

**Amendment No. 885**

Assembly Amendment to Senate Bill No. 409 First Reprint (BDR 15-100)

**Proposed by:** Assembly Committee on Judiciary

**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: 5/22/2017

S.B. No. 409—Revises provisions relating to animals. (BDR 15-100)





SENATE BILL NO. 409—SENATORS MANENDO, CANNIZZARO, PARKS; ATKINSON,  
CANCELA, DENIS, RATTI, SEGERBLOM, SPEARMAN AND WOODHOUSE

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to animals. (BDR 15-100)

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; revising provisions which prohibit a person from allowing a ~~cat or dog~~ *pet* to remain unattended in a motor vehicle under certain circumstances; requiring an animal control officer to take possession of and provide shelter and care for an animal being treated cruelly under certain circumstances; authorizing an animal control officer to take possession of any animals or other property used in fights among animals under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prohibits a person from allowing a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the animal. Exceptions are provided for certain animals used by or in the possession of certain law enforcement, animal control or search and rescue personnel or certain persons who are actively engaged in hunting or related activities. Certain peace officers, animal control personnel and other public safety personnel are authorized to use any force that is reasonable and necessary under the circumstances to remove the cat or dog from the motor vehicle. A person who violates that prohibition is guilty of a misdemeanor. A cat or dog removed from a motor vehicle under these circumstances is deemed an animal being treated cruelly, and the law enforcement officer or other person rendering emergency services who removed the cat or dog is extended the same immunity from liability for his or her actions that is conferred upon law enforcement or animal control personnel who are required to seize animals which are being treated cruelly. (NRS 574.055, 574.195)

A similar existing law prohibits a parent, legal guardian or other person responsible for a child who is 7 years of age or younger from knowingly and intentionally leaving that child in a motor vehicle if: (1) the conditions present a significant risk to the health and safety of the child; or (2) the engine of the motor vehicle is running or the keys are in the ignition. Exceptions are provided if: (1) the child is being supervised by and within the sight of a person who is at least 12 years of age; or (2) the person responsible for the child unintentionally locks a motor vehicle with the child in the vehicle. A person who violates that prohibition is guilty of a misdemeanor. A law enforcement officer or other person rendering emergency services may, without incurring civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle. (NRS 202.575)

**Section 5** of this bill repeals the provisions of existing law which prohibit a person from allowing a cat or dog to remain unattended in a motor vehicle. **Section 3** of this bill reenacts those provisions **to apply to a pet** with certain revisions based upon the provisions of existing law related to leaving a child unattended in a motor vehicle, excepting the provision regarding leaving a ~~cat or dog~~ **pet** in the motor vehicle with the motor running. **Section 3** also provides that certain persons are authorized, without incurring civil liability, to use any reasonable means necessary to protect the ~~cat or dog~~ **pet** and to remove the ~~cat or dog~~ **pet** from the motor vehicle. **Section 2** of this bill adds a definition of the term “motor vehicle” to chapter 202 of NRS to apply to both the new section added by **section 3** of this bill and the similar existing law that applies to children. **Section 4** of this bill amends the existing law that applies to children to remove the definition made superfluous by **section 2**.

Existing law requires any peace officers and officers of a society for the prevention of cruelty to animals who are authorized to make arrests to take possession of animals being treated cruelly. (NRS 574.055) **Section 4.3** of this bill requires animal control officers to take such possession, and removes that requirement for officers of a society for the prevention of cruelty to animals who are authorized to make arrests. Existing law also authorizes peace officers authorized to make arrests to take possession of any animals or other property being used in fights among animals under certain circumstances. (NRS 574.080) **Section 4.7** of this bill extends that authority to animal control officers.

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

**Section 1.** Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *As used in NRS 202.575 and section 3 of this act, unless the context otherwise requires, “motor vehicle” means every vehicle which is self-propelled but not operated upon rails.*

**Sec. 3.** *1. Except as otherwise provided in subsection 3, a person shall not allow a ~~cat or dog~~ **pet** to remain unattended in a parked or standing motor vehicle if conditions, including, without limitation, extreme heat or cold, present a significant risk to the health and safety of the ~~cat or dog~~ **pet**.*

*2. Any:*

- (a) Peace officer;*
- (b) Animal control officer;*
- (c) Governmental officer or employee whose primary duty is to ensure public safety;*
- (d) Employee or volunteer of any organized fire department; or*
- (e) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,*  
*↳ who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the ~~cat or dog~~ **pet** and to remove the ~~cat or dog~~ **pet** from the motor vehicle.*

