

Amendment No. 452

Senate Amendment to Senate Bill No. 411

(BDR 20-11)

Proposed by: Senate Committee on Government Affairs**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.

JRS/BJE



Date: 4/20/2017

S.B. No. 411—Authorizes a local government to establish a program for the managed care of feral cat colonies. (BDR 20-11)



SENATE BILL NO. 411—SENATOR MANENDO

MARCH 20, 2017

Referred to Committee on Government Affairs

SUMMARY—~~Authorizes a local government to establish a program for the managed care of feral cat colonies.~~ Revises provisions governing cruelty to animals. (BDR ~~(20-11)~~ 50-11)

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 ~~local governments; authorizing a board of county commissioners, the governing body of an incorporated city or the town board of an unincorporated town to establish a program for the managed care~~ cruelty to animals; providing that the release of a feral cat ~~colonies;~~ that has been vaccinated and spayed or neutered is not an abandonment of the feral cat for the purpose of the prohibition against engaging in cruelty to animals under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law confers broad authority upon a county, incorporated city or unincorporated town regarding the control of animals within the jurisdiction of the county, incorporated city or unincorporated town. (NRS 244.180, 244.250, 266.225, 260.105) Sections 1-4 of this bill authorize a board of county commissioners, the governing body of a city or the town board or board of county commissioners within the limits of an unincorporated town to establish a program for the managed care of feral cat colonies. Pursuant to such a program, a feral cat may be provided care and treatment, including, without limitation, sterilization and vaccinations for rabies.~~

Existing law prohibits a person from engaging in cruelty to animals, including, without limitation, abandoning an animal in certain circumstances. (NRS 574.100) **Section 5** of this bill provides an exception from that prohibition for the release of a feral cat that has been ~~provided care and treatment in accordance with a program for the managed care of feral cat colonies;~~ caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination and spaying or neutering.

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

Section 1. ~~INRS 244.359 is hereby amended to read as follows:~~

~~244.359 1. Each board of county commissioners may enact and enforce an ordinance or ordinances:~~

~~(a) Fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid.~~

~~(b) Regulating or prohibiting the running at large and disposal of all kinds of animals.~~

~~(c) Establishing a pound, appointing a poundkeeper and prescribing the poundkeeper's duties.~~

~~(d) Prohibiting cruelty to animals.~~

~~(e) Designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners.~~

~~(f) Establishing a program for the managed care of feral cat colonies. As used in this paragraph:~~

~~(1) "Feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with wild or undomesticated animals.~~

~~(2) "Feral cat colony" means a group of cats that congregates more or less together as a unit, regardless of whether each cat in the group is a feral cat.~~

~~(3) "Program for the managed care of feral cat colonies" means a program under which a person may:~~

~~(I) Monitor feral cat colonies;~~

~~(II) Trap a feral cat to provide care and treatment for the feral cat, including, without limitation, sterilization and vaccinations for rabies; and~~

~~(III) Release a feral cat that has been provided care and treatment.~~

~~2. Any ordinance or ordinances enacted pursuant to the provisions of paragraphs (a) and (b) of subsection 1 may apply throughout an entire county or govern only a limited area within the county which shall be specified in the ordinance or ordinances.~~

~~3. Except as otherwise provided in this subsection, a board of county commissioners may by ordinance provide that the violation of a particular ordinance enacted pursuant to this section imposes a civil liability to the county in an amount not to exceed \$500, instead of a criminal penalty. An ordinance enacted pursuant to this section that creates an offense relating to bites of animals, vicious or dangerous animals, horse tripping or cruelty to animals must impose a criminal penalty for the offense. As used in this subsection, "horse tripping" does not include tripping a horse to provide medical or other health care for the horse.]~~

(Deleted by amendment.)

Sec. 2. ~~INRS 266.325 is hereby amended to read as follows:~~

~~266.325 The city council may:~~

~~1. Fix, impose and collect an annual license fee on all animals and provide for the capture and disposal of all animals on which the license fee is not paid.~~

~~2. Regulate or prohibit the running at large and disposal of all kinds of animals and poultry.~~

~~3. Establish a pound, appoint a poundkeeper and prescribe the poundkeeper's duties.~~

~~4. Prohibit cruelty to animals.~~

~~5. Establish a program for the managed care of feral cat colonies in accordance with section 3 of this act.~~ **(Deleted by amendment.)**

Sec. 3. ~~[Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The governing body of each city may enact an ordinance establishing a program for the managed care of feral cat colonies.~~

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

~~(a) "Feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with wild or undomesticated animals.~~

~~(b) "Feral cat colony" means a group of cats that congregates more or less together as a unit, regardless of whether each cat in the group is a feral cat.~~

~~(c) "Program for the managed care of feral cat colonies" means a program under which a person may:~~

~~(1) Monitor feral cat colonies;~~

~~(2) Trap a feral cat to provide care and treatment for the feral cat, including, without limitation, sterilization and vaccinations for rabies; and~~

~~(3) Release a feral cat that has been provided care and treatment.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 269.195 is hereby amended to read as follows:~~

~~269.195 The town board or board of county commissioners may [prohibit]:~~

~~1. Prohibit the keeping of hogs or the running at large of goats, cows or other animals within the limits of any unincorporated town.~~

~~2. Establish a program for the managed care of feral cat colonies within the limits of any unincorporated town. As used in this subsection:~~

~~(a) "Feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with wild or undomesticated animals.~~

~~(b) "Feral cat colony" means a group of cats that congregates more or less together as a unit, regardless of whether each cat in the group is a feral cat.~~

~~(c) "Program for the managed care of feral cat colonies" means a program under which a person may:~~

~~(1) Monitor feral cat colonies;~~

~~(2) Trap a feral cat to provide care and treatment for the feral cat, including, without limitation, sterilization and vaccinations for rabies; and~~

~~(3) Release a feral cat that has been provided care and treatment.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110. *The provisions of this paragraph do not apply to ~~the release of a feral cat~~ ~~as defined in NRS 244.359 or 269.195 or section 3 of this act, as applicable, that has been provided care and treatment in accordance with a program for the managed care of feral cat colonies established pursuant to NRS 244.359, 266.325 or 269.195 or section 3 of this act~~ that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.*

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➤ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➤ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5, including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or

1 intentionally cause a horse, mule, burro, ass or other animal of the equine species to
2 fall. The term does not include:

3 (a) Tripping such an animal to provide medical or other health care for the
4 animal; or

5 (b) Catching such an animal by the legs and then releasing it as part of a horse
6 roping event for which a permit has been issued by the local government where the
7 event is conducted.

8 **Sec. 6.** This act becomes effective upon passage and approval.