

SENATE BILL NO. 344—SENATOR OHRENSCHALL

MARCH 23, 2021

Referred to Committee on Natural Resources

SUMMARY—Enacts provisions relating to dangerous wild animals. (BDR 50-871)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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; enacting provisions relating to dangerous wild animals; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of Wildlife Commissioners to adopt regulations to prohibit the importation, transportation and possession of any species of wildlife which the Commission determines is detrimental to the wildlife or habitat of wildlife in this State. (NRS 503.597) **Section 7** of this bill prohibits a person from allowing a dangerous wild animal, as defined in **section 4** of this bill, to come in direct contact with a member of the public. **Section 5** of this bill clarifies that direct contact does not include physical contact between or a situation of physical proximity where physical contact is possible between a dangerous wild animal and: (1) the owner of the dangerous wild animal; (2) certain employees and other persons engaged by the owner of the dangerous wild animal; (3) veterinarians; (4) law enforcement officers or animal control officers; or (5) the Nevada Department of Wildlife.

Section 10 of this bill authorizes a law enforcement officer or an animal control authority to seize and impound a dangerous wild animal if the officer or authority, as applicable, has probable cause to believe that the person who owns or possesses the animal has allowed the dangerous wild animal to come in direct contact with a member of the public. **Section 11** of this bill authorizes the forfeiture or voluntary relinquishment of a seized dangerous wild animal if such direct contact occurs. **Section 14** of this bill provides that the provisions of this bill do not apply to the extent that those provisions conflict with certain provisions of law governing cruelty to animals. **Section 16** of this bill provides that a person who violates certain provisions of this bill is subject to a civil penalty of not more than \$20,000.

Existing law authorizes a board of county commissioners and city council to enact certain restrictions and ordinances concerning animals, including, prohibiting cruelty to animals and fixing, imposing and collecting license fees. (NRS 244.359, 266.325) **Section 15** of this bill provides that the provisions of **sections 2-16** must not be construed as prohibiting a county or a city from adopting or enforcing any



28 rule or law that places additional restrictions or requirements on the importation,
29 possession, sale, transfer or breeding of a dangerous wild animal. **Sections 19 and**
30 **20** of this bill make conforming changes to limit the existing authority of a board of
31 county commissioners and city council to enact restrictions and ordinances
32 concerning animals such that any restrictions or ordinances may not conflict with
33 certain provisions of this bill.

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

1 **Section 1.** Title 50 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 16, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 6.6,*
6 *inclusive, of this act have the meanings ascribed to them in those*
7 *sections.*

8 **Sec. 3.** *“Animal control authority” means any entity*
9 *designated by the county or city to enforce local ordinances and*
10 *laws of this State relating to the control, shelter or welfare of*
11 *animals. The term includes, without limitation, an animal control*
12 *agency and a law enforcement agency.*

13 **Sec. 4.** *“Dangerous wild animal” means any of the following*
14 *live animals held in captivity:*

15 1. *All elephants from the genera Elephas and Loxodonta.*

16 2. *All species of aardwolves and hyenas.*

17 3. *All species of primates, except humans.*

18 4. *The following species from the family Canidae:*

19 (a) *Gray wolves (Canis lupus).*

20 (b) *Red wolves (Canis rufus) that have been bred in captivity.*

21 5. *The following species from the family Felidae:*

22 (a) *Cheetahs (Acinonyx jubatus), including hybrids thereof.*

23 (b) *Clouded leopards (Neofelis nebulosa and Neofelis diardi),*
24 *including hybrids thereof.*

25 (c) *Jaguars (Panthera onca), including hybrids thereof.*

26 (d) *Leopards (Panthera pardus), including hybrids thereof.*

27 (e) *Lions (Panthera leo), including hybrids thereof.*

28 (f) *Mountain lions (Puma concolor) that have been bred in*
29 *captivity, including hybrids thereof.*

30 (g) *Snow leopards (Panthera uncia), including hybrids*
31 *thereof.*

32 (h) *Tigers (Panthera tigris), including hybrids thereof.*

33 6. *The following species from the family Ursidae:*

34 (a) *American black bears (Ursus americanus) that have been*
35 *bred in captivity.*



1 (b) Asiatic black bears (*Ursus thibetanus*).

2 (c) Brown bears (*Ursus arctos*).