*3. The provisions of subsection 1 do not apply to:*

- (a) A police animal or an animal that is used by:*
  - (1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or*
  - (2) A search and rescue organization in this State that is under the direction of a sheriff to assist the organization in carrying out the activities of the organization; or*
- (b) A dog that is under the possession or control of:*
  - (1) An animal control officer; or*
  - (2) A first responder during an emergency.*

4. ~~A ~~feet or dog~~ pet~~ that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. A person required by NRS 574.055 to take possession of a ~~feet or dog~~ pet removed pursuant to this section may take any action relating to the ~~feet or dog~~ pet specified in NRS 574.055 and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. The provisions of this section do not:

(a) Interfere with or prohibit any activity, law or right specified in NRS 574.200; or

(b) Apply to a person who unintentionally locks a motor vehicle with a ~~feet or dog~~ pet in the motor vehicle.

6. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

7. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 574.050.

(b) "First responder" has the meaning ascribed to it in NRS 574.050.

(c) "Pet" means a domesticated animal owned or possessed by a person for the purpose of pleasure or companionship and includes, without limitation, a cat or dog.

(d) "Police animal" has the meaning ascribed to it in NRS 574.050.

Sec. 4. NRS 202.575 is hereby amended to read as follows:

202.575 1. A parent, legal guardian or other person responsible for a child who is 7 years of age or younger shall not knowingly and intentionally leave that child in a motor vehicle if:

(a) The conditions present a significant risk to the health and safety of the child; or

(b) The engine of the motor vehicle is running or the keys to the vehicle are in the ignition,

unless the child is being supervised by and within the sight of a person who is at least 12 years of age.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor. The court may suspend the proceedings against a person who is charged with violating subsection 1 and dismiss the proceedings against the person if the person presents proof to the court, within the time specified by the court, that the person has successfully completed an educational program satisfactory to the court. The educational program must include, without limitation, information concerning the dangers of leaving a child unattended or inadequately attended in a motor vehicle.

3. A law enforcement officer or other person rendering emergency services who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle.

4. No person may be prosecuted under this section if the conduct would give rise to prosecution under any other provision of law.

5. The provisions of this section do not apply to a person who unintentionally locks a motor vehicle with a child in the vehicle.

~~{6.—As used in this section, "motor vehicle" means every vehicle which is self-propelled but not operated upon rails.}~~

Sec. 4.3. NRS 574.055 is hereby amended to read as follows:

574.055 1. Any peace officer or animal control 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.030 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.

**Sec. 4.7.** NRS 574.080 is hereby amended to read as follows:

574.080 1. Any *peace officer or animal control officer* authorized by law to make arrests may lawfully take possession of any animals, or implements, or other property used or employed, or about to be used or employed, in the violation of any provision of law relating to fights among animals.

2. The officer shall state to the person in charge thereof, at the time of such taking, his or her name and residence, and also the time and place at which the application provided for by NRS 574.090 will be made.

**Sec. 5.** NRS 574.195 is hereby repealed.

**Sec. 6.** This act becomes effective on July 1, 2017.

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**TEXT OF REPEALED SECTION**

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**574.195 Allowing cat or dog to remain unattended in motor vehicle during period of extreme heat or cold unlawful; removal of animal; exceptions; immunity from liability; penalty.**

1. Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.

2. Any:

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040;

(c) Animal control officer;

(d) Governmental officer or employee whose primary duty is to ensure public safety;

(e) Employee or volunteer of any organized fire department; or

(f) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff;

➤ may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog that is allowed to remain in the motor vehicle in violation of subsection 1.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization specified in paragraph (f) of subsection 2 to assist the organization in carrying out the activities of the organization;

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency;

(c) A dog that is under the possession or control of a person who:

(1) Is actively engaged in hunting a species of game mammal or game bird during the season for hunting that species of game mammal or game bird;

(2) Is using the dog for the purpose set forth in subparagraph (1); and

(3) Holds a license or tag to hunt that species of game mammal or game bird during that season; or

(d) A dog that is participating in:

(1) Training exercises relating to hunting; or

(2) Field trials relating to hunting.

4. A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. The person who removed the cat or dog may take any action relating to the cat or dog specified in that section and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. A person who violates a provision of subsection 1 is guilty of a misdemeanor.