

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:


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



* S B 1 3 2 R 1 *

18 Existing law authorizes the Governor, in carrying out the provisions of chapter
19 414 of NRS, to prepare a comprehensive state emergency management plan. (NRS
20 414.060) Existing law also requires the Chief of the Division of Emergency
21 Management of the Department of Public Safety to prepare state and local
22 governmental agencies to be capable of responding appropriately if a disaster or
23 emergency occurs. In carrying out this duty, the Chief may encourage state and
24 local agencies to adopt plans for emergency operations. (NRS 414.040) **Section 2**
25 of this bill requires the state emergency management plan prepared by the
26 Governor and each plan for emergency operations adopted by a state or local
27 governmental agency to include provisions ensuring that, to the extent practicable,
28 a person with a disability who uses a service animal is evacuated, transported and
29 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 subsections 3 and 4 and*
17 *NRS 574.210 to 574.510, inclusive, a person shall not restrain a*
18 *dog:*
19 (a) *Using a tether, chain, tie, trolley or pulley system or other*
20 *device that:*
21 (1) *Is less than 12 feet in length;*
22 (2) *Fails to allow the dog to move at least 12 feet or, if the*
23 *device is a pulley system, fails to allow the dog to move a total of*
24 *12 feet; or*
25 (3) *Allows the dog to reach a fence or other object that may*
26 *cause the dog to become injured or die by strangulation after*
27 *jumping the fence or object or otherwise becoming entangled in*
28 *the fence or object;*
29 (b) *Using a prong, pinch or choke collar or similar restraint;*
30 *or*



1 (c) For more than 14 hours during a 24-hour period.

2 3. Any pen or other outdoor enclosure that is used to
3 maintain a dog must be appropriate for the size and breed of the
4 dog. If any property that is used by a person to maintain a dog is
5 of insufficient size to ensure compliance by the person with the
6 provisions of paragraph (a) of subsection 2, the person may
7 maintain the dog unrestrained in a pen or other outdoor enclosure
8 that complies with the provisions of this subsection.

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

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

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

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

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

21 (e) Being kept in a shelter or boarding facility or temporarily
22 in a camping area;

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

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

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

35 5. A person who violates subsection 1 ~~[-]~~, 2 or 3:

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

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

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

42 ➤ The person shall be further punished by a fine of not less than
43 \$200, but not more than \$1,000. A term of imprisonment imposed
44 pursuant to this paragraph may be served intermittently at the
45 discretion of the judge or justice of the peace, except that each



1 period of confinement must be not less than 4 consecutive hours and
2 must occur either at a time when the person is not required to be at
3 his place of employment or on a weekend.

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

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

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

10 ➔ The person shall be further punished by a fine of not less than
11 \$500, but not more than \$1,000.

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

15 ~~[3-]~~ 6. In addition to any other fine or penalty provided in
16 subsection ~~[2-]~~ 5, a court shall order a person convicted of violating
17 subsection 1, 2 or 3 to pay restitution for all costs associated with
18 the care and impoundment of any mistreated animal under
19 subsection 1, 2 or 3, including, without limitation, money expended
20 for veterinary treatment, feed and housing.

21 ~~[4-]~~ 7. The court may order the person convicted of violating
22 subsection 1, 2 or 3 to surrender ownership or possession of the
23 mistreated animal.

24 ~~[5-]~~ 8. The provisions of this section do not apply with respect
25 to an injury to or the death of an animal that occurs accidentally in
26 the normal course of:

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

28 (b) Operating a ranch.

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

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

38 *2. As used in this section:*

39 (a) *“Disability” has the meaning ascribed to it in*
40 *NRS 426.068.*

41 (b) *“Service animal” has the meaning ascribed to it in*
42 *NRS 426.097.*

