

ASSEMBLY BILL NO. 86—ASSEMBLYWOMAN HARDY

PREFILED JANUARY 30, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to animal welfare. (BDR 50-203)

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: 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; revising provisions relating to animal cruelty; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law prohibits a person from: (1) torturing or unjustifiably injuring,  
2 maiming, mutilating or killing an animal kept for companionship or pleasure or any  
3 cat or dog; or (2) overdriving, torturing, cruelly beating or unjustifiably injuring,  
4 maiming, mutilating or killing any animal or causing, procuring or allowing any  
5 such act against an animal. (NRS 574.100) **Section 1** of this bill also prohibits: (1)  
6 committing these acts against an animal kept for working purposes or a  
7 domesticated animal that is not owned by any person; and (2) depriving an animal  
8 of proper ventilation, necessary veterinary care or grooming and shearing under  
9 certain circumstances. **Section 1** provides that a person may claim, as an  
10 affirmative defense to a charge of depriving an animal of necessary veterinary care  
11 or grooming or shearing, that he or she was unable to afford such veterinary care,  
12 grooming or shearing.

13 Existing law prohibits the abandonment of maimed, diseased, disabled or  
14 infirm animals. (NRS 574.110) **Section 1** prohibits the abandonment of any animal  
15 and sets forth what constitutes abandonment of an animal.

16 Existing law prescribes minimum standards for the housing, keeping and  
17 restraining of dogs and sets forth certain exceptions to these provisions. (NRS  
18 574.100) **Section 1** prohibits a person from restraining a dog using: (1) a collar,  
19 harness or other device that is not properly fitted; or (2) a tether, chain, tie, trolley  
20 or pulley system or other device that has a weight attached. **Section 1** also prohibits  
21 leaving a dog outside and unattended unless the dog is provided with: (1) adequate  
22 shelter; (2) an area that allows the dog to avoid standing water and exposure to  
23 excessive animal waste; (3) shade from direct sunlight; and (4) potable water.  
24 **Section 1** provides an exception from these prohibitions for a dog that is actively



25 engaged in or training for: (1) police, military, patrol or detection work; (2) search  
26 and rescue; (3) herding, livestock guarding or other work; (4) guide dogs, hearing  
27 dogs or service dogs; and (5) trials, sporting or other lawful competitions or  
28 competitive functions.

29 **Section 1.5** of this bill repeals a provision of existing law relating to the  
30 abandonment of disabled animals.

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

1 **Section 1.** NRS 574.100 is hereby amended to read as follows:

2 574.100 1. A person shall not:

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

4 (1) An animal kept for companionship, ~~{or}~~ pleasure ~~{;} or~~  
5 *for working purposes*, whether belonging to the person or to  
6 another; ~~{or}~~

7 (2) Any cat or dog; *or*

8 (3) *A domesticated animal that is not owned by any person.*

9 (b) ~~{Except as otherwise provided in paragraph (a), overdrive,~~  
10 ~~overload, torture,}~~ *Cause, procure or allow an animal to be*  
11 *overdriven, overloaded, tortured,* cruelly ~~{beat}~~ *beaten* or  
12 unjustifiably ~~{injure, maim, mutilate}~~ *injured, maimed, mutilated* or  
13 ~~{kill an animal, whether belonging}~~ *killed, regardless of whether*  
14 *the animal belongs* to the person, ~~{or to}~~ another ~~{;} person or is~~  
15 *not owned by any person;*

16 (c) Deprive an animal of *or cause an animal to be deprived of*  
17 necessary sustenance, food or drink, or neglect or refuse to furnish it  
18 such sustenance or drink;

19 (d) ~~{Cause, procure or allow an animal to be overdriven,~~  
20 ~~overloaded, tortured, cruelly beaten, or unjustifiably injured,~~  
21 ~~maimed, mutilated or killed or to be deprived of necessary food or~~  
22 ~~drink;~~

23 ~~{(e)}~~ *If an animal is confined inside of an enclosed space,*  
24 *including, without limitation, a shed, barn or garage, deprive an*  
25 *animal of proper ventilation or neglect or refuse to furnish the*  
26 *animal with proper ventilation;*

27 (e) *Deprive an ill, infirm or injured animal of necessary*  
28 *veterinary care, or neglect or refuse to furnish the animal with*  
29 *necessary veterinary care, resulting in the animal experiencing*  
30 *unnecessary or unjustifiable pain, suffering or death;*

