

SUMMARY—Prohibits a person from engaging in horse tripping or organizing a horse tripping event under certain circumstances. (BDR 50-357)

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.

AN ACT relating to cruelty to animals; prohibiting a person from engaging in horse tripping for enjoyment, entertainment, competition or practice; prohibiting a person from knowingly organizing, sponsoring, promoting, overseeing or receiving admission money for a horse tripping event; repealing a requirement that any ordinance passed by a board of county commissioners creating an offense relating to horse tripping must impose a criminal penalty for the offense; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners to enact an ordinance prohibiting cruelty to animals, and requires any such ordinance relating to horse tripping to impose a criminal penalty for the offense. (NRS 244.359) Chapter 574 of NRS also prohibits a person from engaging in cruelty to animals and provides criminal penalties for a person who engages in

that activity, including making a third or subsequent offense within the immediately preceding 7 years a category C felony.

Section 1 of this bill prohibits a person from engaging in horse tripping for enjoyment, entertainment, competition or practice and from knowingly organizing, sponsoring, promoting, overseeing or receiving admission money for a horse tripping event and authorizes the imposition of a criminal penalty against a person guilty of such an offense. **Section 2** of this bill removes the requirement that any ordinance prohibiting horse tripping and passed by a board of county commissioners must impose a criminal penalty for the offense.

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

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

(c) 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;

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

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

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

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

(1) Is less than 12 feet in length;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. *A person shall not intentionally engage in horse tripping for enjoyment, entertainment, competition or practice, and a person shall not knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a horse tripping event. As used in this subsection:*

(a) *“Horse tripping” means to use a wire, pole, stick, rope or other object to cause a horse, mule, burro, ass or other animal of the equine species to fall or lose its balance. The term does not include tripping such an animal to provide medical or other health care for the animal.*

(b) *“Horse tripping event” means an event at which a person engages in horse tripping for enjoyment, entertainment, competition or practice.*

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

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

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

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

↳ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000.

A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person’s place of employment or on a weekend.

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

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

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

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

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

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

~~{7.}~~ 8. The court may order the person convicted of violating subsection 1, 2, ~~{or}~~ 3 *or* 5 to surrender ownership or possession of the mistreated animal.

~~{8.}~~ 9. ~~{The}~~ *Except as otherwise provided in subsection 5, the* provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

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

Sec. 2. NRS 244.359 is hereby amended to read as follows:

244.359 1. Each board of county commissioners may enact and enforce an ordinance or ordinances:

- (a) Fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid.
- (b) Regulating or prohibiting the running at large and disposal of all kinds of animals.

(c) Establishing a pound, appointing a poundkeeper and prescribing the poundkeeper's duties.

(d) Prohibiting cruelty to animals.

(e) Designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners.

2. Any ordinance or ordinances enacted pursuant to the provisions of paragraphs (a) and (b) of subsection 1 may apply throughout an entire county or govern only a limited area within the county which shall be specified in the ordinance or ordinances.

3. Except as otherwise provided in this subsection, a board of county commissioners may by ordinance provide that the violation of a particular ordinance enacted pursuant to this section imposes a civil liability to the county in an amount not to exceed \$500, instead of a criminal penalty. An ordinance enacted pursuant to this section that creates an offense relating to bites of animals, vicious or dangerous animals ~~[-, horse tripping]~~ or cruelty to animals must impose a criminal penalty for the offense. ~~[As used in this subsection, "horse tripping" does not include tripping a horse to provide medical or other health care for the horse.]~~