

SENATE BILL NO. 371—SENATOR GOICOECHEA

MARCH 20, 2017

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the care of an animal which has been impounded or treated cruelly. (BDR 50-153)

FISCAL NOTE: Effect on Local Government: No. 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 animals; deleting provisions which limit the duration of certain liens for the reasonable cost of care and shelter furnished to an animal which has been treated cruelly; authorizing a county to recover the reasonable cost of care and shelter furnished to an animal impounded by the county under certain circumstances; authorizing a county to take certain other actions relating to an impounded animal; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a peace officer or an officer of a society for the
2 prevention of cruelty to animals who is authorized to make certain arrests who
3 discovers any animal being treated cruelly to: (1) take possession of the animal; and
4 (2) provide a written notice to the owner of the animal, if the owner can be found,
5 setting forth the reasons the animal was taken, the location of where the animal will
6 be cared for and sheltered and the fact that there is a lien on the animal, limited to
7 not more than 2 weeks, for the reasonable cost of shelter and care furnished to the
8 animal. (NRS 574.055) Existing law confers a similar lien upon a peace officer or
9 certain other persons who forcibly remove a cat or dog from a motor vehicle during
10 a period of extreme heat or cold. (NRS 574.195) **Section 1** of this bill deletes the 2-
11 week limit on those liens.

12 Existing law authorizes the board of county commissioners of a county to enact
13 ordinances: (1) governing the control and protection of animals; (2) regulating or
14 prohibiting the running at large and disposal of animals; and (3) prohibiting cruelty
15 to animals. (NRS 244.189, 244.359) **Section 2** of this bill expands existing law by
16 providing that, if a person is lawfully arrested and detained in a county for more
17 than 15 days, and if the county impounds any animal owned or possessed by the
18 person, the county may: (1) recover the reasonable cost of any care and shelter



19 furnished to the animal by the county; (2) give the animal to any member of the
20 person's immediate family; or (3) allow a person to adopt the animal.

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

1 **Section 1.** NRS 574.055 is hereby amended to read as follows:
2 574.055 1. Any peace officer or officer of a society for the
3 prevention of cruelty to animals who is authorized to make arrests
4 pursuant to NRS 574.040 shall, upon discovering any animal which
5 is being treated cruelly, take possession of it and provide it with
6 shelter and care or, upon obtaining written permission from the
7 owner of the animal, may destroy it in a humane manner.
8 2. If an officer takes possession of an animal, the officer shall
9 give to the owner, if the owner can be found, a notice containing a
10 written statement of the reasons for the taking, the location where
11 the animal will be cared for and sheltered, and the fact that there is a
12 ~~limited~~ lien on the animal for the cost of shelter and care. If the
13 owner is not present at the taking and the officer cannot find the
14 owner after a reasonable search, the officer shall post the notice on
15 the property from which the officer takes the animal. If the identity
16 and address of the owner are later determined, the notice must be
17 mailed to the owner immediately after the determination is made.
18 3. An officer who takes possession of an animal pursuant to
19 this section has a lien on the animal for the reasonable cost of care
20 and shelter furnished to the animal and, if applicable, for its humane
21 destruction. ~~[The lien does not extend to the cost of care and shelter~~
22 ~~for more than 2 weeks.]~~
23 4. Upon proof that the owner has been notified in accordance
24 with the provisions of subsection 2 or, if the owner has not been
25 found or identified, that the required notice has been posted on the
26 property where the animal was found, a court of competent
27 jurisdiction may, after providing an opportunity for a hearing, order
28 the animal sold at auction, humanely destroyed or continued in the
29 care of the officer for such disposition as the officer sees fit.
30 5. An officer who seizes an animal pursuant to this section is
31 not liable for any action arising out of the taking or humane
32 destruction of the animal.
33 6. The provisions of this section do not apply to any animal
34 which is located on land being employed for an agricultural use as
35 defined in NRS 361A.030 unless the owner of the animal or the
36 person charged with the care of the animal is in violation of
37 paragraph (c) of subsection 1 of NRS 574.100 and the impoundment
38 is accomplished with the concurrence and supervision of the sheriff
39 or the sheriff's designee, a licensed veterinarian and the district



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1 brand inspector or the district brand inspector's designee. In such a
2 case, the sheriff shall direct that the impoundment occur not later
3 than 48 hours after the veterinarian determines that a violation of
4 paragraph (c) of subsection 1 of NRS 574.100 exists.

5 7. The owner of an animal impounded in accordance with the
6 provisions of subsection 6 must, before the animal is released to the
7 owner's custody, pay the charges approved by the sheriff as
8 reasonably related to the impoundment, including the charges for
9 the animal's food and water. If the owner is unable or refuses to pay
10 the charges, the State Department of Agriculture shall sell the
11 animal. The Department shall pay to the owner the proceeds of
12 the sale remaining after deducting the charges reasonably related to
13 the impoundment.

14 **Sec. 2.** Chapter 171 of NRS is hereby amended by adding
15 thereto a new section to read as follows:

16 *1. If a person is lawfully arrested and detained in a county
17 for more than 15 days, and if any animal owned or possessed by
18 the person is impounded by the county after the arrest, the county
19 may:*

20 *(a) By appropriate legal action, recover the reasonable cost of
21 any care and shelter furnished to the animal by the county,
22 including, without limitation, imposing a lien on the animal for
23 the cost of such care and shelter; or*

24 *(b) Give the animal to any member of the person's immediate
25 family or allow another person to adopt the animal if it reasonably
26 appears to the county that the member of the family or other
27 person is able to provide adequate care and shelter for the animal.*

28 *2. As used in this section, "animal" means any dog, cat,
29 horse or other domesticated animal. The term does not include
30 any cattle, sheep, goats, swine or poultry.*

31 **Sec. 3.** This act becomes effective upon passage and approval.

