

SENATE BILL NO. 269—SENATOR OHRENSCHALL

MARCH 13, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions related to animal cruelty. (BDR 50-246)

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: 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 cruelty to animals; prohibiting a person from restraining a dog during any time in which a heat advisory, excessive heat warning, wind chill warning or winter storm warning has been issued for the area; eliminating from provisions relating to animal cruelty certain exemptions that authorize a dog to be restrained in a certain manner or maintained in certain enclosures; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law prohibits, with certain exceptions, a person from restraining a dog:
- 2 (1) using certain tethers, chains, ties, trolleys or pulley systems or other devices; (2)
- 3 using a prong, pinch or choke collar or similar restraint; or (3) for more than 14
- 4 hours during a 24-hour period. (NRS 574.100) **Section 1** of this bill prohibits a
- 5 person from also restraining a dog outdoors during any time in which a heat
- 6 advisory, excessive heat warning, wind chill warning or winter storm warning has
- 7 been issued for the area by the National Weather Service.
- 8 In addition to the prohibitions on restraining a dog, existing law requires that
- 9 any pen or other outdoor enclosure that is used to maintain a dog be appropriate for
- 10 the size and breed of the dog. Existing law exempts from the limitations on
- 11 restraining a dog or maintaining a dog in such enclosures circumstances where a
- 12 dog is: (1) being used lawfully to hunt a species of wildlife in this State during the
- 13 hunting season for that species; (2) receiving training to hunt a species of wildlife
- 14 in this State; (3) being kept in a shelter or boarding facility or temporarily in a
- 15 camping area; (4) temporarily being cared for as part of a rescue operation or in any
- 16 other manner in conjunction with a bona fide nonprofit organization formed for
- 17 animal welfare purposes; or (5) with a person having custody or control of the dog,



18 if the person is engaged in a temporary task or activity with the dog for not more
19 than 1 hour. Existing law sets forth graduated criminal penalties depending on
20 whether the offense is a first, second or third and subsequent offense for a violation
21 of certain provisions relating to animal cruelty. (NRS 574.100) **Section 1** eliminates
22 these exemptions where a dog is being used lawfully to hunt a species of wildlife in
23 this State during the hunting season for that species, receiving training to hunt a
24 species of wildlife in this State and temporarily being cared for as part of a rescue
25 operation or in any other manner in conjunction with a bona fide nonprofit
26 organization formed for animal welfare purposes so that: (1) the limitations on the
27 restraint and use of outdoor enclosures apply to a dog in such circumstances; and
28 (2) the graduated criminal penalties also apply to such circumstances. **Section 1**
29 further exempts from the limitations where a dog is: (1) being processed into an
30 animal shelter; or (2) under the direct custody or control of a person, if the person is
31 engaged in a temporary task or activity with the dog for not more than 1 hour,
32 provided a heat advisory, excessive heat warning, wind chill warning or winter
33 storm warning has not been issued for the area by the National Weather Service.

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 maim, mutilate or kill:
4 (1) An animal kept for companionship or pleasure, whether
5 belonging to the person or to another; or
6 (2) Any cat or dog;
7 (b) Except as otherwise provided in paragraph (a), overdrive,
8 overload, torture, cruelly beat or unjustifiably injure, maim, mutilate
9 or kill an animal, whether belonging to the person or to another;
10 (c) Deprive an animal of necessary sustenance, food or drink, or
11 neglect or refuse to furnish it such sustenance or drink;
12 (d) Cause, procure or allow an animal to be overdriven,
13 overloaded, tortured, cruelly beaten, or unjustifiably injured,
14 maimed, mutilated or killed or to be deprived of necessary food or
15 drink;
16 (e) Instigate, engage in, or in any way further an act of cruelty to
17 any animal, or any act tending to produce such cruelty; or
18 (f) Abandon an animal in circumstances other than those
19 prohibited in NRS 574.110. The provisions of this paragraph do not
20 apply to a feral cat that has been caught to provide vaccination,
21 spaying or neutering and released back to the location where the
22 feral cat was caught after providing the vaccination, spaying or
23 neutering. As used in this paragraph, "feral cat" means a cat that has
24 no apparent owner or identification and appears to be unsocialized
25 to humans and unmanageable or otherwise demonstrates
26 characteristics normally associated with a wild or undomesticated
27 animal.



