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FIRST REPRINT

A.B. 170

ASSEMBLY BILL NO. 170—ASSEMBLYWOMAN MARTINEZ

FEBRUARY 23, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing animals.  
(BDR 14-762)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 animals; requiring the State Department of Agriculture to create certain written notices relating to impounded animals; requiring county or city jails or detention facilities to post and maintain such notices; authorizing certain employees of animal shelters to enforce certain provisions in existing law; requiring certain notices of a right to request a hearing to be provided upon the lawful issuance of a citation or arrest for certain offenses relating to cruelty to animals; providing for a hearing to make certain determinations relating to an impounded animal; authorizing an animal rescue organization, an animal shelter and certain other persons to sell at auction, humanely destroy or continue to care for certain animals; providing that any evidence derived from testimony during certain hearings is inadmissible during certain subsequent proceedings, except for purposes of impeachment or rebuttal; providing that municipal courts have jurisdiction of hearings related to certain citations or arrests for animal cruelty; and providing other matters properly relating thereto.

#### Legislative Counsel's Digest:

- 1 Existing law provides that if a person is lawfully arrested and detained, other
- 2 than for a violation of certain acts which constitute engaging in cruelty to animals,
- 3 and the county, city or local government impounds any animal owned or possessed
- 4 by the person, the county, city or local government may under certain
- 5 circumstances, within 10 days after the arrest: (1) allow another person who is able
- 6 to provide adequate care and shelter to care temporarily for the animal; or (2) take



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possession of the animal. Existing law requires the State to create and maintain a written notice which: (1) informs the person or the public that an animal owned or possessed by the person may have been impounded; (2) provides the current contact information of each animal shelter in each county, city or other local government responsible for impounding the animal; (3) is made available in certain languages; (4) is provided to each county or city jail or detention facility; and (5) is posted in a conspicuous place in each county or city jail or detention facility. (NRS 171.1539) **Section 1** of this bill requires the State Department of Agriculture to create the written notice. **Section 1** requires each county or city jail or detention facility to: (1) post the written notice in a conspicuous place in the county or city jail or detention facility; and (2) maintain the written notice.

Existing law authorizes any board of county commissioners or governing body of a city to designate certain persons, including animal control officers, to prepare, sign and serve written citations on persons accused of violating a county or city ordinance. (NRS 171.17751) **Section 1.3** of this act authorizes an animal control officer employed or officially designated by a board of county commissioners or governing body of a city to prepare, sign and serve written citations on persons to enforce existing law that prohibits: (1) leaving a pet unattended in a parked or standing motor vehicle in certain situations; and (2) cruelty to animals. **Section 1.3** provides that such an animal control officer may include an employee of an animal shelter who is officially designated by a board of county commissioners or governing body of a city to enforce such existing laws.

If a person is lawfully arrested for instigating or attending fights between animals or for torturing, overdriving, injuring or abandoning an animal and an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, existing law requires certain notices to be provided to the person, including notice of his or her right to request a hearing to determine whether the person is the owner of the animal and whether the person is able to provide adequate care and shelter to the animal. Existing law requires a person to request such a hearing within 5 days after receipt of the notice. If the person makes such a request, existing law requires the court to hold such a hearing within 15 judicial days after receiving notice of the request. (NRS 574.203) **Section 3** of this bill requires that a notice of the right to request a hearing also be provided if the person is lawfully issued a citation for such violations and clarifies that the hearing occurs in a court of competent jurisdiction. **Section 2** of this bill similarly makes a conforming change to clarify that the hearing occurs in a court of competent jurisdiction. Furthermore, **section 3** provides that the hearing is to determine by clear and convincing evidence whether the person who is issued a citation or arrested for the violations: (1) is the owner of the impounded animal; and (2) is able and fit to provide adequate care and shelter to the animal. **Section 3** additionally provides that any evidence derived from testimony made during a hearing is inadmissible during certain subsequent proceedings, except for the purposes of impeachment or rebuttal. **Section 1.7** of this bill provides that a municipal court has jurisdiction over such hearings.

