

Amendment No. 463

Senate Amendment to Senate Bill No. 405 (BDR 14-10)

Proposed by: Senate Committee on Judiciary

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.

DLJ/JRS



Date: 4/23/2017

S.B. No. 405—Requires the establishment and use of a statewide animal abuser registry. (BDR 14-10)



SENATE BILL NO. 405—SENATORS MANENDO AND PARKS

MARCH 20, 2017

JOINT SPONSORS: ASSEMBLYWOMEN
SWANK, COHEN; AND SPIEGEL

Referred to Committee on Judiciary

SUMMARY—Requires the establishment and use of ~~{a statewide}~~ an animal abuser registry ~~{a}~~ website. (BDR 14-10)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.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to abuse of animals; requiring the Director of the State Department of ~~{Public Safety}~~ *Agriculture to contract with a nonprofit organization* to establish ~~{a statewide}~~ and maintain a animal abuser registry ~~{a}~~ website; requiring persons convicted of certain offenses against animals to register with the ~~{statewide}~~ animal abuser registry ~~{a}~~ website; requiring courts to notify certain defendants of the requirements for registration; ~~{requiring the Department of Public Safety to establish}~~ setting forth certain requirements for ~~{an}~~ *the establishment and maintenance of the* animal abuser registry website; *imposing certain restrictions on the use of information obtained from the animal abuser registry website*; requiring certain persons engaged in selling animals and adoption of animals to access the animal abuser registry website before selling an animal or allowing the adoption of an animal; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~{a}~~ 30.2 of this bill ~~{creates the}~~ requires the Director of the State Department of Agriculture to contract with a nonprofit organization to establish and maintain a statewide animal abuser registry ~~{in the Central Repository for Nevada Records of Criminal History, and section 94}~~ website. Section 30 of this bill requires ~~{the establishment of an}~~ a person convicted of certain felonies or gross misdemeanors related to animals to register with the animal abuser registry website ~~{by the Central Repository}~~. A person may query the animal abuser registry website to access information about a person convicted of those

offenses against animals for which registration is required. ~~Sections 18 and 19 also~~ 30.6 and 30.8 of this bill provide certain prohibitions against misuse of the information ~~(on the~~ on the registry ~~and on the~~ website, and ~~limit~~ section 30.4 of this bill limits the amount of information that is available from the registry ~~and the~~ website. Section 30.4 sets forth the information a person required to register is required to provide, and provides that such information is limited to only that information which is a public record as a result of the person's conviction. Section 1 of this bill requires a court, upon conviction and sentencing a person to an offense against animals for which registration is required, to provide the defendant with notice of the requirements of registration.

~~[Sections 22 and 20 of this bill require registration in the statewide animal abuse registry in the Central Repository by each person who is convicted of: (1) a felony for a violation of the provision prohibiting certain acts relating to fighting between animals; (2) a felony for a violation of the provision prohibiting certain acts of animal cruelty; and (3) a misdemeanor for a violation of the provision prohibiting certain acts against an animal, including, without limitation, torture, maiming, abandoning, depriving of food or water or killing. (NRS 574.070, 574.100.) Section 30 also] provides that the person is prohibited from owning, possessing or caring for an animal for a period of: (1) 10 years for a felony conviction; and (2) 5 years for a gross misdemeanor conviction. A violation of this prohibition or failing to register with the [statewide] animal abuser registry website as required is a misdemeanor. Section [25 of this bill] 30 also provides that the period of required registration [also] lasts for 10 years for a felony conviction, and 5 years for a gross misdemeanor conviction.~~

Existing law imposes certain duties on operators of commercial establishments engaged in the business of selling animals and operators of animal shelters. (NRS 574.360-574.440) Section 31 of this bill requires the operator to access the animal abuser registry website before selling an animal to a person or allowing a person to adopt an animal, and prohibits the operator from selling an animal to or allowing adoption of an animal by a person prohibited by section 30 from owning, possessing or caring for an animal.

Existing law prohibits animal breeders from selling a dog or cat under certain circumstances. (NRS 574.356) Section 37 of this bill requires a breeder to access the animal abuser registry website before selling a dog or cat to a person, and prohibits the breeder from selling a dog or cat to a person prohibited by section 30 from owning, possessing or caring for an animal.

Existing law imposes certain duties and prohibitions on dealers of dogs or cats for resale and retailers of pets for resale. (NRS 574.450-574.510) Section 38 of this bill requires a dealer or retailer to access the animal abuser registry website before selling a dog or cat to a person, and prohibits the dealer or retailer from selling a dog or cat to a person prohibited by section 30 from owning, possessing or caring for an animal.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a defendant is convicted of a felony or a gross misdemeanor for a violation of [NRS 574.070 or 574.100 or a misdemeanor for a violation of subsection 1 of NRS 574.100,] NRS 574.050 to 574.200, inclusive, the court shall, following the imposition of a sentence:

(a) Inform the defendant of the requirements for registration, including, without limitation:

(1) The duty to register with the [local law enforcement agency of the jurisdiction in which the defendant was convicted,] animal abuser registry website pursuant to section [22] 30 of this act.