31 (f) *Deprive an animal of grooming or shearing or refuse to*  
32 *furnish the animal such grooming or shearing, to the extent that*  
33 *such grooming or shearing is reasonably necessary to prevent*  
34 *adverse health effects, pain, injury or the impediment of the*  
35 *natural movement of the animal;*



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

3 ~~[(f)]~~ (h) Abandon an animal ~~[in circumstances other than those~~  
4 ~~prohibited in NRS 574.110. The provisions of this paragraph do not~~  
5 ~~apply to:], regardless of whether the animal is healthy, maimed,~~  
6 ~~diseased, disabled or infirm. For the purposes of this paragraph:~~

7 (1) *Except as otherwise provided in this paragraph, an*  
8 *animal is considered abandoned if a person who owns or has*  
9 *custody of the animal relinquishes his or her duty to care for that*  
10 *animal by leaving the animal without providing minimal care,*  
11 *which may include, without limitation, leaving an animal on the*  
12 *property of the owner or another person, in a public place or on*  
13 *open land, except that an animal that has been left on the property*  
14 *of the animal's owner or person having custody of the animal is*  
15 *not considered abandoned unless the animal is left for more than*  
16 *72 hours.*

17 (2) *An animal is not considered abandoned if:*

18 (I) *A person delivers the animal to another person who*  
19 *will accept ownership or custody of the animal ;*

20 (II) *A person delivers the animal directly to a*  
21 *representative of an animal rescue organization or animal shelter;*  
22 *or*

23 (III) *The animal is* a feral cat that has been caught to  
24 provide vaccination, spaying or neutering and released back to the  
25 location where the feral cat was caught after providing the  
26 vaccination, spaying or neutering. ~~[As used in this paragraph, "feral~~  
27 ~~cat" means a cat that has no apparent owner or identification and~~  
28 ~~appears to be unsocialized to humans and unmanageable or~~  
29 ~~otherwise demonstrates characteristics normally associated with a~~  
30 ~~wild or undomesticated animal.]~~

31 2. Except as otherwise provided in subsections 3 and 4 and  
32 NRS 574.210 to 574.510, inclusive, a person shall not ~~[restrain]~~ :

33 (a) *Restrain* a dog:

34 ~~[(a)]~~ (1) *Using a collar, harness or other device that is not*  
35 *properly fitted;*

36 (2) *Using a tether, chain, tie, trolley or pulley system or other*  
37 *device that:*

38 ~~[(1)]~~ (I) *Is less than 12 feet in length;*

39 ~~[(2)]~~ (II) *Fails to allow the dog to move at least 12 feet or, if*  
40 *the device is a pulley system, fails to allow the dog to move a total*  
41 *of 12 feet; ~~or]~~*

42 ~~[(3)]~~ (III) *Allows the dog to reach a fence or other object*  
43 *that may cause the dog to become injured or die by strangulation*  
44 *after jumping the fence or object or otherwise becoming entangled*  
45 *in the fence or object; or*



1 (IV) *Has a weight attached;*  
2 ~~[(b)]~~ (3) Using a prong, pinch or choke collar or similar  
3 restraint; or

4 ~~[(e)]~~ (4) For more than 14 hours during a 24-hour period ~~[( )]~~; or  
5 (b) *Leave a dog, who does not have immediate access to the*  
6 *indoors, outside and unattended unless the person provides the*  
7 *dog with access to:*

8 (I) *Adequate shelter, which must include, without*  
9 *limitation, a sturdy structure that:*

10 (I) *Is waterproof, ventilated and constructed of sound*  
11 *and substantial material that is adequate to protect the dog from*  
12 *inclement weather and which allows the dog to maintain a normal*  
13 *body temperature;*

14 (II) *Provides a solid surface, resting platform, pad, floor*  
15 *mat or similar device large enough for the dog to lie on in a*  
16 *normal manner and that can be maintained in a sanitary manner;*

17 (III) *Is appropriate for the size and breed of the dog*  
18 *with sufficient dimensions that allow the dog to stand erect, sit,*  
19 *turn around and lie down in an unimpeded position while inside*  
20 *the structure; and*

21 (IV) *Prevents pain, injury or a significant risk to the*  
22 *health of the dog;*

23 (2) *An area that allows the dog to avoid standing water and*  
24 *exposure to excessive animal waste;*