Existing law provides that, if a person who has received a notice of his or her right to request a hearing does not request a hearing or the owner of the impounded animal has not been identified within 5 days of the arrest, the county, city or other local government shall transfer ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal. (NRS 574.203) **Section 3** authorizes the animal rescue organization, animal shelter or person to whom the ownership of the animal is transferred to sell the animal at auction, humanely destroy the animal or continue to care for the animal, as the organization, shelter or person sees fit.



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

**Section 1.** NRS 171.1539 is hereby amended to read as follows:

171.1539 1. Except as otherwise provided in NRS 574.201 to 574.204, inclusive, if a person is lawfully arrested and detained and any animal owned or possessed by the person is impounded by the county, city or other local government in which the person is arrested at the time of the arrest or after the arrest, the person may provide the name of any person who is authorized to care for the animal. The county, city or other local government or animal shelter must transfer the animal to such a person if the county, city or other local government determines that the person is able to provide adequate care and shelter to the animal. If within 10 days after the county, city or other local government impounds the animal no such authorized person is able to provide adequate care and shelter to the animal, the county, city or other local government or animal shelter:

(a) May allow another person who is able to provide adequate care and shelter to care for the animal temporarily; or

(b) May take possession of the animal.

2. The State *Department of Agriculture* shall create ~~and maintain~~ a written notice which must:

(a) Inform the person or the public that an animal, owned or possessed by a person who has been arrested and detained, may have been impounded;

(b) Include the current contact information of each animal shelter in each county, city or other local government responsible for:

(1) Impounding an animal; and

(2) Providing care and shelter to an animal;

(c) Be available in English, Spanish, Tagalog and Standard Chinese; *and*

(d) Be provided to each county or city jail or detention facility .

~~;~~ *and*

~~—(e) Be posted~~

*3. Each county or city jail or detention facility shall:*

(a) *Post the written notice provided pursuant to subsection 2* in a conspicuous place in ~~each~~ *the* county or city jail or detention facility ~~;~~

~~—3.;~~ *and*

(b) *Maintain the written notice provided pursuant to subsection 2.*

*4. A person lawfully arrested and detained:*



(a) May make a reasonable number of completed telephone calls from a county or city jail or detention facility for the purpose of locating an animal impounded pursuant to this section; and

(b) Shall not be charged for each completed call to an animal shelter listed in the written notice posted pursuant to subsection ~~[2.]~~

~~3.~~

~~[4.]~~ 5. If a person is convicted of the crime for which he or she was lawfully arrested, the county, city or other local government or animal shelter may by appropriate legal action recover the reasonable cost of any care and shelter furnished to the animal by the county, city or other local government or animal shelter, including, without limitation, imposing a lien on the animal for the cost of such care and shelter.

~~[5.]~~ 6. The board of county commissioners of each county, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, may adopt an ordinance which provides for time of not less than 5 days to a person lawfully arrested or detained for the purpose of providing the person a reasonable opportunity to locate another person to take possession of an animal. Such a reasonable opportunity is provided upon assistance from a county, city or other local government or an animal shelter.

~~[6.]~~ 7. The city council or other governing body of each incorporated city, whether organized under general law or special charter, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, may adopt an ordinance which provides for time of not less than 5 days to a person lawfully arrested or detained for the purpose of providing the person a reasonable opportunity to locate another person to take possession of an animal. Such a reasonable opportunity is provided upon assistance from a county, city or other local government or an animal shelter.

~~[7.]~~ 8. As used in this section:

(a) "Animal" means any dog, cat, horse, other domesticated animal or undomesticated animal which is maintained as a pet. The term:

(1) Includes any chicken, pig, rabbit or other animal which is maintained as a pet whether or not the animal is domesticated.

(2) Except as otherwise provided in subparagraph 1, does not include any cattle, sheep, goats, swine or poultry.

(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.



