

NEVADA ANIMAL CRUELTY LAWS

Ben Sheppard¹

Introduction

The criminal animal cruelty laws for the state of Nevada can be found primarily within Title 50 of West's Nevada Revised Statutes Annotated, Animals, Chapter 574: Cruelty to Animals: Prevention and Penalties, Societies for Prevention of Cruelty to Animals. This document begins with Nevada's animal cruelty and neglect provisions. This section also provides felony charges for the mistreatment of a police animal, including interfering with the animal's duties. The second section of this document includes Nevada's animal fighting statutes. The following section also allows for an officer of a society for the prevention of cruelty to animals, who is authorized to make arrests, to take possession of any animals being treated cruelly. The statute provides that the officer must provide shelter and care or may destroy the animal in a humane manner upon receiving permission from the owner. In cases where an animal is seized under these conditions, notice must be given or mailed to the owner immediately upon ascertaining their location. These provisions do not apply to any animals found on land being used for agricultural use.

Within the next section, the regulations and guidelines for dog breeders can be found. These provisions regulate the sale of dogs and cats, the age for breeding, the housing facilities

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that are provided for the animals to maintain the safety and health of the animal both indoors and outdoors, and the primary enclosures or crates in which the animals will be held, including the amount of space required for each individual animal based on age and size. In addition, there are regulations for the feeding of the animals and providing them with potable water, if it is not readily available to the animal. Nevada has added a sanitization schedule for breeders, operators, and dealers which requires each individual animal's area to be cleaned at least once daily and a bi-weekly washing and disinfecting of the primary enclosures, pens, runs and cages. The last two sections of this document contain the sentencing statutes that are referred to throughout the animal cruelty statutes and the limitations and arrest provisions. With regard to the chapter's limitations, these cruelty statutes do not interfere with Nevada state game laws, the right to destroy any animal known to be dangerous to life, limb or property, or the right to kill all animals and fowl used for food, nor does it apply to accepted husbandry practices included in the raising of livestock or farm animals. In addition, this chapter does not interfere with any scientific experiments performed under the authority of one of the state's medical colleges or universities or those experiments performed for the advancement of science or medicine. The arrest provisions that are also included here are specific to those societies that are created for the prevention of cruelty to animals and those members, agents or officers that have been approved by the district judge to make arrests for violations of this chapter.

Overview of Statutory Provisions and Case Law

1. Cruelty and Neglect Provisions: NEV. REV. STAT. §§ 574.050; 574.100; 574.053; 574.105; 574.107; 574.110; 574.120; 574.130; 574.140; 574.150; 574.160; 574.170; 574.180; 574.190;; 206.160 & 206.150

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2. Animal Fighting Provisions: NEV. REV. STAT. §§ 574.060; 574.070; 574.080 & 574.090

3. Impounded Animals: NEV. REV. STAT. § 574.055

4. Animal Breeding: NEV. REV. STAT. §§ 574.055; 574.353; 574.356; 574.360; 574.370; 574.380; 574.390; 574.400; 574.410; 574.420; 574.430; 574.440; 574.500 & 574.510

5. Bestiality: Nev. Rev. Stat §§ 574.200; 574.040.

6.. Sentencing: NEV. REV. STAT. §§ 193.120; 193.130; 193.140 & 193.150

7.. Limitations and Arrest Provisions: NEV. REV. STAT. §§ 574.200 & 574.040

1. CRUELTY AND NEGLECT PROVISIONS

§ 574.050. Definitions

As used in NRS 574.050 to 574.200, inclusive:

1. “Animal” does not include the human race, but includes every other living creature.
2. “First responder” means a person who has successfully completed the national standard course for first responders.
3. “Police animal” means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.
4. “Torture” or “cruelty” includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Applicable Case Law:

Op.Atty.Gen. Opinion No. 85-2 (Feb. 22, 1985), 1985 WL 195265 (interpreting Nev. Rev. Stat. §§ 501.095 & 574.100–574.200.): Shooting a pigeon exclusively for sport is

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violation of the statutes prohibiting cruelty to animals. **§574.100. Overdriving, torturing, injuring or abandoning animals; Failure to provide proper sustenance; Requirements for restraining dogs and using outdoor enclosures; horse tripping; Penalties; Exceptions.**

1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

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(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in N.R.S. 574.110. The provisions of this paragraph do not apply to a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, “feral cat” means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

2. Except as otherwise provided in subsections 3 and 4 and N.R.S. 574.210 to N.R.S.574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

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(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in N.R.S. 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

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(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, “agricultural operation” means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in N.R.S. 193.130.

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(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in N.R.S. 193.130.

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. Except as otherwise provided in subsection 5, a person who violates subsection 1, 2 or 3:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

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(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in N.R.S. 193.130.

8. In addition to any other fine or penalty provided in subsection 5 or 6, a court shall order a person convicted of violating subsection 1, 2 or 3 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2 or 3, including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2 or 3 to surrender ownership or possession of the mistreated animal.

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10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

- (a) Carrying out the activities of a rodeo or livestock show; or
- (b) Operating a ranch.