3 (d) Giant pandas (*Ailuropoda melanoleuca*).

4 (e) Polar bears (*Ursus maritimus*).

5 (f) Sloth bears (*Melursus ursinus*).

6 (g) Spectacled bears (*Tremarctos ornatus*), including hybrids
7 thereof.

8 (h) Sun bears (*Helarctos malayanus*).

9 **Sec. 5. 1.** *“Direct contact” means physical contact with or*
10 *a situation of physical proximity where physical contact is possible*
11 *with a dangerous wild animal.*

12 2. *The term includes, without limitation, a situation in which*
13 *a photograph is taken with a dangerous wild animal without the*
14 *presence of a permanent physical barrier which is designed to*
15 *prevent physical contact between the public and the dangerous*
16 *wild animal.*

17 3. *The term does not include physical contact between or a*
18 *situation of physical proximity where physical contact is possible*
19 *between a dangerous wild animal and:*

20 (a) *The owner of the dangerous wild animal;*

21 (b) *An employee of the owner of the dangerous wild animal or*
22 *another person engaged with the owner of the dangerous wild*
23 *animal while the employee or other person is conducting his or*
24 *her duties, as determined by the owner of the dangerous wild*
25 *animal;*

26 (c) *A veterinarian licensed pursuant to chapter 638 of NRS for*
27 *the purpose of providing treatment to a dangerous wild animal;*

28 (d) *A law enforcement officer or animal control authority for*
29 *the purpose of enforcing local ordinances and the laws of this*
30 *State; or*

31 (e) *The Department of Wildlife or the agents or employees*
32 *thereof for the purpose of enforcing title 45 of NRS.*

33 **Sec. 6.** *“Law enforcement officer” means:*

34 1. *A sheriff of a county or metropolitan police department*
35 *and any deputy thereof;*

36 2. *An employee of the Department of Public Safety who has*
37 *the powers of a peace officer pursuant to NRS 289.270;*

38 3. *A police officer of a city or town; and*

39 4. *A game warden or other agent or employee of the*
40 *Department of Wildlife.*

41 **Sec. 6.3.** (Deleted by amendment.)

42 **Sec. 6.6.** (Deleted by amendment.)

43 **Sec. 7.** *A person shall not allow a dangerous wild animal to*
44 *come in direct contact with a member of the public.*

45 **Sec. 8.** (Deleted by amendment.)



1 **Sec. 9.** (Deleted by amendment.)

2 **Sec. 10. 1.** *A law enforcement officer or an animal control*
3 *authority may seize a dangerous wild animal if the officer or*
4 *authority has probable cause to believe that the person who owns*
5 *or possesses the dangerous wild animal has violated section 7 of*
6 *this act.*

7 2. *A law enforcement officer or an animal control authority*
8 *may impound a dangerous wild animal seized pursuant to*
9 *subsection 1 on the property of the person who owns or possesses*
10 *the dangerous wild animal until a transfer and placement of the*
11 *dangerous wild animal becomes possible.*

12 **Sec. 11. 1.** *If a person from whom a dangerous wild animal*
13 *is seized pursuant to section 10 of this act is found to have violated*
14 *section 7 of this act, the court may order the forfeiture of the*
15 *dangerous wild animal by the person.*

16 2. *A person from whom a dangerous wild animal is seized*
17 *pursuant to section 10 of this act may voluntarily relinquish the*
18 *dangerous wild animal. A person who voluntarily relinquishes a*
19 *dangerous wild animal pursuant to this section remains subject to*
20 *the imposition of a civil penalty pursuant to section 16 of this act*
21 *for a violation of section 7 of this act.*

22 3. *Except as otherwise provided in subsection 4, a dangerous*
23 *wild animal that is forfeited pursuant to this section may be*
24 *returned to the owner of the dangerous wild animal if the*
25 *investigating law enforcement officer or animal control authority*
26 *determines that:*

27 (a) *Possession of the dangerous wild animal is allowed by law;*

28 (b) *The owner has corrected each violation resulting in the*
29 *forfeiture;*

30 (c) *The return of the dangerous wild animal does not create a*
31 *risk to public health or safety;*

32 (d) *The dangerous wild animal has not been treated cruelly;*
33 *and*

34 (e) *The owner is in compliance with the provisions of this*
35 *chapter.*

36 4. *A dangerous wild animal that is forfeited pursuant to this*
37 *section must not be returned to the owner if the investigating law*
38 *enforcement officer or animal control authority determines that*
39 *possession of the dangerous wild animal is prohibited pursuant to*
40 *this chapter or title 45 of NRS. If possession of the dangerous wild*
41 *animal is prohibited by law, the dangerous wild animal must be*
42 *humanely euthanized by an animal control authority in*
43 *compliance with all applicable federal, state and local laws.*

44 **Sec. 12.** (Deleted by amendment.)

