

SENATE BILL NO. 125—SENATOR SETTELMAYER

FEBRUARY 17, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions related to falconry.  
(BDR 45-158)

FISCAL NOTE: Effect on Local Government: No.  
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 wildlife; requiring a person who wishes to transport, possess or use a golden eagle in falconry to obtain a falconry license; requiring such a person to prove that he or she complies with certain requirements before he or she is issued a falconry license; authorizing persons who have been issued a falconry license to take, transport, possess or use golden eagles in falconry; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The Bald and Golden Eagle Protection Act is the federal law that provides for the protection of bald eagles and golden eagles. (16 U.S.C. §§ 668-668d) The Act prohibits a person from taking, possessing, selling, purchasing, bartering, offering to sell, purchase or barter, transporting, exporting or importing any bald eagle or golden eagle, alive or dead, including any part, nest or egg of such an eagle, unless the person is authorized to do so by permit. (16 U.S.C. § 668) The Act provides for the taking of golden eagles from the wild to be used in falconry. (16 U.S.C. § 668a; 50 C.F.R. § 21.29(a)(1)(ii)) Specifically, the Act provides that the Secretary of the Interior may permit the taking, possessing and transporting of golden eagles for the purposes of falconry if the golden eagles are taken because they are causing depredations on livestock or wildlife. (16 U.S.C. § 668a) Federal regulations adopted pursuant to the Act require a person who seeks to use a golden eagle for falconry to: (1) satisfy the conditions set forth in the federal regulations enacted pursuant to the Migratory Bird Treaty Act; and (2) have a permit to possess a golden eagle from his or her state. (50 C.F.R. § 22.24) The federal regulations enacted pursuant to the Migratory Bird Treaty Act provide that a master falconer may possess up to three eagles, including golden eagles, if he or she: (1) has documents proving his or her experience in handling large raptors; and (2) has at least two letters of reference from people with experience handling or flying large raptors. (50 C.F.R. §§ 21.29(c)(2)(iii)(B), 21.29(c)(2)(iv))



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Existing law requires any person who practices falconry or trains birds of prey to obtain a falconry license from the Department of Wildlife. (NRS 503.583) Existing law provides that it is unlawful for any person to kill, destroy, wound, trap, injure, possess dead or alive, or in any other manner to catch or capture, or to pursue with such intent, bald eagles or golden eagles. However, existing law authorizes the Department to issue a permit to take bald eagles or golden eagles to mitigate depredations on wildlife, agriculture or other interests. (NRS 503.610) Existing regulations prohibit bald eagles and golden eagles from being taken, transported, possessed or used in the practice of falconry. (NAC 503.305) Existing law provides that every person who unlawfully kills or possesses an eagle is liable for a civil penalty. (NRS 501.3855)

**Section 2** of this bill requires any person who wishes to transport, possess or use a golden eagle in falconry to obtain a falconry license from the Department. **Section 2** provides that before the Department issues such a falconry license, the person applying for the falconry license is required to show that: (1) he or she satisfies the conditions set forth in the federal regulations enacted pursuant to the Migratory Bird Treaty Act; (2) the golden eagle was taken pursuant to a permit issued in accordance with existing state law; and (3) the taking complied with federal law. **Section 2** also provides that such a falconry license: (1) is deemed to be the permit to possess a golden eagle required by federal regulations; and (2) authorizes the person to lawfully transport, possess or use a golden eagle. **Sections 1 and 3** of this bill make conforming changes to provide an exception to account for the new provisions in **section 2**.

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

**Section 1.** NRS 501.3855 is hereby amended to read as follows:

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who:

(a) Unlawfully kills or possesses a trophy big game mammal is liable for a civil penalty of not less than \$5,000 nor more than \$30,000; or

(b) Except as otherwise provided in paragraph (a) ~~§~~ **or NRS 503.583**, unlawfully kills or possesses a big game mammal, moose, bobcat, swan or eagle is liable for a civil penalty of not less than \$250 but less than \$5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, a person is liable for a civil penalty of not less than \$25 nor more than \$1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, a person is liable for a civil penalty of not less than \$50 nor more than the amount of the fee for the license, tag or permit required for the activity in which the person engaged.

4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section



1 for each mammal, bird or fish unlawfully killed or possessed. The  
2 court shall fix the manner and time of payment.

3 5. The Department may attempt to collect all penalties and  
4 installments that are in default in any manner provided by law for  
5 the enforcement of a judgment.

