

ASSEMBLY BILL NO. 118—ASSEMBLYMAN STEWART

PREFILED FEBRUARY 3, 2011

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Requires an animal abuser to register with the sheriff of the county in which he or she resides under certain circumstances. (BDR 50-751)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; requiring an animal abuser who resides in this State for more than a certain period to register with the sheriff of the county in which he or she resides; requiring an animal abuser who registers with the sheriff to provide certain information to the sheriff; requiring the sheriff to establish and maintain a local animal abuser registry; requiring the Department of Public Safety to establish and maintain a statewide animal abuser registry; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The provisions of chapter 574 of NRS govern cruelty to animals. Those
2 provisions are very broad and generally prohibit a person from: (1) torturing,
3 cruelly beating, unjustifiably maiming or killing an animal; (2) depriving an animal
4 of necessary sustenance, food or drink; or (3) in any other way engaging in or
5 furthering an act of cruelty to an animal. (NRS 574.100) The term “animal” is
6 defined to mean any living creature other than a member of the human race, and the
7 term “cruelty” is defined to include every act, including an omission to act or an act
8 of neglect, whereby unjustifiable physical pain, suffering or death is caused or
9 permitted against an animal. (NRS 574.050) If a person is convicted of engaging in
10 cruelty to animals three or more times within a period of 7 years, the person is
11 guilty of a category C felony and must be punished by imprisonment in the state
12 prison for a minimum term of not less than 1 year and a maximum term of not more
13 than 5 years, and may be subject to a fine of not more than \$10,000. (NRS 193.130,
14 574.100) Other violations of chapter 574 of NRS relating to cruelty to animals
15 which are punishable as felonies include: (1) committing certain acts concerning a
16 place kept for baiting or fighting birds or other animals; (2) instigating or



17 witnessing fights between birds or other animals; (3) mistreatment of a police
18 animal; (4) mistreatment of dogs used for shows and other events; (5) failure to
19 provide proper air, food, shelter or water to an impounded animal; and (6)
20 poisoning or attempting to poison an animal. (NRS 574.060, 574.070, 574.105,
21 574.107, 574.120, 574.150)

22 This bill requires a person who commits such a felony, referred to as an
23 "animal abuser," to register with the sheriff of the county in which he or she
24 resides. Specifically, **section 6** of this bill defines the term "animal abuser" to mean
25 a person who is 18 years of age or older and who is convicted of committing such a
26 felony. **Section 2** of this bill requires an animal abuser who resides in Nevada for
27 more than 10 days to register with the sheriff of the county in which the animal
28 abuser resides by providing to the sheriff his or her name and address and certain
29 other personal information. **Section 3** of this bill requires the sheriff of each county
30 in Nevada to establish and maintain a local animal abuser registry which includes
31 the information obtained by the sheriff from each animal abuser who is registered
32 or reregistered by the sheriff. **Section 3** also requires the sheriff to forward a copy
33 of the information included in the registry to the Department of Public Safety and,
34 within 10 days after initially registering an animal abuser, provide that information
35 to certain persons within a one-half mile radius of the location of the animal abuser.
36 **Section 4** of this bill requires the Department to establish and maintain a statewide
37 animal abuser registry in the Central Repository for Nevada Records of Criminal
38 History. **Section 4** also requires the Department to make the information in the
39 registry, other than the social security number of an animal abuser, available for
40 review by members of the public in person or by written request, telephone or the
41 Internet. **Section 5** of this bill confers immunity from criminal or civil liability
42 upon an officer or employee of the Central Repository, the Department or a sheriff
43 for disclosing information concerning an animal abuser.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 574 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1.** *Each animal abuser who resides in this State for*
5 *more than 10 days shall register with the sheriff of the county in*
6 *which the animal abuser resides. If an animal abuser moves to*
7 *another county in this State, the animal abuser shall, within 10*
8 *days after moving, register with the sheriff of that county.*

9 **2.** *To register with the sheriff of a county pursuant to this*
10 *section, an animal abuser shall provide to the sheriff:*

11 *(a) His or her full legal name and any other name or alias*
12 *used by him or her;*

13 *(b) His or her date of birth and social security number;*

14 *(c) His or her current address or location within the county;*

15 *(d) The name, address and telephone number of his or her*
16 *employer, if any; and*

17 *(e) A statement setting forth each felony for which he or she is*
18 *convicted pursuant to this chapter, including, without limitation,*



1 *the date of each conviction and the court in which the conviction*
2 *was obtained.*

3 *3. Upon receipt of the information specified in subsection 2,*
4 *the sheriff shall:*

5 *(a) Photograph or obtain a recent photograph of the animal*
6 *abuser;*

7 *(b) Obtain a complete set of fingerprints of the animal abuser;*
8 *and*

9 *(c) Provide a description of any tattoos, scars or other*
10 *identifying characteristics of the animal abuser.*

11 *4. Except as otherwise provided in this subsection, after*
12 *registering pursuant to this section, each animal abuser shall*
13 *reregister pursuant to this section on or before December 31 of*
14 *each year in which he or she resides in this State. An animal*
15 *abuser who registers or reregisters pursuant to this section for 15*
16 *years is not required to register or reregister for any other year in*
17 *which he or she resides in this State.*

18 *5. An animal abuser who intentionally or knowingly fails to*
19 *register or reregister pursuant to this section or who intentionally*
20 *or knowingly submits any false information when registering or*
21 *reregistering pursuant to this section is guilty of a category E*
22 *felony and shall be punished as provided in NRS 193.130.*

