

## **Summary of Amendments in this Proposed Bill Revising Animal Cruelty Provisions:**

**Sec. 1:** Existing law provides that an animal control officer who is employed by a city or county in accordance with NRS 171.17751(1) and NRS 280.125 may prepare, sign and serve a citation only to enforce an ordinance of the city or county by which the animal control officer is employed. (NRS 171.17751(5)(b)). Section 1 clarifies that an animal control officer may also prepare, sign and serve a citation to enforce laws prohibiting cruelty to animals set forth in chapter 574 of NRS and NRS 202.487.

**Sec. 2:** Existing law provides that abandoning an animal constitutes animal cruelty in violation of NRS 574.100(1)(f). Section 2 adds a definition for “abandon” and “abandonment.” Section 2 also adds a definition for “shelter” as that term applies to enclosures for dogs.

**Sec. 3:** Existing law provides that a peace officer or animal control officer who is authorized by law to make arrests may impound animals and implements used in animal fighting, and in doing so, must provide their name and “residence.” (NRS 574.080). However, in Nevada, an animal control officer is not authorized by law to make arrests. Further, neither a peace officer nor animal control officer can be compelled to disclose their “residence.” Accordingly, Section 3 removes the qualifier “authorized by law to make arrests” and amends the requirement that the officer disclose their “residence” to their “place of work.”

**Sec. 4:** Legislative amendments during the 2019 session implemented a court hearing process for persons lawfully arrested for animal fighting (NRS 574.070). The hearing process provides that if the arrested person wishes to contest the forfeiture of impounded animals, they may request a hearing within 5 days of the impoundment to determine whether they may continue to own or possess the impounded animal(s) or whether the animal(s) should be transferred to an animal rescue organization, animal shelter or another person. Existing law at the time of the 2019 amendments required the impounded animal(s) to be held in impound pending the disposition of the criminal case. (NRS 574.090). Those provisions were not amended during the 2019 session. Accordingly, these provisions are currently inconsistent. Section 4 of this bill remedies this inconsistency by clarifying that upon the person’s conviction for animal fighting, the animals will be forfeited, only if they have not previously been forfeited as a result of the aforementioned hearing process.

**Sec. 5:** Section 5 of this bill revises provisions prohibiting cruelty to animals. Existing law prohibits torturing or unjustifiably maiming, mutilating or killing an animal kept for companionship or pleasure and all cats and dogs. (NRS 574.100(1)(a)). Section 5 expands the categories of animals protected under NRS 574.100(1)(a) to include animals kept for working purposes and unowned domesticated animals. Existing law also prohibits certain acts constituting animal cruelty, which include: (a) causing/procuring/allowing an animal to be overdriven, overloaded, tortured, cruelly beaten or unjustifiably injured, maimed, mutilated or killed (NRS 574.100(1)(b)); (b) depriving an animal of necessary sustenance or drink (NRS 574.100(1)(c)); and (c)

abandoning an animal (NRS 574.100(1)(f)). Section 5 of this bill modernizes these provisions and additionally prohibits: (a) depriving an animal of proper ventilation and/or wholesome air, if such animal is confined indoors; (b) depriving an ill or injured animal of veterinary care, causing the animal to suffer unnecessary pain or suffering; (c) depriving an animal of grooming or shearing, to the extent such grooming or shearing is necessary to prevent adverse health effects or suffering; and (d) causing, procuring or allowing an animal to ingest alcohol or narcotics. Existing law also prohibits certain acts in restraining a dog. Section 5 of this bill supplements these protections by specifying that a person shall not restrain a dog using a device that: (a) fails to allow the dog access to food, water or shelter, (b) fails to allow the dog to avoid its own excrement or urine, (c) is too heavy for the particular dog, failing to allow the dog to move around freely. Section 5 specifies that a dog may only be restrained using a properly fitted collar or body harness which provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing. Section 5 revises the maximum time a dog may be restrained from 14 hours in a 24-hour period to 10 hours in a 24-hour period. Section 5 prohibits leaving an unspayed, female dog outside without a fence or other barrier to prevent other animals from accessing the dog. Finally, Section 5 prohibits restraining sick or injured dogs.

