

Amendment No. 394

Senate Amendment to Senate Bill No. 132	(BDR 50-369)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: Yes 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) *green bold italic underlining* is new language proposed 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 that is proposed to be retained in this amendment; and (6) green bold dashed underlining is newly added transitory language.

JRS/TMC



Date: 4/14/2009

S.B. No. 132—Revises provisions governing the treatment of animals.
(BDR 50-369)



SENATE BILL NO. 132—SENATOR TOWNSEND

FEBRUARY 12, 2009

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the treatment of animals. (BDR 50-369)

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 animals; prohibiting a person from restraining a dog in a certain manner; **setting forth requirements for using a pen or other outdoor enclosure to maintain a dog**; requiring the state emergency management plan and certain plans for emergency operations to include provisions concerning the evacuation, transportation and sheltering of service animals during a disaster or emergency; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from depriving an animal of necessary food or drink or committing any other act of cruelty against an animal. (NRS 574.100) **Section 1** of this bill prohibits a person from ~~tethering, chaining, tying or otherwise~~ restraining a dog : **(1) using a tether, chain, tie, trolley or pulley system or other device that is less than 12 feet in length or fails to comply with certain other requirements concerning the movement of the dog; (2) using a prong, pinch or choke collar or similar device; or (3) for more than ~~(4) 14~~ 14 hours during a 24-hour period ~~for from placing a dog in an~~ Section 1 also provides that any pen or other outdoor enclosure ~~for more than 9 hours during a 24-hour period unless that is used to maintain a dog must be appropriate for the size and breed of the dog ~~weighs a specified amount and the enclosure is a certain size.~~ and may be used by a person whose property is of insufficient size to ensure compliance with the requirements for chaining or tethering the dog on the property.~~ Section 1 exempts from this prohibition a dog that is: (1) being treated by a veterinarian; (2) being used for hunting or being trained to hunt; (3) participating in a dog show; (4) being kept in a shelter or boarding facility or temporarily in a camping area; (5) temporarily being cared for during a rescue operation; ~~for~~ (6) being used as part of an agricultural operation ~~for~~; or **(7) engaged in a temporary task or activity for not more than 1 hour with a person having custody or control of the dog.****

Existing law authorizes the Governor, in carrying out the provisions of chapter 414 of NRS, to prepare a comprehensive state emergency management plan. (NRS 414.060) Existing law also requires the Chief of the Division of Emergency Management of the Department of Public Safety to prepare state and local governmental agencies to be capable of responding appropriately if a disaster or emergency occurs. In carrying out this duty, the Chief may encourage state and local agencies to adopt plans for emergency operations. (NRS 414.040) **Section 2** of this bill requires the state emergency management plan prepared by the Governor

25 and each plan for emergency operations adopted by a state or local governmental agency to
 26 provisions ensuring that, to the extent practicable, a person with a disability who uses
 27 a service animal is evacuated, transported and sheltered together with the service animal
 28 during a disaster or emergency.

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) Overdrive, overload, torture, cruelly beat or unjustifiably injure, maim,
 4 mutilate or kill an animal, whether belonging to himself or to another;

5 (b) Deprive an animal of necessary sustenance, food or drink, or neglect or
 6 refuse to furnish it such sustenance or drink;

7 (c) Cause, procure or allow an animal to be overdriven, overloaded, tortured,
 8 cruelly beaten, or unjustifiably injured, maimed, mutilated or killed ~~or~~ or to be
 9 deprived of necessary food or drink;

10 (d) Instigate, engage in, or in any way further an act of cruelty to any animal,
 11 or any act tending to produce such cruelty; or

12 (e) Abandon an animal in circumstances other than those prohibited in
 13 NRS 574.110.

