

Amendment No. 980

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

Proposed by: Senate Committee on Finance

Amends: Summary: No 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: 5/28/2017

S.B. No. 405—Requires the establishment and use of an animal abuser registry website. (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 an animal abuser registry 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.

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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 abuse of animals; requiring the Director of the State Department of Agriculture to ~~contract with~~ *select* a nonprofit organization to establish and maintain an animal abuser registry website; requiring persons convicted of certain offenses against animals to register with the animal abuser registry website; requiring courts to notify certain defendants of the requirements for registration; setting forth certain requirements for 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 30.2 of this bill requires the Director of the State Department of Agriculture to ~~contract with~~ *select* a nonprofit organization to establish and maintain a statewide animal abuser registry website. **Section 30** of this bill requires a person convicted of certain felonies or gross misdemeanors related to animals to register with the animal abuser registry website. 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 30.6 and 30.8** of this bill provide certain prohibitions against misuse of the information on the registry website, and **section 30.4** of this bill limits the amount of information that is available from the registry 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.

Section 30 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 animal abuser registry website as required is a misdemeanor. **Section 30** also provides that the period of required registration 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 574.050 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 animal abuser registry website pursuant to section 30 of this act.

(2) If the defendant changes his or her name or residence, the duty to notify the animal abuser registry website pursuant to section 30 of this act.

(3) The full period of registration required pursuant to section 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 30 to 30.8, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

1 Sec. 6. (Deleted by amendment.)

2 Sec. 7. (Deleted by amendment.)

3 Sec. 8. (Deleted by amendment.)

4 Sec. 9. (Deleted by amendment.)

5 Sec. 10. (Deleted by amendment.)

6 Sec. 11. (Deleted by amendment.)

7 Sec. 12. (Deleted by amendment.)

8 Sec. 13. (Deleted by amendment.)

9 Sec. 14. (Deleted by amendment.)

10 Sec. 15. (Deleted by amendment.)

11 Sec. 16. (Deleted by amendment.)

12 Sec. 17. (Deleted by amendment.)

13 Sec. 18. (Deleted by amendment.)

14 Sec. 19. (Deleted by amendment.)

15 Sec. 20. (Deleted by amendment.)

16 Sec. 21. (Deleted by amendment.)

17 Sec. 22. (Deleted by amendment.)

18 Sec. 23. (Deleted by amendment.)

19 Sec. 24. (Deleted by amendment.)

20 Sec. 25. (Deleted by amendment.)

21 Sec. 26. (Deleted by amendment.)

22 Sec. 27. (Deleted by amendment.)

23 Sec. 28. (Deleted by amendment.)

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

26 Sec. 30. 1. *A person who is convicted of a felony for any violation of the*
27 *provisions of NRS 574.050 to 574.200, inclusive:*

28 (a) *Shall register with the animal abuse registry website established and*
29 *maintained pursuant to sections 30.4 and 30.6 of this act.*

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

33 2. *A person who is convicted of a gross misdemeanor for any violation of*
34 *NRS 574.050 to 574.200, inclusive:*

35 (a) *Shall register with the animal abuser registry website established and*
36 *maintained pursuant to sections 30.4 and 30.6 of this act.*

37 (b) *Shall not own, possess or care for any animal for 5 years beginning on*
38 *the date of conviction, exclusive of any period during which the person is*
39 *incarcerated or confined for such conviction.*

40 3. *A person required to register pursuant to this section must register not*
41 *later than 3 business days after:*

42 (a) *The date on which the person is released from incarceration or*
43 *confinement for the offense; or*

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

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

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

50 Sec. 30.2. 1. *The Director of the State Department of Agriculture shall,*
51 *on behalf of the Department, ~~contract with~~ select a nonprofit organization to*
52 *establish and maintain an animal abuser registry website which meets the*
53 *requirements of sections 30.4 and 30.6 of this act.*

2. ~~To enter into a contract with~~ be selected by the Department pursuant to subsection 1, a nonprofit organization must:

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

(b) Have demonstrated the ability to:

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

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

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

3. ~~Any contract entered into by the Director pursuant to this section must provide that the Director may, if~~ If the nonprofit organization selected by the Director pursuant to this section fails to meet the requirements of sections 30.2 to 30.8, inclusive, of this act, the Director may terminate the ~~contract~~ authority of the nonprofit organization to establish and maintain an animal abuser registry website and seek another nonprofit organization ~~with which~~ to ~~contract~~ select for the establishment, if necessary, and maintenance of the animal abuser registry website.

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

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

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

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

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

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

(a) His or her full legal name.

(b) A recent photo of the person.

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

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

3. Any information provided by a person pursuant to subsection 2 is a public record. The provisions of this section must not be construed to require the 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~~ selected by 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~~ selected by 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.

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

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

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

574.050 As used in NRS 574.050 to 574.200, inclusive, ~~the~~, and sections 30 to 30.8, inclusive, of this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Activities for which a license is required by the provisions of chapter 466 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 ~~H~~, *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 established and maintained pursuant to*

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:

~~1+1~~ (a) Sell a dog or cat:

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

~~1+1~~ (I) A registered microchip subcutaneously inserted into the dog or cat; and

~~1+2~~ (II) All the required vaccinations for rabies which are appropriate based upon the age of the dog or cat; ~~for~~

~~1+1~~ (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

~~1+2~~ (b) Breed a female dog:

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

~~1+1~~ (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 established and maintained pursuant to 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.

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