

ASSEMBLY BILL NO. 110—ASSEMBLYMAN OHRENSCHALL

FEBRUARY 13, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning canines and breed discrimination. (BDR 15-567)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; revising provisions concerning the criteria and procedures for determining whether a dog is dangerous or vicious; providing that a dog may not be determined to be dangerous or vicious based solely on its breed; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law sets forth the circumstances under which a dog may be deemed  
2 dangerous or vicious and provides criminal penalties for a person who knowingly  
3 owns or keeps a vicious dog after notice that the dog is vicious or who knowingly  
4 transfers ownership of such a vicious dog. (NRS 202.500) This bill: (1) revises the  
5 criteria by which a dog may be determined to be dangerous or vicious; (2) requires  
6 that, before a dog is determined to be dangerous or vicious, a designated animal  
7 control agency conduct an investigation and the owner or keeper of the dog, if  
8 known, be given notice and an opportunity for a hearing; and (3) provides that a  
9 dog may not be determined to be dangerous or vicious based solely on the breed of  
10 the dog.

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

1 **Section 1.** NRS 202.500 is hereby amended to read as follows:  
2 202.500 1. ~~As used in~~ *For the purposes of* this section, a  
3 dog is:  
4 (a) “Dangerous” if ~~it~~, *after an investigation conducted by an*  
5 *animal control agency designated by a local authority and the*  
6 *owner or keeper of the dog, if known, is given notice and an*



1 *opportunity for a hearing, it is determined by a preponderance of*  
2 *the evidence that:*

3 (1) ~~It is so declared pursuant to subsection 2;~~ *The dog*  
4 *injured a person while being used in the commission of a crime by*  
5 *its owner or keeper; or*

6 (2) Without provocation, on two separate occasions within  
7 18 months, ~~it behaves~~ *the dog behaved* menacingly, to a degree  
8 that would lead a reasonable person to defend himself or herself, *or*  
9 *a domestic animal*, against substantial bodily harm, when the dog  
10 ~~is:~~ *was:*

11 (I) Off the premises of its owner or keeper ~~it~~ *and not on*  
12 *a leash or otherwise controlled; or*

13 (II) Not confined in a cage, pen or vehicle.

14 (b) "Provoked" when ~~it~~ *the dog* is tormented, *abused* or  
15 subjected to pain.

16 (c) "Vicious" if ~~it~~, *after an investigation conducted by an*  
17 *animal control agency designated by a local authority and the*  
18 *owner or keeper of the dog, if known, is given notice and an*  
19 *opportunity for a hearing, it is determined by clear and convincing*  
20 *evidence that:*

21 (1) Without being provoked, ~~it kills or inflicts~~ *the dog*  
22 *killed or inflicted* substantial bodily harm upon a human being;

23 (2) *While off the premises of its owner or keeper, the dog*  
24 *killed a domestic animal; or*

25 ~~(2)~~ (3) After its owner or keeper ~~has~~ *had* been notified by  
26 a law enforcement agency *or animal control agency* that ~~it~~ *the*  
27 *dog* is dangerous, ~~it continues~~ *the dog continued* the behavior  
28 described in paragraph (a).

29 2. ~~A dog may be declared dangerous by a law enforcement~~  
30 ~~agency if it is used in the commission of a crime by its owner or~~  
31 ~~keeper.~~

32 ~~3.~~ A dog may not be found dangerous or vicious ~~because~~ *:*

33 (a) *Based solely on the breed of the dog; or*

34 (b) *Because* of a defensive act against a person who was  
35 committing or attempting to commit a crime or who provoked the  
36 dog.

37 ~~4.~~ 3. A person who knowingly:

38 (a) Owns or keeps a vicious dog, for more than 7 days after the  
39 person has actual notice that the dog is vicious; or

40 (b) Transfers ownership of a vicious dog after the person has  
41 actual notice that the dog is vicious,

42 *is* guilty of a misdemeanor.

43 ~~5.~~ 4. If substantial bodily harm results from an attack by a  
44 dog known to be vicious, its owner or keeper is guilty of a category  
45 D felony and shall be punished as provided in NRS 193.130. In lieu



1 of, or in addition to, a penalty provided in this subsection, the judge  
2 may order the vicious dog to be humanely destroyed.

3 ***5. A local authority shall not adopt or enforce an ordinance***  
4 ***or regulation that deems a dog dangerous or vicious based solely***  
5 ***on the breed of the dog.***

6 6. This section does not apply to a dog used by a law  
7 enforcement officer in the performance of his or her duty.

8 ***7. As used in this section, "local authority" means the***  
9 ***governing board of a county, city or other political subdivision***  
10 ***having authority to enact laws or ordinances or promulgate***  
11 ***regulations relating to dogs.***