(2) If the defendant changes his or her name or residence, the duty to notify the [appropriate local law enforcement agencies,] animal abuser registry website pursuant to section [24] 30 of this act.

(3) *The full period of registration required pursuant to section ~~25~~ 30 of this act.*

(b) *Require the defendant to read and sign a form stating that the requirements for registration have been explained and that the defendant understands the requirements for registration.*

2. *The failure to provide the defendant with the information or confirmation form required by paragraphs (a) and (b) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to sections ~~17 to 26~~ 30 to 30.8, inclusive, of this act.*

Sec. 2. ~~[Chapter 179B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 9, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 3. ~~[As used in sections 3 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act, have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 4. ~~["Animal abuser" means a person convicted of a:~~

- ~~1. Felony for a violation of NRS 574.070 or 574.100; or~~
- ~~2. Misdemeanor for a violation of subsection 1 of NRS 574.100.] (Deleted by amendment.)~~

Sec. 5. ~~["Animal abuser website" means the website on the Internet established and maintained by the Department pursuant to section 9 of this act.] (Deleted by amendment.)~~

Sec. 6. ~~["Record of animal abuser registration" has the meaning ascribed to it in section 19 of this act.] (Deleted by amendment.)~~

Sec. 7. ~~["Statewide animal abuser registry" means the statewide registry of animal abusers established within the Central Repository pursuant to section 8 of this act.] (Deleted by amendment.)~~

Sec. 8. ~~[1. The Director shall establish within the Central Repository a statewide animal abuser registry that consists of the record of animal abuser registration for each animal abuser and all other information concerning each animal abuser that is obtained pursuant to law.~~

~~2. The statewide animal abuser registry must be organized so that a law enforcement officer may search the records of animal abuser registration in the registry by entering search information, including, without limitation:~~

- ~~(a) A name, alias, physical description or address of an animal abuser;~~
- ~~(b) A geographic location where an offense was committed;~~
- ~~(c) A species, breed or general physical description of an animal victim.~~

~~3. Except as otherwise provided in this subsection or by a specific statute, information in the statewide animal abuser registry may be accessed only by a law enforcement officer in the regular course of the law enforcement officer's duties and officers and employees of the Central Repository. The Director may permit a person access to information in the statewide animal abuser registry for the limited purposes of research or statistical analysis.~~

~~4. Information contained in the statewide animal abuser registry, including, without limitation, the record of animal abuser registration of an animal abuser, shall be deemed a record of criminal history only for the purposes of those provisions of chapter 179.4 of NRS that are consistent with the provisions of this chapter.] (Deleted by amendment.)~~

Sec. 9. ~~[1. The Department shall establish and maintain within the Central Repository an animal abuser website to provide the public with access to limited information contained in the statewide animal abuser registry in accordance with the procedures set forth in this section.~~

~~2. The animal abuser website is the source of record for information available to the public concerning animal abusers listed in the statewide animal abuser registry, and must:~~

~~(a) Be maintained in a manner that allows the public to obtain relevant information for each animal abuser by a single query for any name by the user;~~

~~(b) Include, to the extent practicable, links to educational resources relating to animal abuse;~~

~~(c) Include instructions on the manner in which a person may obtain a correction of information that the person contends is erroneous; and~~

~~(d) Include a warning that the information on the animal abuser website should not be used unlawfully to injure, harass or commit a crime against any person named in the registry and a notice that any such action may result in a civil or criminal penalty.~~

~~3. For each inquiry to the animal abuser website, the requester may provide:~~

~~(a) The name of the subject of the search;~~

~~(b) Any alias of the subject of the search; or~~

~~(c) Any other information concerning the identity of the subject of the search that is deemed sufficient by the Department.~~

~~4. For each inquiry to the animal abuser website made by the requester, the Central Repository shall:~~

~~(a) Explain the requirements for registration of animal abusers pursuant to sections 17 to 26, inclusive, of this act; and~~

~~(b) Explain that the Central Repository is prohibited by law from disclosing all information concerning animal abusers, even if those animal abusers are listed in the statewide animal abuser registry.~~

~~5. If an animal abuser listed in the statewide animal abuser registry matches the information provided by the requester concerning the identity of the subject of the search, the Central Repository shall disclose to the requester information in the statewide animal abuser registry concerning the animal abuser in accordance with subsection 6.~~

~~6. After each inquiry to the animal abuser website made by the requester, the Central Repository shall inform the requester that:~~

~~(a) No animal abuser listed in the statewide animal abuser registry matches the information provided by the requester concerning the identity of the subject of the search;~~

~~(b) The search of the statewide animal abuser registry has not produced information that is available to the public through the statewide animal abuser registry; or~~

~~(c) An animal abuser listed in the statewide animal abuser registry matches the information provided by the requester concerning the identity of the subject of the search. Except as otherwise provided in subsection 7, if a search of the statewide animal abuser registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:~~

~~(1) The name of the animal abuser and all aliases that the animal abuser has used or under which the animal abuser has been known;~~