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1     **Sec. 1.3.** NRS 171.17751 is hereby amended to read as  
2 follows:

3     171.17751 1. Any board of county commissioners or  
4 governing body of a city may designate the chief officer of the  
5 organized fire department or any employees designated by the chief  
6 officer, and certain of its inspectors of solid waste management,  
7 building, housing and licensing inspectors, zoning enforcement  
8 officers, parking enforcement officers, animal control officers,  
9 traffic engineers, marshals and park rangers of units of specialized  
10 law enforcement established pursuant to NRS 280.125, and other  
11 persons charged with the enforcement of county or city ordinances,  
12 to prepare, sign and serve written citations on persons accused of  
13 violating a county or city ordinance.

14     2. The Chief Medical Officer and the health officer of each  
15 county, district and city may designate certain employees to prepare,  
16 sign and serve written citations on persons accused of violating any  
17 law, ordinance or regulation of a board of health that relates to  
18 public health.

19     3. The Administrator of the Housing Division of the  
20 Department of Business and Industry may designate certain  
21 employees to prepare, sign and serve written citations on persons  
22 accused of violating any law or regulation of the Division relating to  
23 the provisions of chapters 118B, 461, 461A and 489 of NRS.

24     4. The State Contractors' Board may designate certain of its  
25 employees to prepare, sign and serve written citations on persons  
26 pursuant to subsection 2 of NRS 624.115.

27     5. ~~[A-]~~ *Except as otherwise provided in subsection 6, an*  
28 employee designated pursuant to this section:

29     (a) May exercise the authority to prepare, sign and serve  
30 citations only within the field of enforcement in which the employee  
31 works;

32     (b) May, if employed by a city or county, prepare, sign and  
33 serve a citation only to enforce an ordinance of the city or county by  
34 which the employee is employed; and

35     (c) Shall comply with the provisions of NRS 171.1773.

36     6. *An animal control officer who is employed by a city or*  
37 *county or officially designated by a board of county*  
38 *commissioners or governing body of a city pursuant to this section*  
39 *may prepare, sign and serve written citations on persons to*  
40 *enforce NRS 202.487 and chapter 574 of NRS. As used in this*  
41 *subsection, "animal control officer" includes, without limitation,*  
42 *an employee of an animal shelter who is officially designated and*  
43 *authorized by a board of county commissioners or governing body*  
44 *of a city to carry out the provisions of this subsection.*



**Sec. 1.7.** NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

***(g) Hearings held pursuant to NRS 574.203.***

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.



1       **Sec. 2.** NRS 574.055 is hereby amended to read as follows:  
2       574.055 Except as otherwise provided in NRS 574.201 to  
3       574.204, inclusive:

4       1. Any peace officer or animal control officer shall, upon  
5       discovering any animal which is being treated cruelly, take  
6       possession of it and provide it with shelter and care or, upon  
7       obtaining written permission from the owner of the animal, may  
8       destroy it in a humane manner.

9       2. If an officer takes possession of an animal, the officer shall  
10      give to the owner, if the owner can be found, a notice containing a  
11      written statement of the reasons for the taking, the location where  
12      the animal will be cared for and sheltered, the fact that there is a  
13      limited lien on the animal for the cost of shelter and care and notice  
14      of the right of the owner to request a hearing *in a court of*  
15      *competent jurisdiction* pursuant to NRS 574.203 within 5 days after  
16      receipt of the notice. If the owner is not present at the taking and the  
17      officer cannot find the owner after a reasonable search, the officer  
18      shall post the notice on the property from which the officer takes the  
19      animal. If the identity and address of the owner are later determined,  
20      the notice must be mailed to the owner immediately after the  
21      determination is made.

22      3. An officer who takes possession of an animal pursuant to  
23      this section has a lien on the animal for the reasonable cost of care  
24      and shelter furnished to the animal and, if applicable, for its humane  
25      destruction. The lien does not extend to the cost of care and shelter  
26      for more than 2 weeks.

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

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

37      6. The provisions of this section do not apply to any animal  
38      which is located on land being employed for an agricultural use as  
39      defined in NRS 361A.030 unless the owner of the animal or the  
40      person charged with the care of the animal is in violation of  
41      paragraph (c) of subsection 1 of NRS 574.100 and the impoundment  
42      is accomplished with the concurrence and supervision of the sheriff  
43      or the sheriff's designee, a licensed veterinarian and the district  
44      brand inspector or the district brand inspector's designee. In such a  
45      case, the sheriff shall direct that the impoundment occur not later



1 than 48 hours after the veterinarian determines that a violation of  
2 paragraph (c) of subsection 1 of NRS 574.100 exists.