11. As used in this section, “horse tripping” means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

- (a) Tripping such an animal to provide medical or other health care for the animal; or
- (b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

Applicable Case Law:

1985 Nev. Op. Att’y Gen. 7, 1985 WL 195265 (Nev. A.G. 1985): These questions were submitted for opinion by individuals/corporations operating a commercial or private shooting preserve in Nevada. On this preserve, pigeons are launched by a mechanical device for the sport of shooting pigeons. Not all of these pigeons are killed during this activity, some escape and some may only be wounded, but there are also allegations that the pigeons may be deprived of necessary food and water prior to being launched.

Question 1: Whether a pigeon is an upland game bird subject to propagation, culture and maintenance upon a commercial or private shooting park.

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Opinion 1: Upland game birds are all species of the Order Galliformes, Tunamiformes and Columbiformes, except migratory game birds, which includes grouse, partridge, pheasant, quail, tinamou and turkey.² Pigeons and wild doves are considered migratory game birds and are not upland game birds. The shooting of wild pigeons is subject to Nevada's hunting laws.

Question 2: Whether the practice of shooting pigeons at a shooting park or preserve constitutes the unjustifiable injury, maiming, mutilation or killing of any animal which is declared unlawful by N.R.S. 574.100.

Opinion 2: A pigeon is an animal subject to the protections of N.R.S. 574.100 because an animal includes every living creature excluding the human race. However, Nevada's cruelty to animal statutes are limited in applicability to a point where they do not interfere with: (1) the fish and game laws; (2) the right to destroy venomous reptiles or any animals known as dangerous to life, limb, or property; (3) the right to kill all animals and fowl used for food; (4) any properly conducted scientific experiments or investigations conducted under the authority of the faculty at a regularly incorporated medical college or university of the state of Nevada; and (5) any scientific or physiological experiments conducted for the advancement of science or medicine.

² **§504.300. Establishment of commercial or private shooting preserve.**

Any person who owns or controls the shooting rights or privileges on an enclosed tract of land may establish a commercial or private shooting preserve for the propagation, culture and maintenance of upland game birds pursuant to the provisions of this chapter and commission regulations.

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Findings: The Attorney General found three possible justifications for the injury or killing of pigeons at a shooting park or preserve. The first justification was that the shooting of pigeons is permissible if conducted in conformity with the fish and game laws of Nevada. The second justification was that the killing of pigeons may be justified if done in order to destroy any animal known as dangerous to life, limb or property. Because pigeons are not protected as migratory game birds, they may be declared vertebrate pests, but the killing or injuring of pigeons at a private shooting park is not a state approved method of pest control.³ The third justification was that the killing of

³ “On this subject, the attorney general previously concluded that aside from the destruction of pigeons in an approved pest control program, Nevada's cruelty to animals statute prohibits the unjustifiable maiming, injuring or mutilation of the pigeons subject to misdemeanor punishment. See Letter to Mark S. McGuire from Harry W. Swainston 2 (dated July 19, 1984). The earlier informal letter poignantly noted:

‘ . . . It cannot be denied that maiming, injuring and mutilation are inflicted on the pigeons that become live targets for the pigeon shooting activity . . . described. As the infliction of these injuries cannot be justified in connection with the killing of the pigeons, we are of the opinion that there is no basis, in fact or in law, for their infliction and, therefore, they are unjustifiable.

You have suggested in some of the appended materials to your letter that the pigeons, prior to being released and shot at, are deprived of necessary food and water. We also identify this practice, if true, as a misdemeanor violation as provided in §574.100.

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pigeons is not subject to the cruelty statutes if the pigeons are killed for food, but there are no facts showing that this was the case. Therefore, unless exempted, the shooting of pigeons for sport constitutes the unjustifiable injury, maiming, mutilation or killing of an animal which is subject to misdemeanor criminal sanctions. The shooting of pigeons does not qualify as an experiment to advance science or medicine, nor does the sport qualify as an approved method of pest control. In addition, the sport of shooting pigeons is also unrecognized as a hunting activity sanctioned by Nevada law.

§ 574.053. Reporting acts of cruelty; penalty for releasing identity of person making report.

1. Any person who knows or has reasonable cause to believe that an animal has been subjected to an act of cruelty in violation of N.R.S. 574.100 may report the act of cruelty to any:

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to N.R.S. 574.040; or

(c) Animal control officer.

The attorney general continues to adhere to the previous unofficial comments expressed on July 19, 1984.” 1985 Nev. Op. Att’y Gen. 7, 1985 WL 195265 (Nev.A.G.).

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2. Any person, law enforcement agency, society for the prevention of cruelty to animals or animal control agency that willfully releases data or information concerning the identity of a person who made a report pursuant to subsection 1, except for the purposes of a criminal investigation or prosecution, is guilty of a misdemeanor.

Applicable Case Law:

Op.Atty.Gen. Opinion No. 96-06 (March 15, 1996), 1996 WL 161353 (interpreting NRS 574.055(6)): Finding that for an animal to be impounded on agricultural land, the sheriff or their designee, a licensed veterinarian, and the district brand inspector or their designee must concur that the animal is being deprived of food or water and must supervise removal of that animal.

