

SENATE BILL NO. 135—SENATORS TITUS, RHOADS, CARLTON,  
SCHNEIDER, MCGINNESS AND AMODEI

FEBRUARY 17, 2003

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing killing or possessing of certain animals and penalty for violating those provisions. (BDR 45-711)

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; revising the provisions governing the killing or possessing of certain animals; revising the penalties for violating those provisions; and providing other matters properly relating thereto.

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

- 1     **Section 1.** NRS 501.171 is hereby amended to read as follows:  
2     501.171 1. A county advisory board to manage wildlife shall  
3 submit written nominations for appointments to the Commission  
4 upon the request of the Governor and may submit nominations at  
5 any other time.  
6     2. After consideration of the written nominations submitted by  
7 a county advisory board to manage wildlife and any additional  
8 candidates for appointment to the Commission, the Governor shall  
9 appoint to the Commission:  
10     (a) One member who is actively engaged in the conservation of  
11 wildlife;  
12     (b) One member who is actively engaged in farming;  
13     (c) One member who is actively engaged in ranching;  
14     (d) One member who represents the interests of the general  
15 public; and



\* S B 1 3 5 R 1 \*

1 (e) Five members who during at least 3 of the 4 years  
2 immediately preceding their appointment held a resident license to  
3 fish or hunt, or both, in Nevada.

4 3. The Governor shall not appoint to the Commission any  
5 person who has been convicted of:

6 (a) A *felony or* gross misdemeanor for a violation of NRS  
7 501.376 ; ~~[, 502.060 or 504.395; or]~~

8 (b) *A gross misdemeanor for a violation of NRS 502.060 or*  
9 *504.395; or*

10 (c) Two or more violations of the provisions of chapters 501 to  
11 504, inclusive, of NRS,  
12 during the previous 10 years.

13 4. Not more than three members may be from the same county  
14 whose population is 400,000 or more, not more than two members  
15 may be from the same county whose population is 100,000 or more  
16 but less than 400,000, and not more than one member may be from  
17 the same county whose population is less than 100,000.

18 5. The Commission shall annually select a Chairman and a  
19 Vice Chairman from among its members. A person shall not serve  
20 more than two consecutive terms as Chairman.

21 **Sec. 2.** NRS 501.172 is hereby amended to read as follows:

22 501.172 1. A member of the Commission may be removed  
23 from office for just cause.

24 2. A member of the Commission must be removed from office  
25 for:

26 (a) A conviction of a *felony or* gross misdemeanor for a  
27 violation of NRS 501.376 ; ~~[, 502.060 or 504.395; or]~~

28 (b) *A conviction of a gross misdemeanor for a violation of*  
29 *NRS 502.060 or 504.395; or*

30 (c) Two or more convictions of violating the provisions of  
31 chapters 501 to 504, inclusive, of NRS.

32 **Sec. 3.** NRS 501.376 is hereby amended to read as follows:

33 501.376 1. ~~[Any person who unlawfully kills or possesses] A~~  
34 *person shall not willfully kill or aid and abet another person in*  
35 *killing* a bighorn sheep, mountain goat, elk, deer, pronghorn  
36 antelope, mountain lion or black bear ~~[without a valid tag is guilty~~  
37 ~~of a gross misdemeanor. This subsection does not prohibit the~~  
38 ~~killing of such an animal if necessary to protect the life or property~~  
39 ~~of any person in imminent danger of being attacked by such an~~  
40 ~~animal.~~  
41 ~~—2.] :~~

42 (a) *Outside of the prescribed season set by the Commission for*  
43 *the lawful hunting of that animal;*

44 (b) *By other than the method prescribed on the tag issued by*  
45 *the Division for hunting that animal;*



1 (c) *In a manner, during a time or in a place otherwise*  
2 *prohibited by a specific statute or a regulation adopted by the*  
3 *Commission; or*

4 (d) *Without a valid tag issued by the Division for hunting that*  
5 *animal.* A tag issued for hunting any ~~[big game mammal]~~ animal  
6 specified in *this* subsection ~~[+]~~ is not valid if knowingly used by a  
7 person:

8 ~~[(a)]~~ (1) Other than the person specified on the tag;

9 ~~[(b)]~~ (2) Outside of the management area or other area specified  
10 on the tag;

11 ~~[(c)]~~ ~~Outside of the dates established by the Commission for the~~  
12 ~~lawful taking of the big game mammal specified on the tag;~~

13 ~~—(d) Outside of the hours set pursuant to NRS 503.140 for the~~  
14 ~~lawful hunting of the big game mammal specified on the tag; or~~

15 ~~—(e); or~~

16 (3) If the tag was obtained by a false or fraudulent  
17 representation.

18 *This subsection does not prohibit the killing of such an animal if*  
19 *necessary to protect the life or property of any person in imminent*  
20 *danger of being attacked by such an animal.*

21 2. *A person who violates the provisions of subsection 1 is*  
22 *guilty of a category E felony and shall be punished as provided in*  
23 *NRS 193.130.*

24 3. *If a person kills more than one animal in violation of*  
25 *subsection 1, the court shall consider that fact as an aggravating*  
26 *factor in determining his sentence.*

27 4. *A person shall not willfully possess any animal specified in*  
28 *subsection 1 if the person knows the animal was killed in violation*  
29 *of subsection 1 or the circumstances should have caused a*  
30 *reasonable person to know that the animal was killed in violation*  
31 *of subsection 1.*

32 5. *A person who violates the provisions of subsection 4 is*  
33 *guilty of a gross misdemeanor.*

34 **Sec. 4.** NRS 501.388 is hereby amended to read as follows:

35 501.388 1. The Commission may, in addition to any  
36 suspension, revocation or other penalty imposed pursuant to any  
37 other provision of this title:

38 (a) Revoke any license of any person who is convicted of a  
39 violation of NRS 503.050, and may refuse to issue any new license  
40 to the convicted person for any period not to exceed 5 years after the  
41 date of the conviction; and

42 (b) Revoke any license of any person who is convicted of  
43 unlawfully killing or possessing a bighorn sheep, mountain goat,  
44 elk, deer, pronghorn antelope, mountain lion or black bear ~~[without~~  
45 ~~a valid tag.]~~ *in violation of NRS 501.376,* and may:



1           (1) Refuse to issue any new license to the convicted person  
2 for any period not to exceed 3 years; and  
3           (2) Revoke that person's privilege to apply for any big game  
4 tag for a period not to exceed 10 years.  
5       2. The court in which the conviction is had shall require the  
6 immediate surrender of all such licenses and shall forward them to  
7 the Commission.

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