23 **Sec. 3.** *1. The sheriff of each county in this State shall*
24 *establish and maintain a local animal abuser registry. The registry*
25 *must include the information submitted to the sheriff pursuant to*
26 *section 2 of this act concerning each animal abuser in the county.*
27 *As soon as practicable after registering or reregistering an animal*
28 *abuser, the sheriff shall forward a copy of the information*
29 *concerning the animal abuser to the Department.*

30 *2. Within 10 days after initially registering an animal abuser*
31 *pursuant to section 2 of this act, the sheriff shall notify each*
32 *residence, school, business, animal shelter and society for the*
33 *prevention of cruelty to animals located within a one-half mile*
34 *radius of the location of the animal abuser and provide to the*
35 *residence, school, business, animal shelter and society for the*
36 *prevention of cruelty to animals the information, other than*
37 *the social security number of the animal abuser, received by the*
38 *sheriff concerning the animal abuser pursuant to section 2 of this*
39 *act.*

40 **Sec. 4.** *1. The Department shall establish and maintain in*
41 *the Central Repository a statewide animal abuser registry. The*
42 *registry must include the information concerning each animal*
43 *abuser submitted to the Department by each sheriff pursuant to*
44 *section 2 of this act.*



1 2. *The Department shall make the information included in*
2 *the registry, other than the social security number of an animal*
3 *abuser, available for review by members of the public in person or*
4 *by written request, telephone or the Internet or its successor. The*
5 *Department shall maintain the information concerning each*
6 *animal abuser in the registry for at least 15 years.*

7 **Sec. 5.** *The officers and employees of the Central Repository,*
8 *the Department or a sheriff of a county in this State are immune*
9 *from criminal or civil liability for an act or omission relating to*
10 *any information obtained, maintained or disclosed pursuant*
11 *to sections 2 to 5, inclusive, of this act, including, but not limited*
12 *to, an act or omission relating to:*

- 13 1. *The accuracy of that information; or*
14 2. *The disclosure of or the failure to disclose that*
15 *information.*

16 **Sec. 6.** NRS 574.050 is hereby amended to read as follows:
17 574.050 As used in NRS 574.050 to 574.200, inclusive ~~[3]~~ ,
18 *and sections 2 to 5, inclusive, of this act:*

19 1. "Animal" does not include the human race, but includes
20 every other living creature.

21 2. "Animal abuser" means any person who is 18 years of age
22 or older and is convicted of committing a felony pursuant to NRS
23 574.060, 574.070, 574.100, 574.105, 574.107, 574.120 or 574.150
24 or section 2 of this act.

25 3. "Central Repository" means the Central Repository for
26 Nevada Records of Criminal History.

27 4. "Department" means the Department of Public Safety.

28 5. "First responder" means a person who has successfully
29 completed the national standard course for first responders.

30 ~~[3]~~ 6. "Police animal" means an animal which is owned or
31 used by a state or local governmental agency and which is used by a
32 peace officer in performing his or her duties as a peace officer.

33 ~~[4]~~ 7. "Torture" or "cruelty" includes every act, omission or
34 neglect, whereby unjustifiable physical pain, suffering or death is
35 caused or permitted.

36 **Sec. 7.** NRS 574.200 is hereby amended to read as follows:
37 574.200 The provisions of NRS 574.050 to 574.510, inclusive,
38 *and sections 2 to 5, inclusive, of this act* do not:

39 1. Interfere with any of the fish and game laws contained in
40 title 45 of NRS or any laws for the destruction of certain birds.

41 2. Interfere with the right to destroy any venomous reptiles or
42 animals, or any animal known as dangerous to life, limb or property.

43 3. Interfere with the right to kill all animals and fowl used for
44 food.



1 4. Prohibit or interfere with any properly conducted scientific
2 experiments or investigations which are performed under the
3 authority of the faculty of some regularly incorporated medical
4 college or university of this State.

5 5. Interfere with any scientific or physiological experiments
6 conducted or prosecuted for the advancement of science or
7 medicine.

8 6. Prohibit or interfere with established methods of animal
9 husbandry, including the raising, handling, feeding, housing and
10 transporting of livestock or farm animals.

11 **Sec. 8.** NRS 179C.010 is hereby amended to read as follows:

12 179C.010 1. Except as otherwise provided in subsection 2, as
13 used in this chapter, unless the context otherwise requires,
14 “convicted person” means:

15 (a) A person convicted in the State of Nevada or convicted in
16 any place other than the State of Nevada of two or more offenses
17 punishable as felonies.

18 (b) A person convicted in the State of Nevada of an offense
19 punishable as a category A felony.

20 (c) A person convicted in the State of Nevada or convicted in
21 any place other than the State of Nevada of a crime that would
22 constitute a category A felony if committed in this State on or after
23 July 1, 2003.

24 2. For the purposes of this chapter, “convicted person” does not
25 include:

26 (a) A person who has been convicted of ~~fel~~:

27 (1) *A crime against a child, as defined in NRS 179D.0357 ~~f~~*
28 ~~or a~~;

29 (2) *A sexual offense, as defined in NRS 179D.097; or*

30 (3) *A felony pursuant to NRS 574.060, 574.070, 574.100,*
31 *574.105, 574.107, 574.120 or 574.150 or section 2 of this act.*

32 (b) Except as otherwise provided in this chapter, a person whose
33 conviction is or has been set aside in the manner provided by law.

34 **Sec. 9.** The amendatory provisions of this act do not apply to a
35 conviction for a felony pursuant to NRS 574.060, 574.070, 574.100,
36 574.105, 574.107, 574.120 or 574.150, or section 2 of this act
37 occurring before October 1, 2011.