14 2. Except as otherwise provided in ~~subsection~~ **subsections 3 and 4 and**
 15 **NRS 574.210 to 574.510, inclusive, a person shall not** ~~or~~

16 ~~(a) Except as otherwise provided in paragraph (b), tether, chain, tie or~~
 17 ~~otherwise} restrain a dog:~~

18 ~~{(1)}~~

19 (a) Using a **tether, chain, tie, trolley or pulley system or other device that** ~~is~~
 20 **less**;

21 ~~(1) Is less than 12 feet in length; ~~or~~~~

22 (2) **Fails to allow the dog to move less than 12 feet or, if the device is a**
 23 **pulley system, fails to allow the dog to move a total of 12 feet; or**

24 (3) **Allows the dog to reach a fence or other object that may cause the**
 25 **dog to become injured or die by strangulation after jumping the fence or object or**
 26 **otherwise becoming entangled in the fence or object;**

27 (b) **Using a prong, pinch or choke collar or similar restraint; or**

28 (c) **For more than ~~9~~ 14 hours during a 24-hour period.** ~~or~~

29 ~~(b) Place a dog in a pen or other outdoor enclosure for more than 9 hours~~
 30 ~~during a 24-hour period unless the dog:~~

31 ~~(1) Weighs less than 20 pounds and the pen is at least 60 square feet in~~
 32 ~~area;~~

33 ~~(2) Weighs 20 pounds or more but less than 60 pounds and the pen is at~~
 34 ~~least 120 square feet in area;~~

35 ~~(3) Weighs 60 pounds or more but less than 100 pounds and the pen is at~~
 36 ~~least 160 square feet in area; or~~

37 ~~(4) Weighs 100 pounds or more and the pen is at least 200 square feet in~~
 38 ~~area.]~~

39 3. **Any pen or other outdoor enclosure that is used to maintain a dog must**
 40 **be appropriate for the size and breed of the dog. If any property that is used by a**
 41 **person to maintain a dog is of insufficient size to ensure compliance by the**
 42 **person with the provisions of paragraph (a) of subsection 2, the person may**

1 maintain the dog unrestrained in a pen or other outdoor enclosure that complies
 2 with the provisions of this subsection.

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

5 (a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a
 6 veterinarian, as defined in NRS 574.330, during the course of his practice;

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

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

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

13 (e) Being kept in a shelter or boarding facility or temporarily in a camping
 14 area;

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

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

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

25 ~~4.5.~~ A person who violates subsection 1 ~~1~~, 2 or ~~2~~ 3:

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

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

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

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

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

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

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

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

46 (c) For the third and any subsequent offense within the immediately preceding
 47 7 years, is guilty of a category C felony and shall be punished as provided in
 48 NRS 193.130.

49 ~~3.5~~ ~~5~~ 6. In addition to any other fine or penalty provided in subsection ~~2~~
 50 ~~4~~ 5, a court shall order a person convicted of violating subsection 1, 2 or ~~2~~ 3 to
 51 pay restitution for all costs associated with the care and impoundment of any
 52 mistreated animal under subsection 1, 2 or ~~2~~ 3, including, without limitation,
 53 money expended for veterinary treatment, feed and housing.

1 ~~4.] ~~6.] 7.~~ The court may order the person convicted of violating subsection 1
2 .2 or ~~2.] 3~~ to surrender ownership or possession of the mistreated animal.~~

3 ~~5.] ~~7.] 8.~~ The provisions of this section do not apply with respect to an
4 injury to or the death of an animal that occurs accidentally in the normal course of:~~

- 5 (a) Carrying out the activities of a rodeo or livestock show; or
6 (b) Operating a ranch.

7 **Sec. 2.** Chapter 414 of NRS is hereby amended by adding thereto a new
8 section to read as follows:

9 *1. The state emergency management plan prepared pursuant to NRS
10 414.060 and each plan for emergency operations specified in paragraph (b) of
11 subsection 4 of NRS 414.040 that is adopted by a state or local governmental
12 agency must include provisions ensuring that, to the extent practicable, a person
13 with a disability who uses a service animal is evacuated, transported and
14 sheltered together with the service animal during a disaster or emergency.*

15 *2. As used in this section:*

16 *(a) "Disability" has the meaning ascribed to it in NRS 426.068.*

17 *(b) "Service animal" has the meaning ascribed to it in NRS 426.097.*