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

4 (a) Using a tether, chain, tie, trolley or pulley system or other
5 device that:

6 (1) Is less than 12 feet in length;

7 (2) Fails to allow the dog to move at least 12 feet or, if the
8 device is a pulley system, fails to allow the dog to move a total of 12
9 feet; or

10 (3) Allows the dog to reach a fence or other object that may
11 cause the dog to become injured or die by strangulation after
12 jumping the fence or object or otherwise becoming entangled in the
13 fence or object;

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

15 (c) *Outdoors, during any time in which a heat advisory or*
16 *excessive heat warning has been issued for the area by the*
17 *National Weather Service;*

18 (d) *Outdoors, during any time in which a wind chill warning*
19 *or winter storm warning has been issued for the area by the*
20 *National Weather Service; or*

21 (e) For more than 14 hours during a 24-hour period.

22 3. Any pen or other outdoor enclosure that is used to maintain
23 a dog must be appropriate for the size and breed of the dog. If any
24 property that is used by a person to maintain a dog is of insufficient
25 size to ensure compliance by the person with the provisions of
26 paragraph (a) of subsection 2, the person may maintain the dog
27 unrestrained in a pen or other outdoor enclosure that complies with
28 the provisions of this subsection.

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

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

34 (b) ~~[Being used lawfully to hunt a species of wildlife in this~~
35 ~~State during the hunting season for that species];~~

36 ~~—(c) Receiving training to hunt a species of wildlife in this State;~~

37 ~~—(d)] In attendance at and participating in an exhibition, show,~~
38 ~~contest or other event in which the skill, breeding or stamina of the~~
39 ~~dog is judged or examined; or~~

40 ~~[(e)] (c) Being [kept in a] *processed into an animal* shelter ; [or~~
41 ~~boarding facility or temporarily in a camping area;~~

42 ~~—(f) Temporarily being cared for as part of a rescue operation or~~
43 ~~in any other manner in conjunction with a bona fide nonprofit~~
44 ~~organization formed for animal welfare purposes;—~~



1 ~~(g)~~ (d) Living on land that is directly related to an active
2 agricultural operation, if the restraint is reasonably necessary to
3 ensure the safety of the dog. As used in this paragraph, “agricultural
4 operation” means any activity that is necessary for the commercial
5 growing and harvesting of crops or the raising of livestock or
6 poultry; or

7 ~~{(h) With}~~

8 (e) *Under the direct custody or control of* a person, ~~{having~~
9 ~~eustody or control of the dog.}~~ if the person is engaged in a
10 temporary task or activity with the dog for not more than 1 hour ~~{.}~~
11 *provided that a heat advisory, excessive heat warning, wind chill*
12 *warning or winter storm warning has not been issued for the area*
13 *by the National Weather Service.*

14 5. A person shall not:

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

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

20 6. A person who willfully and maliciously violates paragraph
21 (a) of subsection 1:

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

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

28 7. Except as otherwise provided in subsection 6, a person who
29 violates subsection 1, 2, 3 or 5:

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

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

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

36 ➤ The person shall be further punished by a fine of not less than
37 \$200, but not more than \$1,000. A term of imprisonment imposed
38 pursuant to this paragraph may be served intermittently at the
39 discretion of the judge or justice of the peace, except that each
40 period of confinement must be not less than 4 consecutive hours and
41 must occur either at a time when the person is not required to be at
42 the person’s place of employment or on a weekend.

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



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

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

5 ➤ The person shall be further punished by a fine of not less than
6 \$500, but not more than \$1,000.

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

10 8. In addition to any other fine or penalty provided in
11 subsection 6 or 7, a court shall order a person convicted of violating
12 subsection 1, 2, 3 or 5 to pay restitution for all costs associated with
13 the care and impoundment of any mistreated animal under
14 subsection 1, 2, 3 or 5 including, without limitation, money
15 expended for veterinary treatment, feed and housing.

16 9. The court may order the person convicted of violating
17 subsection 1, 2, 3 or 5 to surrender ownership or possession of the
18 mistreated animal.

19 10. The provisions of this section do not apply with respect to
20 an injury to or the death of an animal that occurs accidentally in the
21 normal course of:

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

23 (b) Operating a ranch.

24 11. As used in this section, "horse tripping" means the roping
25 of the legs of or otherwise using a wire, pole, stick, rope or other
26 object to intentionally trip or intentionally cause a horse, mule,
27 burro, ass or other animal of the equine species to fall. The term
28 does not include:

29 (a) Tripping such an animal to provide medical or other health
30 care for the animal; or

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