~~(2) A complete physical description of the animal abuser;~~

~~(3) A current photograph of the animal abuser;~~

~~(4) The year of birth of the animal abuser;~~

~~(5) The following information for each offense for which the animal abuser has been convicted:~~

~~(i) The offense that was committed, including a citation to and the text of the specific statute that the animal abuser violated;~~

~~(II) The species of animal or animals involved in the offense for which the animal abuser was convicted.~~

~~7. If a search of the statewide animal abuser registry results in a match pursuant to paragraph (c) of subsection 6, the Central Repository shall not provide the requester with:~~

~~(a) The social security number of the animal abuser;~~

~~(b) The address where the animal abuser resides;~~

~~(c) Any reference to arrests of the animal abuser that did not result in conviction; and~~

~~(d) Any other information that is included in the record of animal abuser registration for the animal abuser other than the information required pursuant to paragraph (c) of subsection 6.~~

~~8. A person may not use any information obtained through the animal abuser website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.~~

~~9. The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:~~

~~(a) Accessing information in the statewide animal abuser registry pursuant to section 8 of this act;~~

~~(b) Carrying out any duty pursuant to chapter 179D of NRS; or~~

~~(c) Carrying out any duty pursuant to another provision of law.] (Deleted by amendment.)~~

Sec. 10. [NRS 179B.100 is hereby amended to read as follows:

~~179B.100 "Requester" means a person who requests information from the community notification website [.] or animal abuser website, as applicable.] (Deleted by amendment.)~~

Sec. 11. [NRS 179B.270 is hereby amended to read as follows:

~~179B.270 Except as otherwise authorized pursuant to specific statute, a person shall not use information obtained from the community notification website or the animal abuser website for any purpose related to any of the following:~~

~~1. Insurance, including health insurance.~~

~~2. Loans.~~

~~3. Credit.~~

~~4. Employment.~~

~~5. Education, scholarships or fellowships.~~

~~6. Housing or accommodations.~~

~~7. Benefits, privileges or services provided by any business establishment.] (Deleted by amendment.)~~

Sec. 12. [NRS 179B.280 is hereby amended to read as follows:

~~179B.280 Any person who uses information obtained from the community notification website in violation of the provisions of NRS 179B.250 or 179B.270 or from the animal abuser website in violation of section 9 of this act or NRS 179B.270 is liable:~~

~~1. In a civil action brought by or on behalf of a person injured by the violation, for damages, attorney's fees and costs incurred as the result of the violation; and~~

~~2. In a civil action brought in the name of the State of Nevada by the Attorney General, for a civil penalty not to exceed \$25,000 and for the costs of the action, including investigative costs and attorney's fees.] (Deleted by amendment.)~~

1 **Sec. 13.** ~~[NRS 179B.285 is hereby amended to read as follows:~~
2 ~~179B.285 In addition to any civil liability provided pursuant to NRS~~
3 ~~179B.280, if any person uses information obtained from the community notification~~
4 ~~website or the animal abuser website to commit a crime punishable as:~~

5 ~~1. A misdemeanor, the person is guilty of a gross misdemeanor.~~
6 ~~2. A gross misdemeanor, the person is guilty of a category E felony and shall~~
7 ~~be punished as provided in NRS 192.120.] (Deleted by amendment.)~~

8 **Sec. 14.** ~~[NRS 179B.290 is hereby amended to read as follows:~~

9 ~~179B.290 1. If there is reasonable cause to believe that a person or group of~~
10 ~~persons has engaged in or is about to engage in any act or practice, or any pattern of~~
11 ~~acts or practices, which involves the use of information obtained from the~~
12 ~~community notification website or the animal abuser website and which violates~~
13 ~~any provision of this section, NRS 179B.250, 179B.270 or 179B.280, or section 9~~
14 ~~of this act, the Attorney General may file an action for injunctive relief in the~~
15 ~~appropriate district court to prevent the occurrence or continuance of that act or~~
16 ~~practice or pattern of acts or practices.~~

17 ~~2. An injunction pursuant to this section:~~

18 ~~(a) May be issued without proof of actual damage sustained by any person; and~~
19 ~~(b) Does not preclude or affect the availability of any other remedy including,~~
20 ~~without limitation, the criminal prosecution of a violator or the filing or~~
21 ~~maintenance of a civil action for damages or a civil penalty pursuant to NRS~~
22 ~~179B.280.] (Deleted by amendment.)~~

23 **Sec. 15.** ~~[NRS 179B.300 is hereby amended to read as follows:~~

24 ~~179B.300 1. Information in the statewide registry [.] or the statewide~~
25 ~~animal abuser registry, including information in the community notification~~
26 ~~website [.] or the animal abuser website, that is accessed or disclosed pursuant to~~
27 ~~the provisions of this chapter must not reveal the name of an individual victim of an~~
28 ~~offense.~~

29 ~~2. The Central Repository and its officers and employees are immune from~~
30 ~~criminal or civil liability for an act or omission relating to information obtained,~~
31 ~~maintained or disclosed pursuant to the provisions of this chapter, including, but not~~
32 ~~limited to, an act or omission relating to:~~

