AN ACT relating to crimes; 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:
Existing law sets forth the circumstances under which a dog may be deemed dangerous or vicious and provides criminal penalties for a person who knowingly owns or keeps a vicious dog after notice that the dog is vicious or who knowingly transfers ownership of such a vicious dog. (NRS 202.500) This bill: (1) provides that a dog may not be determined to be dangerous or vicious based solely on the breed of the dog; and (2) prohibits a local authority from adopting or enforcing an ordinance or regulation that deems a dog dangerous or vicious based solely on the breed of the dog.

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

Section 1. NRS 202.500 is hereby amended to read as follows:

202.500  1. As used in For the purposes of this section, a dog is:
(a) “Dangerous” if:
   (1) It is so declared pursuant to subsection 2; or
   (2) Without provocation, on two separate occasions within 18 months, it behaved menacingly, to a degree that would lead a reasonable person to defend himself or herself against substantial bodily harm, when the dog was:
      (I) Off the premises of its owner or keeper; or
      (II) Not confined in a cage, pen or vehicle.
   (b) “Provoked” when it is tormented or subjected to pain.
   (c) “Vicious” if:
      (1) Without being provoked, it killed or inflicted substantial bodily harm upon a human being; or
      (2) After its owner or keeper has had been notified by a law enforcement agency that the dog is dangerous, the dog continued the behavior described in paragraph (a).

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

3. A dog may not be found dangerous or vicious because:
   (a) Based solely on the breed of the dog; or
(b) Because of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.

4. A person who knowingly:
   (a) Owns or keeps a vicious dog, for more than 7 days after the person has actual notice that the dog is vicious; or
   (b) Transfers ownership of a vicious dog after the person has actual notice that the dog is vicious,
   is guilty of a misdemeanor.

5. If substantial bodily harm results from an attack by a dog known to be vicious, its owner or keeper is guilty of a category D felony and shall be punished as provided in NRS 193.130. In lieu of, or in addition to, a penalty provided in this subsection, the judge may order the vicious dog to be humanely destroyed.

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

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

8. As used in this section, “local authority” means the governing board of a county, city or other political subdivision having authority to enact laws or ordinances or promulgate regulations relating to dogs.