6 6. If a person who is ordered to pay a civil penalty pursuant to  
7 this section fails to do so within 90 days after the date set forth in  
8 the order, the Department may suspend, revoke, or refuse to issue or  
9 renew any license, tag, permit, certificate or other document  
10 or privilege otherwise available to the person pursuant to this title or  
11 chapter 488 of NRS.

12 7. Each court that receives money pursuant to the provisions of  
13 this section shall forthwith remit the money to the Department  
14 which shall deposit the money with the State Treasurer for credit to  
15 the Wildlife Account in the State General Fund.

16 8. As used in this section, "trophy big game mammal" means a  
17 mule deer with an outside antler measurement of at least 24 inches,  
18 a bighorn sheep of any species with at least one horn exceeding a  
19 half curl, a Rocky Mountain elk with at least six antler points on one  
20 antler, a pronghorn antelope with at least one horn which is more  
21 than 14 inches in length, a mountain goat or a black bear. As used in  
22 this subsection:

23 (a) "Antler" means any bony growth originating from the  
24 pedicle portion of the skull of a big game mammal that is annually  
25 cast and regenerated as part of the annual life cycle of the big game  
26 mammal.

27 (b) "Antler point" means a projection which is at least 1 inch in  
28 length with the length exceeding the width of its base, excluding the  
29 first point on the main beam commonly known as the eye guard on  
30 mule deer.

31 (c) "Horn exceeding a half curl" means a horn tip that has grown  
32 at least through 180 degrees of a circle determined by establishing a  
33 parallel reference line from the base of the horn and measuring the  
34 horn tip to determine whether the horn tip has grown at least to the  
35 projection of the reference line.

36 (d) "Outside antler measurement" means the perpendicular  
37 measurement at right angles to the center line of the skull of a deer  
38 at the widest point between the main antler beams or the antler  
39 points off the main antler beams.

40 **Sec. 2.** NRS 503.583 is hereby amended to read as follows:

41 503.583 1. Except as otherwise provided in this section, any  
42 person who practices falconry or trains birds of prey must obtain a  
43 falconry license from the Department upon payment of a license fee  
44 as provided in NRS 502.240.



2. ~~[The]~~ Any person who wishes to obtain a falconry license from the Department to transport, possess or use a golden eagle in falconry must provide documentation satisfactory to the Department to show that:

(a) He or she meets the conditions outlined in 50 C.F.R. § 21.29;

(b) The golden eagle was taken in accordance with a permit issued pursuant to subsection 2 of NRS 503.610; and

(c) The taking described in paragraph (b) complied with 16 U.S.C. § 668a and any other applicable federal law, as determined by the Department.

3. A falconry license issued pursuant to this section to transport, possess or use a golden eagle:

(a) Is deemed to be a permit to possess a golden eagle for the purposes of 50 C.F.R. § 22.24(a).

(b) Authorizes the holder to lawfully transport, possess or use a golden eagle.

4. Except as federal law otherwise authorizes for the obtaining of a golden eagle, the licensee, under permit, may obtain from the wild only two birds per year. All such birds of prey must be banded in accordance with regulations adopted by the Commission.

~~[3.]~~ 5. Birds of prey may not be taken, captured or disturbed during the months in which they breed.

~~[4.]~~ 6. This section does not prohibit the capture or killing of a hawk or an owl by holders of scientific collecting permits.

~~[5. The]~~

7. Except as otherwise provided in subsection 2, the Commission may adopt regulations authorizing a person to practice falconry or train birds of prey without obtaining a falconry license pursuant to the provisions of subsection 1.

**Sec. 3.** NRS 503.610 is hereby amended to read as follows:

503.610 1. Except as otherwise provided in ~~[subsection]~~ subsection 2 ~~[and]~~ and NRS 503.583, it is unlawful for any person, firm, company, corporation or association to kill, destroy, wound, trap, injure, possess dead or alive, or in any other manner to catch or capture, or to pursue with such intent the birds known as the bald eagle and the golden eagle, or to take, injure, possess or destroy the nests or eggs of such birds.

2. The Department may issue permits to take bald eagles or golden eagles whenever it determines that they have become seriously injurious to wildlife or agricultural or other interests in any particular area of the State and the injury complained of is substantial and can only be abated by taking some or all of the



1 offending birds. The issuance of such permits must be consistent  
2 with federal law.

