person who is authorized to care for the animal; (2) [give] transfer, under certain circumstances, the animal to any [member of the person's immediate family; or] such person; and (3) if the county is unable to transfer the animal to such a person, allow a person to adopt the animal. Section 2 also authorizes, under certain circumstances, the county to bring an appropriate legal action to recover the reasonable cost of care and shelter of the animal.**

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

Section 1. ~~[NRS 574.055 is hereby amended to read as follows:]~~

~~574.055 1. Any peace officer or officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.~~

~~2. If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a [limited] lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.~~

~~3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. [The lien does not extend to the cost of care and shelter for more than 2 weeks.]~~

~~4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.~~

~~5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.~~

~~6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.020 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.~~

~~7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to the owner's custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.]~~ (Deleted by amendment.)

1 **Sec. 2.** Chapter 171 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. *If a person is lawfully arrested and detained in a county for more than*
4 ~~15~~ *7 days, and if any animal owned or possessed by the person is impounded by*
5 *the county after the arrest, the county ~~may~~*

6 ~~—(a) By—~~ *must notify the person of the impoundment of the animal and request*
7 *that the person provide to the county the name of any person who is authorized to*
8 *care for the animal. The county must transfer the animal to such a person if the*
9 *county determines that the person is able to provide adequate care and shelter to*
10 *the animal. If there is no authorized person who is able to provide adequate care*
11 *and shelter to the animal, the county may allow another person who is able to*
12 *provide adequate care and shelter to adopt the animal.*

13 2. *If a person is convicted of the crime for which he or she was lawfully*
14 *arrested, the county may by appropriate legal action ~~for~~ recover the reasonable*
15 *cost of any care and shelter furnished to the animal by the county, including,*
16 *without limitation, imposing a lien on the animal for the cost of such care and*
17 *shelter. ~~for~~*

18 ~~—(b) Give the animal to any member of the person's immediate family or allow~~
19 ~~another person to adopt the animal if it reasonably appears to the county that the~~
20 ~~member of the family or other person is able to provide adequate care and shelter~~
21 ~~for the animal.~~

22 ~~—2—~~ 3. *As used in this section, “animal” means any dog, cat, horse or other*
23 *domesticated animal. The term does not include any cattle, sheep, goats, swine or*
24 *poultry.*

25 **Sec. 3.** This act becomes effective upon passage and approval.