33 ~~(a) The accuracy of information in the statewide registry [.] and the statewide~~
34 ~~animal abuser registry; or~~

35 ~~(b) The disclosure of or the failure to disclose information in the statewide~~
36 ~~registry [.] or the statewide animal abuser registry.~~

37 ~~3. A law enforcement agency and its officers and employees are immune~~
38 ~~from criminal or civil liability for an act or omission relating to information~~
39 ~~obtained pursuant to the provisions of this chapter, including, but not limited to, an~~
40 ~~act or omission relating to:~~

41 ~~(a) The accuracy of information obtained from the statewide registry [.] or the~~
42 ~~statewide animal abuser registry; or~~

43 ~~(b) The disclosure of or the failure to disclose information obtained from the~~
44 ~~statewide registry [.] or the statewide animal abuser registry.] (Deleted by~~
45 ~~amendment.)~~

46 **Sec. 16.** ~~[Chapter 179D of NRS is hereby amended by adding thereto the~~
47 ~~provisions set forth as sections 17 to 26, inclusive, of this act.] (Deleted by~~
48 ~~amendment.)~~

49 **Sec. 17.** ~~[As used in sections 17 to 26, inclusive, of this act, unless the~~
50 ~~context otherwise requires, the words and terms defined in sections 18 and 19 of~~
51 ~~this act have the meanings ascribed to them in those sections.] (Deleted by~~
52 ~~amendment.)~~

1 Sec. 18. ~~["Animal abuser" has the meaning ascribed to in in section 4 of~~
2 ~~this act.] (Deleted by amendment.)~~

3 Sec. 19. ~~["Record of animal abuser registration" means a record of animal~~
4 ~~abuser registration that contains the information required by section 20 of this~~
5 ~~act.] (Deleted by amendment.)~~

6 Sec. 20. ~~1. A record of animal abuser registration must include, if the~~
7 ~~information is available:~~

8 ~~(a) Information identifying the animal abuser, including, without limitation:~~

9 ~~(1) The name of the animal abuser and all aliases that the animal abuser~~
10 ~~has used or under which he or she has been known;~~

11 ~~(2) A complete physical description of the animal abuser, a current~~
12 ~~photograph of the animal abuser and the fingerprints and palm prints of the~~
13 ~~animal abuser;~~

14 ~~(3) The date of birth and the social security number of the animal~~
15 ~~abuser;~~

16 ~~(4) The identification number from a driver's license or an identification~~
17 ~~card issued to the animal abuser by this State or any other jurisdiction and a~~
18 ~~photocopy of the driver's license or identification card;~~

19 ~~(5) Information indicating whether the DNA profile and DNA record of~~
20 ~~the animal abuser has been entered in CODIS; and~~

21 ~~(6) Any other information that identifies the animal abuser.~~

22 ~~(b) Except as otherwise provided in paragraph (c), information concerning~~
23 ~~the residence of the animal abuser, including, without limitation:~~

24 ~~(1) The address at which the animal abuser resides; and~~

25 ~~(2) The length of time the animal abuser has resided at that address.~~

26 ~~(c) If the animal abuser does not have a fixed residence, the address of any~~
27 ~~dwelling that is providing the animal abuser temporary shelter, or any other~~
28 ~~location where the animal abuser habitually sleeps, including, without limitation,~~
29 ~~the cross streets, intersection, direction and identifiable landmarks of the city,~~
30 ~~county, state and zip code of that location.~~

31 ~~(d) The following information for each offense for which the animal abuser~~
32 ~~has been convicted:~~

33 ~~(1) The court in which the animal abuser was convicted;~~

34 ~~(2) The offense for which the animal abuser was convicted; and~~

35 ~~(3) The species, breed and general physical description of each animal~~
36 ~~victim.~~

37 ~~2. As used in this section:~~

38 ~~(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.~~

39 ~~(b) "DNA profile" has the meaning ascribed to it in NRS 176.09115.~~

40 ~~(c) "DNA record" has the meaning ascribed to it in NRS 176.09116.]~~
41 ~~(Deleted by amendment.)~~

42 Sec. 21. ~~1. Except as otherwise provided by a specific statute, the~~
43 ~~contents of a record of animal abuser registration:~~

44 ~~(a) Are confidential and not subject to inspection by the general public.~~

45 ~~(b) May be inspected only by a law enforcement officer during the regular~~
46 ~~course of the law enforcement officer's duties or by the offender named in the~~
47 ~~record of animal abuser registration.~~

48 ~~2. As used in this section, "law enforcement officer" includes, without~~
49 ~~limitation:~~

50 ~~(a) A prosecuting attorney or an attorney from the Office of the Attorney~~
51 ~~General;~~

52 ~~(b) A sheriff of a county or a sheriff's deputy;~~

~~(c) An officer of a metropolitan police department or a police department of an incorporated city;~~
~~(d) An officer of the Division;~~
~~(e) An officer of the Department of Corrections;~~
~~(f) An officer of a law enforcement agency from another jurisdiction; or~~
~~(g) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 290.150 to 290.360, inclusive, if the person is seeking information as part of a criminal investigation.~~ (Deleted by amendment.)