25 (3) *Shade from direct sunlight; and*

26 (4) *Potable water.*

27 3. ~~Any pen or other outdoor enclosure that is used to maintain~~  
28 ~~a dog must be appropriate for the size and breed of the dog.~~ If any  
29 property that is used by a person to maintain a dog is of insufficient  
30 size to ensure compliance by the person with the provisions of  
31 paragraph (a) of subsection 2, the person may maintain the dog  
32 unrestrained in a pen or other outdoor enclosure that complies with  
33 the provisions of ~~[this subsection.]~~ *paragraph (b) of subsection 2.*

34 4. The provisions of subsections 2 and 3 do not apply to a dog  
35 that is:

36 (a) Tethered, chained, tied, restrained or placed in a pen or  
37 enclosure by a veterinarian, as defined in NRS 574.330, during the  
38 course of the veterinarian's practice;

39 (b) Being used lawfully to hunt a species of wildlife in this State  
40 during the hunting season for that species;

41 (c) Receiving training to hunt a species of wildlife in this State;

42 (d) In attendance at and participating in an exhibition, show,  
43 contest or other event in which the skill, breeding or stamina of the  
44 dog is judged or examined;



1 (e) Being kept in ~~fa~~ *an animal* shelter or boarding facility or  
2 temporarily in a camping area;

3 (f) Temporarily being cared for as part of a rescue operation or  
4 in any other manner in conjunction with a bona fide nonprofit  
5 organization formed for animal welfare purposes;

6 (g) Living on land that is directly related to an active agricultural  
7 operation, if the restraint is reasonably necessary to ensure the safety  
8 of the dog. As used in this paragraph, "agricultural operation"  
9 means any activity that is necessary for the commercial growing and  
10 harvesting of crops or the raising of livestock or poultry; ~~of~~

11 (h) *Actively engaged in or training for:*

12 (1) *Police, military, patrol or detection work;*

13 (2) *Search and rescue;*

14 (3) *Herding, livestock guarding or otherwise working;*

15 (4) *A role as a guide dog, hearing dog or service dog; or*

16 (5) *Trials, sporting or other lawful competitions or*  
17 *competitive functions; or*

18 (i) With a person having custody or control of the dog, if the  
19 person is engaged in a temporary task or activity with the dog for  
20 not more than 1 hour.

21 5. *In a prosecution for a violation of the provisions of*  
22 *paragraphs (e) and (f) of subsection 1, the defendant may claim as*  
23 *an affirmative defense that he or she was unable to afford the*  
24 *necessary veterinary care, grooming or shearing of the animal. In*  
25 *addition to the written notice required by NRS 174.234, a*  
26 *defendant who intends to offer the affirmative defense described*  
27 *in this subsection shall, not less than 20 days before trial or at*  
28 *such other time as the court directs, file and serve upon the*  
29 *prosecuting attorney a written notice of his or her intent to claim*  
30 *the affirmative defense. The written notice must include:*

31 (a) *The specific affirmative defense that the defendant is*  
32 *asserting; and*

33 (b) *The name and last known address of each witness by whom*  
34 *the defendant proposes to establish the affirmative defense.*

35 6. A person shall not:

36 (a) Intentionally engage in horse tripping for sport,  
37 entertainment, competition or practice; or

38 (b) Knowingly organize, sponsor, promote, oversee or receive  
39 money for the admission of any person to a charreada or rodeo that  
40 includes horse tripping.

41 ~~6.~~ 7. A person who willfully and maliciously violates  
42 paragraph (a) of subsection 1:

43 (a) Except as otherwise provided in paragraph (b), is guilty of a  
44 category D felony and shall be punished as provided in  
45 NRS 193.130.



1 (b) If the act is committed in order to threaten, intimidate or  
2 terrorize another person, is guilty of a category C felony and shall be  
3 punished as provided in NRS 193.130.

4 ~~[7:] 8.~~ Except as otherwise provided in subsection ~~[6:] 7,~~ a  
5 person who violates subsection 1, 2, 3 or ~~[5:] 6:~~

6 (a) For the first offense within the immediately preceding 7  
7 years, is guilty of a misdemeanor and shall be sentenced to:

8 (1) Imprisonment in the city or county jail or detention  
9 facility for not less than 2 days, but not more than 6 months; and

10 (2) Perform not less than 48 hours, but not more than 120  
11 hours, of community service.

