

Amendment No. 667

Assembly Amendment to Senate Bill No. 269 First Reprint (BDR 50-246)

Proposed by: Assembly Committee on Natural Resources

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.



SENATE BILL NO. 269—SENATOR OHRENSCHALL

MARCH 13, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions related to animal cruelty. (BDR 50-246)

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 cruelty to animals; ~~prohibiting a person from restraining a dog during any time in which a heat advisory, excessive heat warning, wind chill warning or winter storm warning has been issued for the area eliminating from provisions relating to animal cruelty~~ revising certain prohibitions on restraining a dog; revising certain exemptions that authorize a dog to be restrained in a certain manner or maintained in certain enclosures; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, a person from restraining a dog: (1) using certain tethers, chains, ties, trolleys or pulley systems or other devices; (2) using a prong, pinch or choke collar or similar restraint; or (3) for more than 14 hours during a 24-hour period. (NRS 574.100) **Section 1** of this bill prohibits a person from ~~also~~ restraining a dog ~~outdoors during any time in which a heat advisory, excessive heat warning, wind chill warning or winter storm warning has been issued for the area by the National Weather Service,~~ for more than 10 hours during a 24-hour period.

In addition to the prohibitions on restraining a dog, existing law requires that any pen or other outdoor enclosure that is used to maintain a dog be appropriate for the size and breed of the dog. Existing law exempts from the limitations on restraining a dog or maintaining a dog in such enclosures circumstances where a dog is: (1) being used lawfully to hunt a species of wildlife in this State during the hunting season for that species; (2) receiving training to hunt a species of wildlife in this State; (3) being kept in a shelter or boarding facility or temporarily in a camping area; (4) 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; or (5) 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. Existing law sets forth graduated criminal penalties depending on whether the offense is a first, second or third and subsequent offense for a violation of certain provisions relating to animal cruelty. (NRS 574.100) **Section 1** eliminates ~~these exemptions~~ the exemption where a dog is being ~~used lawfully to hunt a species of wildlife in this State during the hunting season for that species; receiving training to hunt a species of wildlife in this State and 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~~ kept in a boarding facility so that: (1) the

limitations on the restraint and use of outdoor enclosures apply to a dog in such circumstances; and (2) the graduated criminal penalties also apply to such circumstances. **Section 1** further ~~exempts~~: (1) exempts from the limitations where a dog is ~~being processed into an animal shelter; for~~ being processed into an animal shelter; for ~~and (2) under the direct custody or control of a person, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour, provided a heat advisory, excessive heat warning, wind chill warning or winter storm warning has not been issued for the area by the National Weather Service.]~~ limits the exemptions where a dog is temporarily being cared for as part of a rescue operation in conjunction with an animal rescue operation or staying in a camping area to a period of less than 1 month.

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

Section 1. 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 a feral cat 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) Outdoors, during any time in which a heat advisory or excessive heat warning has been issued for the area by the National Weather Service;~~

~~(d) Outdoors, during any time in which a wind chill warning or winter storm warning has been issued for the area by the National Weather Service; or~~

~~(c)~~ For more than ~~144~~ 10 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; ~~for~~

(e) ~~for~~ Being ~~kept in a~~ processed into an animal shelter ; for boarding facility or temporarily in a camping area;

(f) Temporarily being for a period of less than 1 month;

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

(2) Staying in a camping area;

(g) ~~(d)~~ 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; ~~for~~

(h) With

~~(e)~~ Under the direct custody or control of 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 ~~provided that a heat advisory, excessive heat warning, wind chill warning or winter storm warning has not been issued for the area by the National Weather Service; ; or~~

(i) Being walked by a person using a leash.

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

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

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