Sec. 6: Section 6 of this bill repeals NRS 574.110 in its entirety. This provision was last amended in 1919 and is not needed.

**Sec. 1:**

171.17751. Designation of certain state, county and city officers to prepare, sign and serve citations

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

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

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

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

5. An employee designated pursuant to this section:

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

(b) Except as otherwise provided in subsection 6, mMay, if employed by a city or county, prepare, sign and serve a citation only to enforce an ordinance of the city or county by which the employee is employed; and

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

6. An animal control officer may, if employed by a city or county, prepare, sign and serve a citation to enforce an ordinance of the city or county by which the employee is employed, and may also prepare, sign and serve a citation to enforce laws prohibiting cruelty to animals set forth in chapter 574 of NRS and NRS 202.487.

## **Sec. 2:**

### 574.050. Definitions

As used in NRS 574.050 to 574.200, inclusive:

1. “Abandon” or “abandonment” occurs when a person who owns or has custody of an animal relinquishes their duty to care for that animal by leaving the animal without providing minimal care. Abandonment may occur whether the animal is left on the owner’s property, on the property of another, in a public place or on open land. A person only abandons an animal on their own property if the animal is left for over 72 hours. A person does not abandon an animal when: (a) the person delivers the animal to another person who will accept ownership and/or custody of the animal; or (b) the person makes arrangements with an animal rescue organization, as defined in NRS 574.202, to deliver the animal to the animal rescue organization and actually delivers such animal. As used in this paragraph, “minimal care” means the provision of proper sustenance or food reasonably sufficient to meet the animal’s nutritional needs, sufficient potable water, and accessible shelter.

2. “Animal” does not include the human race, but includes every other living creature.

3. “First responder” means a person who has successfully completed the national standard course for first responders.

4. “Police animal” means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

5. “Torture” or “cruelty” includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

As used in NRS 574.050(1) and NRS 574.120:

1. If the animal is a dog, “shelter” refers to an enclosure to which the animal has ready access which is moisture-proof, wind-proof, and of suitable size to accommodate the animal, allowing for freedom of movement to make normal postural adjustments, including the ability to stand, turn around and lie down. The enclosure shall be made of durable material with a solid, moisture-proof floor, and shall have a roof which extends over the doorway and does not permit rain to enter inside.

**Sec. 3:**

574.080. Peace officer or animal control officer may take possession of animals and implements used in fights among animals

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~~ place of work, and also the time and place at which the application provided for by NRS 574.090 will be made.

**Sec. 4:**

574.090. Disposition of animals or implements used in fights among animals

1. The officer, after taking possession of such animals, or implements or other property, pursuant to NRS 574.080, shall apply to the magistrate, before whom the complaint is made against the offender violating such provision of law, for the order mentioned in subsection 2, and shall make and file an affidavit with such magistrate, stating therein:
  - (a) The name of the offender charged in such complaint.
  - (b) The time, place and description of the animals, implements or other property so taken, together with the name of the person who claims the same, if known.
  - (c) That the affiant has reason to believe and does believe, stating the grounds of such belief, that the same were used or employed, or were about to be used or employed, in such violation, and will establish the truth thereof upon the trial of such offender.
2. The officer shall then deliver such animals, implements or other property to such magistrate, who shall thereupon, by order in writing, place the same in the custody of an officer or other proper person in such order named and designated, ~~to be kept by him or her until the trial or final discharge of the offender,~~ and shall send a copy of such order, without delay, to the district attorney of the county.
3. The officer or person so named and designated in the order shall immediately thereupon assume custody, and shall retain the same for the purpose of evidence upon the trial, subject to NRS

574.203 and NRS 574.2035 or the order of the court before which the offender may be required to appear, until the offender's final discharge or conviction.

