

**Amendment No. 234**

Senate Amendment to Senate Bill No. 371	(BDR 50-153)
<b>Proposed by:</b> Senate Committee on Natural Resources	
<b>Amends:</b> 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.





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:**

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

11 Existing law authorizes the board of county commissioners of a county to enact  
12 ordinances: (1) governing the control and protection of animals; (2) regulating or prohibiting  
13 the running at large and disposal of animals; and (3) prohibiting cruelty to animals. (NRS  
14 244.189, 244.359) **Section 2** of this bill expands existing law by providing that, if a person is  
15 lawfully arrested and detained in a county for more than ~~[15]~~ **7** days, and if the county  
16 impounds any animal owned or possessed by the person, the county ~~[may: (1) recover the~~  
17 ~~reasonable cost of any care and shelter furnished to the animal by the county;]~~ **must: (1)**  
18 **notify the person of the impoundment and request that the person provide to the county**  
19 **the name of any person who is authorized to care for the animal; (2) ~~[give]~~ transfer,**  
20 **under certain circumstances,** the animal to any ~~[member of the person’s immediate family;~~  
21 ~~or]~~ **such person; and (3) if the county is unable to transfer the animal to such a person,**  
22 allow a person to adopt the animal. **Section 2 also authorizes, under certain circumstances,**  
23 **the county to bring an appropriate legal action to recover the reasonable cost of care and**  
24 **shelter of the animal.**

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

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

2       ~~574.055 1. Any peace officer or officer of a society for the prevention of~~  
3 ~~cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall,~~  
4 ~~upon discovering any animal which is being treated cruelly, take possession of it~~  
5 ~~and provide it with shelter and care or, upon obtaining written permission from the~~  
6 ~~owner of the animal, may destroy it in a humane manner.~~

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

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

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

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

28       ~~6. The provisions of this section do not apply to any animal which is located~~  
29 ~~on land being employed for an agricultural use as defined in NRS 361A.030 unless~~  
30 ~~the owner of the animal or the person charged with the care of the animal is in~~  
31 ~~violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is~~  
32 ~~accomplished with the concurrence and supervision of the sheriff or the sheriff's~~  
33 ~~designee, a licensed veterinarian and the district brand inspector or the district~~  
34 ~~brand inspector's designee. In such a case, the sheriff shall direct that the~~  
35 ~~impoundment occur not later than 48 hours after the veterinarian determines that a~~  
36 ~~violation of paragraph (c) of subsection 1 of NRS 574.100 exists.~~

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

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 ~~—2.1~~ 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.