

Amendment No. 618

Senate Amendment to Assembly Bill No. 86 First Reprint	(BDR 50-203)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: No 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.

AMD/ERS



Date: 5/21/2023

A.B. No. 86—Revises provisions relating to animal welfare. (BDR 50-203)



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, maiming,
2 mutilating or killing an animal kept for companionship or pleasure or any cat or dog; or (2)
3 overdriving, torturing, cruelly beating or unjustifiably injuring, maiming, mutilating or killing
4 any animal or causing, procuring or allowing any such act against an animal. (NRS 574.100)
5 **Section 1** of this bill also prohibits: (1) committing these acts against an animal kept for
6 working purposes or a domesticated animal that is not owned by any person; and (2) ~~with~~
7 ~~certain exceptions,~~ depriving an animal of proper ventilation, necessary veterinary care or
8 grooming and shearing under certain circumstances. **Section 1 provides that a person may**
9 **claim, as an affirmative defense to a charge of depriving an animal of necessary**
10 **veterinary care or grooming or shearing, that he or she was unable to afford such**
11 **veterinary care, grooming or shearing.**
12 Existing law prohibits the abandonment of maimed, diseased, disabled or infirm animals.
13 (NRS 574.110) **Section 1** prohibits the abandonment of any animal and sets forth what
14 constitutes abandonment of an animal.
15 Existing law prescribes minimum standards for the housing, keeping and restraining of
16 dogs and sets forth certain exceptions to these provisions. (NRS 574.100) **Section 1** prohibits
17 a person from restraining a dog using: (1) a collar, harness or other device that is not properly
18 fitted; or (2) a tether, chain, tie, trolley or pulley system or other device that has a weight
19 attached. **Section 1** also prohibits leaving a dog outside and unattended unless the dog is
20 provided with: (1) adequate shelter; (2) an area that allows the dog to avoid standing water
21 and exposure to excessive animal waste; (3) shade from direct sunlight; and (4) potable water.
22 **Section 1** provides an exception from these prohibitions for a dog that is actively engaged in
23 or training for: (1) police, military, patrol or detection work; (2) search and rescue; (3)
24 herding, livestock guarding or other work; (4) guide dogs, hearing dogs or service dogs; and
25 (5) trials, sporting or other lawful competitions or competitive functions.
26 **Section 1.5** of this bill repeals a provision of existing law relating to the abandonment of
27 disabled animals.

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 *injure*, maim, mutilate or kill:

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

(2) Any cat or dog; *or*

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

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

(c) Deprive an animal of *or cause an animal to be deprived 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)~~ *If an animal is confined inside of an enclosed space, including, without limitation, a shed, barn or garage, deprive an animal of proper ventilation or neglect or refuse to furnish the animal with proper ventilation;*

(e) ~~Except as otherwise provided in subsection 5, deprive~~ *Deprive an ill, infirm or injured animal of necessary veterinary care, or neglect or refuse to furnish the animal with necessary veterinary care, resulting in the animal experiencing unnecessary or unjustifiable pain, suffering or death;*

(f) ~~Except as otherwise provided in subsection 5, deprive~~ *Deprive an animal of grooming or shearing or refuse to furnish the animal such grooming or shearing, to the extent that such grooming or shearing is reasonably necessary to prevent adverse health effects, pain, injury or the impediment of the natural movement of the animal;*

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

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

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

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

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

1 ~~[(4)]~~ **(III) The animal is** a feral cat that has been caught to provide
2 vaccination, spaying or neutering and released back to the location where the feral
3 cat was caught after providing the vaccination, spaying or neutering. ~~[As used in~~
4 ~~this paragraph, “feral cat” means a cat that has no apparent owner or identification~~
5 ~~and appears to be unsocialized to humans and unmanageable or otherwise~~
6 ~~demonstrates characteristics normally associated with a wild or undomesticated~~
7 ~~animal.]~~

8 2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to
9 574.510, inclusive, a person shall not ~~restrain~~ :

10 (a) **Restrain** a dog:

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

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

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

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

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

19 **(IV) Has a weight attached;**

20 ~~[(b)]~~ **(3) Using a prong, pinch or choke collar or similar restraint; or**

21 ~~[(c)]~~ **(4) For more than 14 hours during a 24-hour period ~~;~~ or**

22 **(b) Leave a dog, who does not have immediate access to the indoors, outside**
23 **and unattended unless the person provides the dog with access to:**

24 **(1) Adequate shelter, which must include, without limitation, a sturdy**
25 **structure that:**