Sec. 22. ~~{1. Each animal abuser shall register initially with the local law enforcement agency of the jurisdiction in which the animal abuser was convicted not later than 3 business days after:~~

~~(a) The date on which the animal abuser is released from incarceration or confinement for the offense; or~~

~~(b) If the animal abuser is not sentenced to a term of imprisonment for the offense, the date on which the animal abuser was sentenced for the offense.~~

~~2. To register with a local law enforcement agency pursuant to this section, the animal abuser shall:~~

~~(a) Appear personally at the office of the appropriate local law enforcement agency of the jurisdiction in which the animal abuser was convicted;~~

~~(b) Provide all information that is requested by the local law enforcement agency, including, without limitation, fingerprints and palm prints and a photograph; and~~

~~(c) Sign and date the record of animal abuser registration or any other proof of registration of the local law enforcement agency in the presence of an officer of the local law enforcement agency.~~

~~3. After the animal abuser registers with the local law enforcement agency pursuant to this section, the local law enforcement agency shall immediately forward to the Central Repository the information collected, including the fingerprints and palm prints and a photograph of the animal abuser.~~

~~4. The Central Repository shall:~~

~~(a) If the Central Repository has not previously established a record of animal abuser registration for the animal abuser described in subsection 3, establish a record of animal abuser registration for the animal abuser in the statewide animal abuser registry established pursuant to section 8 of this act.~~

~~(b) If the Central Repository has previously established a record of animal abuser registration for the animal abuser described in subsection 3, periodically revise the record of animal abuser registration of the animal abuser.~~ (Deleted by amendment.)

Sec. 23. ~~{1. When an animal abuser registers with a local law enforcement agency pursuant to section 22 of this act or updates the registration as required pursuant to section 24 of this act:~~

~~(a) The animal abuser shall provide the local law enforcement agency with the following:~~

~~(1) The name of the animal abuser and all aliases that the animal abuser has used or under which the animal abuser has been known, if any;~~

~~(2) The social security number of the animal abuser; and~~

~~(3) The address of any residence or location at which the animal abuser resides or will reside.~~

~~(b) The local law enforcement agency shall ensure that the record of animal abuser registration of the animal abuser includes, without limitation:~~

~~(1) A complete physical description of the animal abuser, a current photograph of the animal abuser and the fingerprints and palm prints of the animal abuser;~~

~~(2) The text of the provision of law defining each offense for which the animal abuser is required to register;~~

~~(3) The criminal history of the animal abuser, including, without limitation:~~

~~(I) The dates of all arrests and convictions of the animal abuser;~~

~~(II) The status of parole, probation or supervised release of the animal abuser;~~

~~(III) The status of the registration of the animal abuser; and~~

~~(IV) The existence of any outstanding arrest warrants for the animal abuser;~~

~~(4) Information indicating whether the DNA profile and DNA record of the animal abuser has been entered in CODIS; and~~

~~(5) The identification number from a driver's license or an identification card issued to the animal abuser by this State or any other jurisdiction and a photocopy of the driver's license or identification card.~~

~~2. As used in this section:~~

~~(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.~~

~~(b) "DNA profile" has the meaning ascribed to it in NRS 176.09115.~~

~~(c) "DNA record" has the meaning ascribed to it in NRS 176.09116.~~

~~(Deleted by amendment.)~~

~~Sec. 24. 1. An animal abuser registered pursuant to section 22 of this act who changes his or her name or residence shall, not later than 3 business days after the change of name or residence:~~

~~(a) Appear in person in the jurisdiction in which the animal abuser resides; and~~

~~(b) Provide all information concerning the change to the appropriate local law enforcement agency.~~

~~2. The local law enforcement agency shall immediately submit the information provided by an animal abuser pursuant to subsection 1 to the Central Repository.~~ (Deleted by amendment.)

~~Sec. 25. 1. An animal abuser shall comply with the provisions for registration during a period in which the animal abuser resides or is present within this State for the full period of registration provided in subsection 2.~~

~~2. The full period of registration is:~~

~~(a) Ten years if the animal abuser was convicted of a felony for a violation of NRS 574.070 or 574.100; and~~

~~(b) Five years if the animal abuser was convicted of a misdemeanor for a violation of subsection 1 of NRS 574.100;~~

~~exclusive of any period during which the animal abuser is incarcerated or confined.~~ (Deleted by amendment.)

~~Sec. 26. 1. An animal abuser who:~~

~~1. Fails to register with a local law enforcement agency;~~

~~2. Fails to notify a local law enforcement agency of a change of name or residence pursuant to section 24 of this act;~~

~~3. Provides false or misleading information to the Central Repository or a local law enforcement agency; or~~

~~4. Otherwise violates the provisions of sections 17 to 26, inclusive, of this act;~~

~~is guilty of a misdemeanor.~~ (Deleted by amendment.)

