

SENATE BILL NO. 364—SENATOR COPENING

MARCH 21, 2011

Referred to Committee on Natural Resources

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.

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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; 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:

1 Existing law authorizes a board of county commissioners to enact an ordinance
2 prohibiting cruelty to animals, and requires any such ordinance relating to horse
3 tripping to impose a criminal penalty for the offense. (NRS 244.359) Chapter 574
4 of NRS also prohibits a person from engaging in cruelty to animals and provides
5 criminal penalties for a person who engages in that activity, including making a
6 third or subsequent offense within the immediately preceding 7 years a category C
7 felony.
8 **Section 1** of this bill prohibits a person from engaging in horse tripping for
9 enjoyment, entertainment, competition or practice and from knowingly organizing,
10 sponsoring, promoting, overseeing or receiving admission money for a horse
11 tripping event and authorizes the imposition of a criminal penalty against a person
12 guilty of such an offense. **Section 2** of this bill removes the requirement that any
13 ordinance prohibiting horse tripping and passed by a board of county
14 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:

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 the
5 person 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 or
11 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 12
24 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 the
28 fence or object;

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

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

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

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



- 1 (a) Tethered, chained, tied, restrained or placed in a pen or
2 enclosure by a veterinarian, as defined in NRS 574.330, during the
3 course of the veterinarian's practice;
4 (b) Being used lawfully to hunt a species of wildlife in this State
5 during the hunting season for that species;
6 (c) Receiving training to hunt a species of wildlife in this State;
7 (d) In attendance at and participating in an exhibition, show,
8 contest or other event in which the skill, breeding or stamina of the
9 dog is judged or examined;
10 (e) Being kept in a shelter or boarding facility or temporarily in
11 a camping area;
12 (f) Temporarily being cared for as part of a rescue operation or
13 in any other manner in conjunction with a bona fide nonprofit
14 organization formed for animal welfare purposes;
15 (g) Living on land that is directly related to an active agricultural
16 operation, if the restraint is reasonably necessary to ensure the safety
17 of the dog. As used in this paragraph, "agricultural operation"
18 means any activity that is necessary for the commercial growing and
19 harvesting of crops or the raising of livestock or poultry; or
20 (h) With a person having custody or control of the dog, if the
21 person is engaged in a temporary task or activity with the dog for
22 not more than 1 hour.

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

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

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

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

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

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

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

43 ➔ The person shall be further punished by a fine of not less than
44 \$200, but not more than \$1,000. A term of imprisonment imposed
45 pursuant to this paragraph may be served intermittently at the



1 discretion of the judge or justice of the peace, except that each
2 period of confinement must be not less than 4 consecutive hours and
3 must occur either at a time when the person is not required to be at
4 the person's place of employment or on a weekend.

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

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

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

11 ➔ The person shall be further punished by a fine of not less than
12 \$500, but not more than \$1,000.

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

16 ~~[6.]~~ 7. In addition to any other fine or penalty provided in
17 subsection ~~[5.]~~ 6, a court shall order a person convicted of violating
18 subsection 1, 2, ~~[or]~~ 3 or 5 to pay restitution for all costs associated
19 with the care and impoundment of any mistreated animal under
20 subsection 1, 2 ~~[or]~~ 3, 3 or 5, including, without limitation, money
21 expended for veterinary treatment, feed and housing.

22 ~~[7.]~~ 8. The court may order the person convicted of violating
23 subsection 1, 2, ~~[or]~~ 3 or 5 to surrender ownership or possession of
24 the mistreated animal.

25 ~~[8.]~~ 9. ~~[The]~~ *Except as otherwise provided in subsection 5,*
26 *the* provisions of this section do not apply with respect to an injury
27 to or the death of an animal that occurs accidentally in the normal
28 course of:

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

30 (b) Operating a ranch.

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

32 244.359 1. Each board of county commissioners may enact
33 and enforce an ordinance or ordinances:

34 (a) Fixing, imposing and collecting an annual license fee on
35 dogs and providing for the capture and disposal of all dogs on which
36 the license fee is not paid.

37 (b) Regulating or prohibiting the running at large and disposal of
38 all kinds of animals.

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

41 (d) Prohibiting cruelty to animals.

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



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

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