12 ↪ The person shall be further punished by a fine of not less than  
13 \$200, but not more than \$1,000. A term of imprisonment imposed  
14 pursuant to this paragraph may be served intermittently at the  
15 discretion of the judge or justice of the peace, except that each  
16 period of confinement must be not less than 4 consecutive hours and  
17 must occur either at a time when the person is not required to be at  
18 the person's place of employment or on a weekend.

19 (b) For the second offense within the immediately preceding 7  
20 years, is guilty of a misdemeanor and shall be sentenced to:

21 (1) Imprisonment in the city or county jail or detention  
22 facility for not less than 10 days, but not more than 6 months; and

23 (2) Perform not less than 100 hours, but not more than 200  
24 hours, of community service.

25 ↪ The person shall be further punished by a fine of not less than  
26 \$500, but not more than \$1,000.

27 (c) For the third and any subsequent offense within the  
28 immediately preceding 7 years, is guilty of a category C felony and  
29 shall be punished as provided in NRS 193.130.

30 ~~[8:] 9.~~ In addition to any other fine or penalty provided in  
31 subsection ~~[6-or] 7 [:] or 8,~~ a court shall order a person convicted of  
32 violating subsection 1, 2, 3 or ~~[5:] 6~~ to pay restitution for all costs  
33 associated with the care and impoundment of any mistreated animal  
34 under subsection 1, 2, 3 or ~~[5:] 6,~~ including, without limitation,  
35 money expended for veterinary treatment, feed and housing.

36 ~~[9:] 10.~~ The court may order the person convicted of violating  
37 subsection 1, 2, 3 or ~~[5:] 6~~ to surrender ownership or possession of  
38 the mistreated animal ~~[:] if ownership has not already been divested~~  
39 ~~in accordance with NRS 574.055, 574.203 and 574.2035.~~

40 ~~[10:] 11.~~ The provisions of this section do not apply with  
41 respect to an injury to or the death of an animal that occurs  
42 accidentally in the normal course of:

43 (a) Carrying out the activities of a rodeo or livestock show; or

44 (b) Operating a ranch.



1 ~~11.1~~ 12. For the purposes of subsection 5, a defendant may  
2 not claim as an affirmative defense that he or she was unable to  
3 afford the necessary veterinary care, grooming or shearing of the  
4 animal if, during the period that the defendant owned or had  
5 custody of the animal, the defendant:

6 (a) Declined financial assistance, non-financial assistance or  
7 other services offered to facilitate the necessary veterinary care,  
8 grooming or shearing of the animal; or

9 (b) Was unable to afford the necessary veterinary care,  
10 grooming or shearing of the animal because of excessive  
11 spending, indebtedness or other legal obligation, unless the  
12 spending, indebtedness or other legal obligation was not within the  
13 control of the defendant.

14 13. As used in this section ~~["horse tripping"]~~:

15 (a) "Animal rescue organization" has the meaning ascribed to  
16 it in NRS 574.202.

17 (b) "Animal shelter" has the meaning ascribed to it in  
18 NRS 574.240.

19 (c) "Feral cat" means a cat that has no apparent owner or  
20 identification and appears to be unsocialized to humans and  
21 unmanageable or otherwise demonstrates characteristics normally  
22 associated with a wild or undomesticated animal.

23 (d) "Horse tripping" means the roping of the legs of or  
24 otherwise using a wire, pole, stick, rope or other object to  
25 intentionally trip or intentionally cause a horse, mule, burro, ass or  
26 other animal of the equine species to fall. The term does not include:

27 ~~(a)~~ (1) Tripping such an animal to provide medical or other  
28 health care for the animal; or

29 ~~(b)~~ (2) Catching such an animal by the legs and then releasing  
30 it as part of a horse roping event for which a permit has been issued  
31 by the local government where the event is conducted.

32 (e) "Minimal care" means proper sustenance or food  
33 reasonably sufficient to meet the nutritional needs of an animal,  
34 sufficient potable water and accessible shelter.

35 (f) "Properly fitted" means a collar, harness or other device  
36 that:

37 (1) Is appropriate for the size of a dog based on the  
38 measurements and body weight of the dog;

39 (2) Does not choke the dog or impede the normal breathing  
40 or swallowing of the dog; and

41 (3) Does not cause pain or injury to the dog.

42 Sec. 1.5. NRS 574.110 is hereby repealed.

43 Sec. 2. This act becomes effective on July 1, 2023.



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**TEXT OF REPEALED SECTION**

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**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.

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.

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.

