

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.

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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 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:**

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) provides  
5 that a dog may not be determined to be dangerous or vicious based solely on the  
6 breed of the dog; and (2) prohibits a local authority from adopting or enforcing an  
7 ordinance or regulation that deems a dog dangerous or vicious based solely on the  
8 breed of 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:  
5 (1) It is so declared pursuant to subsection 2; or  
6 (2) Without provocation, on two separate occasions within  
7 18 months, it ~~behaves~~ *behaved* menacingly, to a degree that would  
8 lead a reasonable person to defend himself or herself against  
9 substantial bodily harm, when the dog ~~is~~ *was*:



\* A B 1 1 0 R 1 \*

- 1 (I) Off the premises of its owner or keeper; or  
2 (II) Not confined in a cage, pen or vehicle.
- 3 (b) “Provoked” when it is tormented or subjected to pain.  
4 (c) “Vicious” if:  
5 (1) Without being provoked, it ~~kills or inflicts~~ *killed or*  
6 *inflicted* substantial bodily harm upon a human being; or  
7 (2) After its owner or keeper ~~has~~ *had* been notified by a  
8 law enforcement agency that ~~it~~ *the dog* is dangerous, ~~it continues~~  
9 *the dog continued* the behavior described in paragraph (a).
- 10 2. A dog may be declared dangerous by a law enforcement  
11 agency if it is used in the commission of a crime by its owner or  
12 keeper.
- 13 3. A dog may not be found dangerous or vicious ~~because~~ :  
14 (a) *Based solely on the breed of the dog; or*  
15 (b) *Because* of a defensive act against a person who was  
16 committing or attempting to commit a crime or who provoked the  
17 dog.
- 18 4. A person who knowingly:  
19 (a) Owns or keeps a vicious dog, for more than 7 days after the  
20 person has actual notice that the dog is vicious; or  
21 (b) Transfers ownership of a vicious dog after the person has  
22 actual notice that the dog is vicious,  
23 ➔ is guilty of a misdemeanor.
- 24 5. If substantial bodily harm results from an attack by a dog  
25 known to be vicious, its owner or keeper is guilty of a category D  
26 felony and shall be punished as provided in NRS 193.130. In lieu of,  
27 or in addition to, a penalty provided in this subsection, the judge  
28 may order the vicious dog to be humanely destroyed.
- 29 *6. A local authority shall not adopt or enforce an ordinance*  
30 *or regulation that deems a dog dangerous or vicious based solely*  
31 *on the breed of the dog.*
- 32 ~~6~~ 7. This section does not apply to a dog used by a law  
33 enforcement officer in the performance of his or her duty.
- 34 8. *As used in this section, “local authority” means the*  
35 *governing board of a county, city or other political subdivision*  
36 *having authority to enact laws or ordinances or promulgate*  
37 *regulations relating to dogs.*