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

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

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

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

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

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

40 **(4) Potable water.**

41 3. ~~[Any pen or other outdoor enclosure that is used to maintain a dog must be~~
42 ~~appropriate for the size and breed of the dog.]~~ If any property that is used by a
43 person to maintain a dog is of insufficient size to ensure compliance by the person
44 with the provisions of paragraph (a) of subsection 2, the person may maintain the
45 dog unrestrained in a pen or other outdoor enclosure that complies with the
46 provisions of ~~this subsection.]~~ **paragraph (b) of subsection 2.**

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

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

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

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

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

3 (e) Being kept in ~~an~~ **an animal** shelter or boarding facility or temporarily in a
4 camping area;

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

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

12 ~~for~~

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

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

15 (2) **Search and rescue;**

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

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

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

19 **or**

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

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

32 (a) ~~Receives public assistance, as that term is defined in NRS 422A.065;]~~
33 **The specific affirmative defense that the defendant is asserting; and**

34 (b) ~~Resides in public housing, as that term is defined in NRS 315.021;~~

35 ~~Has a household income that is less than 200 percent of the federally~~
36 ~~designated level signifying poverty; or~~

37 ~~Any other relevant factor, as determined by a court.]~~ **The name and last**
38 **known address of each witness by whom the defendant proposes to establish the**
39 **affirmative defense.**

40 6. A person shall not:

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

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

45 ~~6.~~ 7. A person who willfully and maliciously violates paragraph (a) of
46 subsection 1:

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

49 (b) If the act is committed in order to threaten, intimidate or terrorize another
50 person, is guilty of a category C felony and shall be punished as provided in NRS
51 193.130.

52 ~~7.~~ 8. Except as otherwise provided in subsection ~~6.~~ 7, a person who
53 violates subsection 1, 2, 3 or ~~5.~~ 6:

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

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

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

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

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

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

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

19 ➤ The person shall be further punished by a fine of not less than \$500, but not
20 more than \$1,000.

21 (c) For the third and any subsequent offense within the immediately preceding
22 7 years, is guilty of a category C felony and shall be punished as provided in NRS
23 193.130.

24 ~~§ 9.~~ In addition to any other fine or penalty provided in subsection ~~6 or 7~~
25 ~~or 8~~, a court shall order a person convicted of violating subsection 1, 2, 3 or ~~§ 6~~
26 to pay restitution for all costs associated with the care and impoundment of any
27 mistreated animal under subsection 1, 2, 3 or ~~§ 6~~, including, without limitation,
28 money expended for veterinary treatment, feed and housing.

29 ~~§ 10.~~ The court may order the person convicted of violating subsection 1,
30 2, 3 or ~~§ 6~~ to surrender ownership or possession of the mistreated animal ~~if~~
31 *ownership has not already been divested in accordance with NRS 574.055,*
32 *574.203 and 574.2035.*

33 ~~§ 11.~~ The provisions of this section do not apply with respect to an injury
34 to or the death of an animal that occurs accidentally in the normal course of:

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

36 (b) Operating a ranch.

37 ~~§ 12.~~ *For the purposes of subsection 5, a defendant may not claim as an*
38 *affirmative defense that he or she was unable to afford the necessary veterinary*
39 *care, grooming or shearing of the animal if, during the period that the defendant*
40 *owned or had custody of the animal, the defendant:*

41 *(a) Declined financial assistance, non-financial assistance or other services*
42 *offered to facilitate the necessary veterinary care, grooming or shearing of the*
43 *animal; or*

44 *(b) Was unable to afford the necessary veterinary care, grooming or*
45 *shearing of the animal because of excessive spending, indebtedness or other legal*
46 *obligation, unless the spending, indebtedness or other legal obligation was not*
47 *within the control of the defendant.*

48 ~~13.~~ As used in this section ~~§ "horse tripping"~~:

49 (a) "Animal rescue organization" has the meaning ascribed to it in NRS
50 574.202.

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

52 (c) "Feral cat" means a cat that has no apparent owner or identification and
53 appears to be unsocialized to humans and unmanageable or otherwise

1 *demonstrates characteristics normally associated with a wild or undomesticated*
2 *animal.*

3 (d) *“Horse tripping”* means the roping of the legs of or otherwise using a wire,
4 pole, stick, rope or other object to intentionally trip or intentionally cause a horse,
5 mule, burro, ass or other animal of the equine species to fall. The term does not
6 include:

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

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

12 (e) *“Minimal care”* means proper sustenance or food reasonably sufficient to
13 meet the nutritional needs of an animal, sufficient potable water and accessible
14 shelter.

15 (f) *“Properly fitted”* means a collar, harness or other device that:

16 (1) *Is appropriate for the size of a dog based on the measurements and*
17 *body weight of the dog;*

18 (2) *Does not choke the dog or impede the normal breathing or*
19 *swallowing of the dog; and*

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

21 **Sec. 1.5.** NRS 574.110 is hereby repealed.

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

TEXT OF REPEALED SECTION

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.