

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; 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:

1 Existing law prohibits a person from depriving an animal of necessary food or
2 drink or committing any other act of cruelty against an animal. (NRS 574.100)
3 **Section 1** of this bill prohibits a person from tethering, chaining, tying or otherwise
4 restraining a dog using a device that is less than 12 feet in length or for more than 9
5 hours during a 24-hour period or from placing a dog in an outdoor enclosure for
6 more than 9 hours during a 24-hour period unless the dog weighs a specified
7 amount and the enclosure is a certain size. **Section 1** exempts from this prohibition
8 a dog that is: (1) being treated by a veterinarian; (2) being used for hunting or being
9 trained to hunt; (3) participating in a dog show; (4) being kept in a shelter or
10 boarding facility or temporarily in a camping area; (5) temporarily being cared for
11 during a rescue operation; or (6) being used as part of an agricultural operation.

12 Existing law authorizes the Governor, in carrying out the provisions of chapter
13 414 of NRS, to prepare a comprehensive state emergency management plan. (NRS
14 414.060) Existing law also requires the Chief of the Division of Emergency
15 Management of the Department of Public Safety to prepare state and local
16 governmental agencies to be capable of responding appropriately if a disaster or
17 emergency occurs. In carrying out this duty, the Chief may encourage state and
18 local agencies to adopt plans for emergency operations. (NRS 414.040) **Section 2**




19 of this bill requires the state emergency management plan prepared by the
20 Governor and each plan for emergency operations adopted by a state or local
21 governmental agency to include provisions ensuring that, to the extent practicable,
22 a person with a disability who uses a service animal is evacuated, transported and
23 sheltered together with the service animal 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
4 injure, maim, mutilate or kill an animal, whether belonging to
5 himself or to another;

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

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

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

14 (e) Abandon an animal in circumstances other than those
15 prohibited in NRS 574.110.

16 2. *Except as otherwise provided in subsection 3 and NRS*
17 *574.210 to 574.510, inclusive, a person shall not:*

18 (a) *Except as otherwise provided in paragraph (b), tether,*
19 *chain, tie or otherwise restrain a dog:*

20 (1) *Using a device that is less than 12 feet in length; or*

21 (2) *For more than 9 hours during a 24-hour period; or*

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

24 (1) *Weighs less than 20 pounds and the pen is at least 60*
25 *square feet in area;*

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

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

30 (4) *Weighs 100 pounds or more and the pen is at least 200*
31 *square feet in area.*

32 3. *The provisions of subsection 2 do not apply to a dog that is:*

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



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

3 (c) *Receiving training to hunt a species of wildlife in this*
4 *State;*

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

8 (e) *Being kept in a shelter or boarding facility or temporarily*
9 *in a camping area;*

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

13 (g) *Living on land that is directly related to an active*
14 *agricultural operation, if the restraint is reasonably necessary to*
15 *ensure the safety of the dog. As used in this paragraph,*
16 *“agricultural operation” means any activity that is necessary for*
17 *the commercial growing and harvesting of crops or the raising of*
18 *livestock or poultry.*

19 **4.** A person who violates subsection 1 ~~1~~ or 2:

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

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

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

26 ➤ The person shall be further punished by a fine of not less than
27 \$200, but not more than \$1,000. A term of imprisonment imposed
28 pursuant to this paragraph may be served intermittently at the
29 discretion of the judge or justice of the peace, except that each
30 period of confinement must be not less than 4 consecutive hours and
31 must occur either at a time when the person is not required to be at
32 his place of employment or on a weekend.

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

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

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

39 ➤ The person shall be further punished by a fine of not less than
40 \$500, but not more than \$1,000.

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

44 ~~3~~ **5.** In addition to any other fine or penalty provided in
45 subsection ~~2~~ **4**, a court shall order a person convicted of violating



1 subsection 1 *or 2* to pay restitution for all costs associated with the
2 care and impoundment of any mistreated animal under subsection 1
3 ~~[4]~~ *or 2*, including, without limitation, money expended for
4 veterinary treatment, feed and housing.

5 ~~[4]~~ 6. The court may order the person convicted of violating
6 subsection 1 *or 2* to surrender ownership or possession of the
7 mistreated animal.

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

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

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

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

22 *2. As used in this section:*

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

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

