

CHAPTER.....

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.

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

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 ~~{behaves}~~ *behaved* menacingly, to a degree that would lead a reasonable person to defend himself or herself against substantial bodily harm, when the dog ~~{is}~~ *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 ~~{kills or inflicts}~~ *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 ~~{it}~~ *the dog* is dangerous, ~~{it continues}~~ *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.

~~6.1~~ 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.