1 **Sec. 27.** ~~[NRS 179D.075 is hereby amended to read as follows:~~
2 ~~179D.075 "Registration" means registration as an offender or sex offender~~
3 ~~pursuant to NRS 179D.010 to 179D.550, inclusive [1], or registration as an animal~~
4 ~~abuser pursuant to sections 17 to 26, inclusive, of this act, as applicable.]~~
5 ~~(Deleted by amendment.)~~

6 **Sec. 28.** ~~[NRS 239.010 is hereby amended to read as follows:~~
7 ~~239.010 1. Except as otherwise provided in this section and NRS 1.4682,~~
8 ~~1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025,~~
9 ~~62H.030, 62H.170, 62H.220, 62H.230, 75A.100, 75A.150, 76.160, 78.152, 80.112,~~
10 ~~81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640,~~
11 ~~88.2355, 88.5027, 88.6067, 88A.245, 88A.7245, 89.045, 89.251, 90.720, 91.160,~~
12 ~~116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,~~
13 ~~119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,~~
14 ~~126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140,~~
15 ~~127.2817, 130.212, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,~~
16 ~~176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,~~
17 ~~179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772,~~
18 ~~200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521,~~
19 ~~211A.140, 212.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,~~
20 ~~217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,~~
21 ~~228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.190, 237.300,~~
22 ~~239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,~~
23 ~~239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.039, 242.105,~~
24 ~~244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,~~
25 ~~271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,~~
26 ~~289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135,~~
27 ~~293D.510, 321.110, 322.061, 322.351, 322.323, 323.235, 328.070, 328.1279,~~
28 ~~328.16925, 328.1725, 328.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,~~
29 ~~353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044,~~
30 ~~361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,~~
31 ~~385A.830, 385B.100, 387.626, 388.631, 388.1455, 388.259, 388.501, 388.503,~~
32 ~~388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167,~~
33 ~~394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,~~
34 ~~398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,~~
35 ~~422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205,~~
36 ~~432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,~~
37 ~~433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330,~~
38 ~~442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164,~~
39 ~~453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,~~
40 ~~459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,~~
41 ~~467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575,~~
42 ~~483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285,~~
43 ~~571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,~~
44 ~~603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.215, 616B.350,~~
45 ~~618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,~~
46 ~~625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.132,~~
47 ~~630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,~~
48 ~~633.201, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,~~
49 ~~637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,~~
50 ~~640C.400, 640C.745, 640C.760, 640D.190, 640E.240, 641.090, 641A.191,~~
51 ~~641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050,~~
52 ~~645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,~~
53 ~~645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,~~

~~648.023, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.120, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.280, 686B.170, 686C.206, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.254, 692C.420, 693A.480, 693A.615, 696B.550, 702.196, 704B.220, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 21 of this act, sections 25, 28 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself. (Deleted by amendment.)~~

~~Sec. 29. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 ~~and~~ to 31, inclusive, of this act.~~

~~Sec. 30. 1. A person who is convicted of a felony for ~~for~~ any violation of ~~[NRS 574.070 or 574.100.] the provisions of NRS 574.050 to 574.200, inclusive:~~~~

~~(a) Shall register with ~~fa local law enforcement agency~~ the animal abuse registry website established and maintained pursuant to ~~[section 22]~~ sections 30.4 and 30.6 of this act.~~

~~(b) Shall not own, possess or care for any animal for 10 years beginning on the date of conviction, exclusive of any period during which the ~~animal abuser~~ person is incarcerated or confined for such conviction.~~

~~2. A person who is convicted of a gross misdemeanor for ~~for~~ any violation of ~~[subsection 1 of NRS 574.100.] NRS 574.050 to 574.200, inclusive:~~~~

~~(a) Shall register with ~~fa local law enforcement agency~~ the animal abuser registry website established and maintained pursuant to ~~[section 22]~~ sections 30.4 and 30.6 of this act.~~

1 (b) Shall not own, possess or care for any animal for 5 years beginning on
2 the date of conviction, exclusive of any period during which the ~~animal abuser~~
3 person is incarcerated or confined for such conviction.

4 3. A person required to register pursuant to this section must register not
5 later than 3 business days after:

6 (a) The date on which the person is released from incarceration or
7 confinement for the offense; or

8 (b) If the person is not sentenced to a term of imprisonment for the offense,
9 the date on which the person was sentenced for the offense.

10 4. A person required to register pursuant to this section who changes his or
11 her name or residence shall, not later than 3 business days after the change of
12 name or residence, notify the animal abuser registry website of the change.

13 5. A violation of any provision of this section is a misdemeanor.

14 Sec. 30.2. 1. The Director of the State Department of Agriculture shall,
15 on behalf of the Department, contract with a nonprofit organization to establish
16 and maintain an animal abuser registry website which meets the requirements of
17 sections 30.4 and 30.6 of this act.

18 2. To enter into a contract with the Department pursuant to subsection 1, a
19 nonprofit organization must:

20 (a) Be bonded in the amount required by the Director.