3 7. The owner of an animal impounded in accordance with the  
4 provisions of subsection 6 must, before the animal is released to the  
5 owner's custody, pay the charges approved by the sheriff as  
6 reasonably related to the impoundment, including the charges for  
7 the animal's food and water. If the owner is unable or refuses to pay  
8 the charges, the State Department of Agriculture shall sell the  
9 animal. The Department shall pay to the owner the proceeds of  
10 the sale remaining after deducting the charges reasonably related to  
11 the impoundment.

12 **Sec. 3.** NRS 574.203 is hereby amended to read as follows:

13 574.203 1. If a person is lawfully *issued a citation or*  
14 arrested for a violation of NRS 574.070 or 574.100 and if an animal  
15 owned or possessed by the person is impounded by the county, city  
16 or other local government in connection with the *citation or* arrest,  
17 the person must be notified in accordance with the provisions of  
18 subsection 2 of NRS 574.055 and be notified of his or her right to  
19 request a hearing *in a court of competent jurisdiction* within 5 days  
20 after receipt of the notice to determine *by clear and convincing*  
21 *evidence* whether the person is the owner of the animal and whether  
22 the person is able *and fit* to provide adequate care and shelter to the  
23 animal. The person must request a hearing pursuant to this  
24 subsection within 5 days after receipt of the notice pursuant to this  
25 subsection.

26 2. If a person who is lawfully *issued a citation or* arrested ~~and~~  
27 ~~detained~~ for a violation of NRS 574.070 or 574.100 does not  
28 request a hearing pursuant to subsection 1, or an owner of the  
29 animal has not been identified within 5 days of *the issuance of the*  
30 *citation or* arrest, the county, city or other local government shall  
31 transfer ownership of the animal to an animal rescue organization,  
32 animal shelter or another person who is able to provide adequate  
33 care and shelter to the animal. *The animal rescue organization,*  
34 *animal shelter or person to whom the ownership of an animal is*  
35 *transferred pursuant to this subsection may sell the animal at*  
36 *auction, humanely destroy the animal or continue caring for the*  
37 *animal, as the animal rescue organization, animal shelter or*  
38 *person sees fit.*

39 3. If the court receives a timely request *for a hearing* pursuant  
40 to subsection 1, the court shall hold ~~at~~ *the* hearing within 15  
41 judicial days after receipt of the request to determine *by clear and*  
42 *convincing evidence* whether the person is the owner of ~~an~~ *the*  
43 animal and whether the person is able and fit to provide adequate  
44 care and shelter to the animal.





1 4. For the purpose of conducting a hearing pursuant to this  
2 section, the court may consider:

3 (a) Testimony of the peace officer or animal control officer who  
4 took possession of or impounded the animal or other witnesses  
5 concerning the conditions under which the animal was owned or  
6 kept;

7 (b) Testimony and evidence related to veterinary care provided  
8 to the animal, including, without limitation, the degree or type of  
9 care provided to the animal;

10 (c) Expert testimony as to community standards for the  
11 reasonable care of a similar animal;

12 (d) Testimony of witnesses concerning the history of treatment  
13 of the animal or any other animal owned or possessed by the person;

14 (e) Prior arrests or convictions related to subjecting an animal to  
15 an act of cruelty in violation of NRS 574.070 or 574.100; and

16 (f) Any other evidence which the court determines is relevant.

17 *5. Any evidence derived from any testimony made pursuant to*  
18 *subsection 4 is inadmissible against a person who is lawfully*  
19 *issued a citation or arrested for a violation of NRS 574.070 or*  
20 *574.100 during any subsequent proceedings on the related*  
21 *criminal charges, except that such evidence may be used for*  
22 *impeachment or rebuttal during the subsequent proceedings on*  
23 *the related criminal charges.*