45 **Sec. 13.** (Deleted by amendment.)



1 **Sec. 14.** *The provisions of this chapter do not apply to the*
2 *extent that those provisions conflict with or are otherwise*
3 *inconsistent with the provisions of chapter 574 of NRS.*

4 **Sec. 15.** *The provisions of this chapter must not be construed*
5 *to prohibit a county or a city from adopting or enforcing any rule*
6 *or law that places additional restrictions or requirements on the*
7 *importation, possession, sale, transfer or breeding of dangerous*
8 *wild animals.*

9 **Sec. 16.** *A person who violates any provision of this chapter*
10 *is subject to a civil penalty of not more than \$20,000.*

11 **Sec. 17.** (Deleted by amendment.)

12 **Sec. 18.** (Deleted by amendment.)

13 **Sec. 19.** NRS 244.359 is hereby amended to read as follows:

14 244.359 1. Each board of county commissioners may enact
15 and enforce an ordinance or ordinances:

16 (a) Fixing, imposing and collecting an annual license fee on
17 dogs and providing for the capture and disposal of all dogs on which
18 the license fee is not paid.

19 (b) Regulating or prohibiting the running at large and disposal of
20 all kinds of animals.

21 (c) Establishing a pound, appointing a poundkeeper and
22 prescribing the poundkeeper's duties.

23 (d) Prohibiting cruelty to animals.

24 (e) Designating an animal as inherently dangerous and requiring
25 the owner of such an animal to obtain a policy of liability insurance
26 for the animal in an amount determined by the board of county
27 commissioners.

28 2. Any ordinance or ordinances enacted pursuant to the
29 provisions of paragraphs (a) and (b) of subsection 1 may apply
30 throughout an entire county or govern only a limited area within the
31 county which shall be specified in the ordinance or ordinances.

32 3. Except as otherwise provided in this subsection, a board of
33 county commissioners may by ordinance provide that the violation
34 of a particular ordinance enacted pursuant to this section imposes a
35 civil liability to the county in an amount not to exceed \$500, instead
36 of a criminal penalty. An ordinance enacted pursuant to this section
37 that creates an offense relating to bites of animals, vicious or
38 dangerous animals, horse tripping or cruelty to animals must impose
39 a criminal penalty for the offense. As used in this subsection, "horse
40 tripping" does not include tripping a horse to provide medical or
41 other health care for the horse.

42 **4.** *The provisions of this section apply only to the extent that*
43 *they do not conflict with the provisions of sections 2 to 16,*
44 *inclusive, of this act.*



1 **Sec. 20.** NRS 266.325 is hereby amended to read as follows:
2 266.325 **1.** The city council may:

3 ~~{1-}~~ **(a)** Fix, impose and collect an annual license fee on all
4 animals and provide for the capture and disposal of all animals on
5 which the license fee is not paid.

6 ~~{2-}~~ **(b)** Regulate or prohibit the running at large and disposal of
7 all kinds of animals and poultry.

8 ~~{3-}~~ **(c)** Establish a pound, appoint a poundkeeper and prescribe
9 the poundkeeper's duties.

10 ~~{4-}~~ **(d)** Prohibit cruelty to animals.

11 **2.** *The provisions of this section apply only to the extent that*
12 *they do not conflict with the provisions of sections 2 to 16,*
13 *inclusive, of this act.*

14 **Sec. 21.** (Deleted by amendment.)

15 **Sec. 22.** (Deleted by amendment.)

16 **Sec. 23.** (Deleted by amendment.)

17 **Sec. 24.** (Deleted by amendment.)

18 **Sec. 25.** (Deleted by amendment.)

19 **Sec. 26.** This act becomes effective on July 1, 2021.