21 (b) Have demonstrated the ability to:

22 (1) Work with towns, cities and other local governmental entities on
23 issues related to animals; and

24 (2) Carry out the provisions of sections 30.4 to 30.8, inclusive, of this act.

25 (c) Agree to carry out the provisions of this section and sections 30.4 to 30.8,
26 inclusive, of this act at no cost to the Department or this State.

27 3. Any contract entered into by the Director pursuant to this section must
28 provide that the Director may, if the nonprofit organization fails to meet the
29 requirements of sections 30.2 to 30.8, inclusive, of this act, terminate the contract
30 and seek another nonprofit organization with which to contract for the
31 establishment, if necessary, and maintenance of the animal abuser registry
32 website.

33 Sec. 30.4. 1. A contract entered into with a nonprofit organization
34 pursuant to section 30.2 of this act must require the nonprofit organization to:

35 (a) Establish and maintain an animal abuser registry website which must be
36 organized so that:

37 (1) A person required to register pursuant to section 30 of this act may
38 provide the information required in subsection 2.

39 (2) The animal abuser registry website meets the requirements of section
40 30.6 of this act.

41 (b) Ensure that the information contained in the animal abuser registry is, to
42 the greatest extent practicable, accurate and current.

43 2. Except as otherwise provided in subsection 3, a person required to
44 register pursuant to section 30 of this act must provide, upon registration:

45 (a) His or her full legal name.

46 (b) A recent photo of the person.

47 (c) Each offense for which the person was convicted that resulted in the
48 requirement to register pursuant to section 30 of this act.

49 (d) The period, pursuant to section 30 of this act, for which the person is
50 prohibited from owning, possessing or caring for any animal.

51 3. Any information provided by a person pursuant to subsection 2 is a
52 public record. The provisions of this section must not be construed to require the
53 person to provide any information that is not a public record as a result of the

person's conviction for each offense which resulted in the requirement to register pursuant to section 30 of this act.

Sec. 30.6. A nonprofit organization that establishes an animal abuser registry website pursuant to section 30.4 of this act shall maintain the animal abuser registry in a manner that:

1. Allows the public to obtain information for each person in the animal abuser registry in accordance with subsection 3 of section 30.4 of this act.

2. Includes instructions on the manner in which a person may obtain a correction of information that the person contends is erroneous.

3. Includes a warning that the information on the animal abuser registry website may not be used unlawfully to injure, harass or commit a crime against any person named in the animal abuser registry website or in a way that violates the provisions of subsection 1 of section 30.8 of this act, and that any such action may result in a civil or criminal penalty.

4. Does not allow the public access to information about a person included in the animal abuser registry website other than the information the person is required to provide pursuant to subsection 2 of section 30.4 of this act.

Sec. 30.7. A nonprofit organization that contracts with the State Department of Agriculture pursuant to section 30.2 of this act shall, on or before January 15 of each odd-numbered year and upon approval by the Director, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the animal abuser registry website. The report must include, without limitation:

1. The number of persons registered each year on the animal abuser registry website; and

2. The number of times the animal abuser registry website is viewed each year.

Sec. 30.8. 1. Information obtained from the animal abuser registry website may not be used for any purpose relating to any of the following:

(a) Insurance, including health insurance.

(b) Loans.

(c) Credit.

(d) Employment.

(e) Education, scholarships or fellowships.

(f) Housing or accommodations.

(g) Except as otherwise provided in section 31 of this act and NRS 574.356 and 574.510, benefits, privileges or services provided by any business establishment.

2. Any person who uses information from the animal abuser registry website in violation of the provisions of subsection 3 of section 30.6 of this act or this section is liable in a civil action brought by or on behalf of a person injured by the violation, for damages, attorney's fees and costs incurred as the result of the violation.

3. The State Department of Agriculture, its officers and employees and any nonprofit organization that contracts with the Department pursuant to section 30.2 of this act to establish and maintain the animal abuser registry website and officers, employees and volunteers are immune from criminal or civil liability for an act or omission relating to information obtained, maintained or disclosed pursuant to the provisions of sections 30 to 30.8, inclusive, of this act, including, but not limited to, an act or omission relating to:

(a) The accuracy of information in the animal abuser registry website; or

(b) The disclosure of or the failure to disclose information in the animal abuser registry website.

1 **Sec. 31. 1. Before selling an animal to a person or allowing the adoption**
2 **of an animal by a person, an operator shall access the animal abuser registry**
3 **website ~~created~~ established and maintained pursuant to ~~section 31~~ sections 30.4**
4 **and 30.6 of this act to verify that the person is not prohibited from owning,**
5 **possessing or caring for an animal.**

6 **2. An operator shall not sell an animal to or allow the adoption of an**
7 **animal by a person who is prohibited from owning, possessing or caring for an**
8 **animal pursuant to section 30 of this act.**

9 **Sec. 32.** NRS 574.050 is hereby amended to read as follows:

10 574.050 As used in NRS 574.050 to 574.200, inclusive ~~1~~, ~~and section 30~~
11 **sections 30 to 30.8, inclusive, of this act:**

12 1. “Animal” does not include the human race, but includes every other living
13 creature.