4. Upon the conviction of the offender, the animals, if not previously forfeited in accordance with NRS 574.203 and NRS 574.2035, the implements or the other property shall be adjudged by the court to be forfeited.

5. In the event of the acquittal or final discharge, without conviction, of the offender, the court shall, on demand, direct the delivery of the remaining property so held in custody to the owner thereof.

### **Sec. 5:**

574.100. Torturing, overdriving, injuring or abandoning animals; failure to provide proper sustenance; requirements for restraining dogs and using outdoor enclosures; horse tripping; penalties; exceptions

1. A person shall not:

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

(1) An animal kept for companionship, for pleasure, or for working purposes, whether belonging to the person or to another, or an unowned domesticated animal; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten or unjustifiably injured, maimed, mutilated or killed an animal, whether the animal belonging to the person or to another, or is an unowned domesticated animal;

(c) Deprive an animal of ~~necessary~~ proper sustenance, or food or drink reasonably sufficient to meet the animal's nutritional needs, or neglect or refuse to furnish it such quality sustenance or ~~drink~~food;

(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; Deprive an animal of sufficient, potable water, or neglect or refuse to furnish it such water;~~

(e) Deprive an animal of proper ventilation and/or wholesome air, or neglect or refuse to furnish it with proper ventilation and/or wholesome air, if such animal is confined inside of an enclosed area;

(f) Deprive an ill or injured animal of veterinary care, or neglect or refuse to furnish it with veterinary care, causing the animal to experience unnecessary or unjustifiable pain or suffering;

(g) Deprive an animal of grooming or shearing, to the extent such grooming or shearing is reasonably necessary to prevent adverse health effects or suffering, or neglect or refuse to furnish the animal with such grooming or shearing;

(h) Cause, procure or allow an animal to ingest alcohol or narcotics;

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

(j) Abandon an animal ~~in circumstances other than those prohibited in NRS 574.110, whether the animal is healthy or maimed, diseased, disabled or infirm~~. 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 surrounding objects;

(4) Fails to allow the dog access to food, water or shelter;

(5) Fails to allow the dog an area to stand, sit or lie down outside of its own excrement or urine;  
or

(6) Is too heavy for the particular dog, preventing the dog from freely moving around;

(b) Using a prong, pinch or choke collar or a similar restraint other than a properly fitted collar or body harness that provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing; or

(c) For more than 104 hours during a 24-hour period;:

(d) If the dog is an un-spayed female without a fence or barrier to prevent other animals from accessing the dog;

(e) Which is sick or injured.

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 with accessible shelter. 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 an animal 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. A person who willfully and maliciously violates paragraph (h) of subsection 1:

- (a) For the first offense within the immediately preceding 7 years, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.
- (b) For the second offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

87. Except as otherwise provided in subsections 6 and 7, 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.

98. In addition to any other fine or penalty provided in subsections 6-~~8~~, 7, or 8, 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.

109. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender

ownership or possession of the mistreated animal if ownership has not already been divested in accordance with NRS 574.203 and 574.2035.

~~110.~~ 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.

~~121.~~ 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.

**Sec. 6:** NRS 574.110 is hereby repealed in its entirety.

~~574.110. Abandonment of disabled animal unlawful; penalty~~

~~1. A person being the owner or possessor, or having charge or custody, of a maimed, diseased, disabled or infirm animal, who abandons such animal or leaves it to die in a public street, road or public place, or who allows it to lie in a public street, road or public place more than 3 hours after the person receives notice that it is left disabled, is guilty of a misdemeanor.~~

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~~2. Any agent or officer of any society for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable citizens called by the agent or officer to view the same in his or her presence, to be glandered, injured or diseased past recovery for any useful purpose, or after such agent or officer has obtained in writing from the owner of such animal the owner's consent to such destruction.~~

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~~3. When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent or officer of such society or societies or any police officer may take charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a charge thereon.~~