14 2. **“Animal abuser registry website” means the registry website established**
15 **and maintained pursuant to sections 30.4 and 30.6 of this act.**

16 3. “First responder” means a person who has successfully completed the
17 national standard course for first responders.

18 ~~1~~ 4. “Police animal” means an animal which is owned or used by a state or
19 local governmental agency and which is used by a peace officer in performing his
20 or her duties as a peace officer.

21 ~~1~~ 5. “Torture” or “cruelty” includes every act, omission or neglect,
22 whereby unjustifiable physical pain, suffering or death is caused or permitted.

23 **Sec. 33.** NRS 574.200 is hereby amended to read as follows:

24 574.200 1. The provisions of NRS 574.050 to 574.510, inclusive, ~~and~~
25 **sections 30 ~~and~~ to 31, inclusive, of this act** do not:

26 (a) Interfere with any of the fish and game laws contained in title 45 of NRS or
27 any laws for the destruction of certain birds.

28 (b) Interfere with the right to destroy any venomous reptiles or animals, or any
29 animal known as dangerous to life, limb or property.

30 (c) Interfere with the right to kill all animals and fowl used for food.

31 (d) Prohibit or interfere with any properly conducted scientific experiments or
32 investigations which are performed under the authority of the faculty of some
33 regularly incorporated medical college or university of this State.

34 (e) Interfere with any scientific or physiological experiments conducted or
35 prosecuted for the advancement of science or medicine.

36 (f) Prohibit or interfere with established methods of animal husbandry,
37 including the raising, handling, feeding, housing and transporting of livestock or
38 farm animals.

39 2. Nothing contained in subsection 1 shall be deemed to exclude a research
40 facility from the provisions of NRS 574.205.

41 **Sec. 34.** NRS 574.210 is hereby amended to read as follows:

42 574.210 As used in NRS 574.210 to 574.510, inclusive, ~~and section 31 of~~
43 **this act**, unless the context otherwise requires, the words and terms defined in NRS
44 574.220 to 574.330, inclusive, have the meanings ascribed to them in those
45 sections.

46 **Sec. 35.** NRS 574.340 is hereby amended to read as follows:

47 574.340 1. The provisions of NRS 574.210 to 574.510, inclusive, ~~and~~
48 **sections 30 and section 31 of this act** do not apply to:

49 (a) The exhibition, production, marketing or disposal of any livestock, poultry,
50 fish or other agricultural commodity or animal.

51 (b) Activities for which a license is required by the provisions of chapter 466
52 of NRS.

(c) The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of another person in a home environment.

(d) The exhibition of dogs or cats.

2. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 564.010.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 36. NRS 574.350 is hereby amended to read as follows:

574.350 No member, agent or officer of a society for the prevention of cruelty to animals may enforce the provisions of NRS 574.210 to 574.510, inclusive ~~†, and sections 30 and †~~ section 31 of this act.

Sec. 37. NRS 574.356 is hereby amended to read as follows:

574.356 1. *Before selling a dog or cat to a person, a breeder shall access the animal abuser registry website ~~†created†~~ established and maintained pursuant to ~~section 9†~~ sections 30.4 and 30.6 of this act to verify that the person is not listed on the animal abuser registry website as being prohibited from owning, possessing or caring for a dog or cat.*

2. A breeder shall not:

~~††~~ (a) Sell a dog or cat:

~~†††~~ (1) Unless the dog or cat has had:

~~†††~~ (I) A registered microchip subcutaneously inserted into the dog or cat; and

~~†††~~ (II) All the required vaccinations for rabies which are appropriate based upon the age of the dog or cat; ~~†or~~

~~—(b)†~~ (2) *To a person who is prohibited from owning, possessing or caring for an animal pursuant to section 30 of this act; or*

(3) Without providing a written sales contract to the purchaser; or

~~†2†~~ (b) Breed a female dog:

~~†††~~ (1) Before she is 18 months old; or

~~†††~~ (2) More than once a year.

Sec. 38. NRS 574.510 is hereby amended to read as follows:

574.510 1. A retailer or dealer who sells a dog or cat that the retailer or dealer knows has any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and fails to disclose such information at the time of sale is guilty of a misdemeanor. In addition to any other penalty that may be imposed, the court may prohibit a person convicted of a violation of this ~~†section†~~ subsection from selling any dogs or cats for not more than 1 year.

2. A retailer or dealer:

(a) *Before selling a dog or cat to any person, must access the animal abuser registry website ~~†created†~~ established and maintained pursuant to ~~section 9†~~ sections 30.4 and 30.6 of this act to verify that the person is not listed on the animal abuser registry website as being prohibited from owning, possessing or caring for a dog or cat.*

(b) *May not sell a dog or cat to a person who is prohibited from owning, possessing or caring for an animal pursuant to section 30 of this act.*

3. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the dog or cat is clinically ill as a result of the parasite.

Sec. 38.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

1 **Sec. 39.** This act becomes effective on July 1, 2017.