§ 574.105. Mistreatment of police animal and interference with duties of police animal or handler unlawful; Penalties; Exception.

1. A person shall not willfully and maliciously:

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(a) Taunt, torment, tease, beat, strike or administer a desensitizing drug, chemical or substance to a police animal⁴;

(b) Interfere with a police animal or a handler thereof in the performance of duties assigned to the police animal or handler; or

(c) Torture, mutilate, injure, poison, disable or kill a police animal.

2. A person who violates:

(a) Paragraph (a) or (b) of subsection 1 is guilty of a category D felony and shall be punished as provided in N.R.S. 193.130.

(b) Paragraph (c) of subsection 1 is guilty of:

(1) If the police animal is not totally disabled or killed, a category D felony and shall be punished as provided in N.R.S. 193.130, and may be further punished by a fine of not more than \$10,000.

⁴ “Police animal “means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer. § 574.050(3).

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(2) If the police animal is totally disabled or killed, a category C felony and shall be punished as provided in N.R.S. 193.130. In addition to the punishment imposed pursuant to this subparagraph, the court may require a person who is punished pursuant to this subparagraph to pay restitution to the agency that owns the police animal, including, without limitation, payment for veterinary services and the cost of replacing the police animal.

3. The provisions of this section do not prohibit a euthanasia technician licensed pursuant to chapter 638 of NRS, a peace officer or a veterinarian from euthanizing a police animal in an emergency if the police animal is critically wounded and would otherwise endure undue suffering and pain.

No Applicable Case Law.

§ 574.107. Mistreatment of dogs used for certain events unlawful; Penalties.

1. A person shall not:

(a) Willfully, unjustifiably and maliciously tamper or interfere with;

(b) Willfully and unjustifiably abuse or injure, or willfully and unjustifiably set on foot, instigate, engage in or in any way further an act of abusing or injuring; or

(c) Willfully and unjustifiably kill or willfully and unjustifiably set on foot, instigate, engage in or in any way further an act of killing,

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a dog owned by another person that is used in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined.

2. A person who violates:

(a) Paragraph (a) of subsection 1 is guilty of a category D felony and shall be punished as provided in N.R.S. 193.130.

(b) Paragraph (b) of subsection 1 is guilty of a category D felony and shall be punished as provided in N.R.S. 193.130, and may be further punished by a fine of not more than \$10,000.

(c) Paragraph (c) of subsection 1 is guilty of a category C felony and shall be punished as provided in N.R.S. 193.130.

No Applicable Case Law.

§ 574.110. Abandonment of disabled animal unlawful; Penalty.

1. A person being the owner or possessor, or having charge or custody, of a maimed, diseased, disabled or infirm animal, who abandons such animal or leaves it to die in a public street, road or public place, or who allows it to lie in a public street, road or public place more than 3 hours after the person receives notice that it is left disabled, is guilty of a misdemeanor.

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2. Any agent or officer of any society for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable citizens called by the agent or officer to view the same in his or her presence, to be glandered, injured or diseased past recovery for any useful purpose, or after such agent or officer has obtained in writing from the owner of such animal the owner's consent to such destruction.

3. When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent or officer of such society or societies or any police officer may take charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a charge thereon.

No Applicable Case Law.

§ 574.120. Failure to provide proper air, food, shelter or water to impounded animal unlawful; Penalties.

1. A person who has impounded or confined any animal shall not refuse or neglect to supply to the animal during its confinement a sufficient supply of good and wholesome air, food, shelter and water.

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2. A person who violates subsection 1:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

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The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in N.R.S. 193.130.

3. In addition to any other fine or penalty provided in subsection 2, a court shall order a person convicted of violating subsection 1 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, including, without limitation, money expended for veterinary treatment, feed and housing.

4. If any animal is at any time impounded as provided in subsection 1, and continues to be without necessary food and water for more than 12 successive hours, any person may, as often as it is necessary, enter into and upon any pound in which the animal is so confined and supply it with necessary food and water, so long as it remains so confined. Such a person is not liable to any action for such entry, and the reasonable cost of such food and water may be collected by the person from the owner of the animal, and the animal is not exempt from levy and sale upon execution issued upon a judgment therefore.

No Applicable Case Law.

§ 574.130. Selling, offering to sell or exposing diseased animal; penalty.

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A person who willfully sells or offers to sell, uses, exposes, or causes or permits to be sold, offered for sale, used or exposed, any horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the life or health of human beings or animals, or which is diseased past recovery, or who refuses upon demand to deprive of life an animal affected with any such disease, is guilty of a misdemeanor.

No Applicable Case Law. § 574.140. **Sale of disabled horses unlawful.**

It shall be unlawful for any person to sell any horse which, by reason of disease, could not be worked in this state without violating the law against cruelty to animals.

No Applicable Case Law.

§ 574.150. **Poisoning or attempting to poison animals unlawful; Penalties.**

1. A person who unjustifiably administers any poisonous or noxious drug or substance to a horse, mule or domestic cattle, or unjustifiably exposes any such drug or substance with the intent that it be taken by a horse, mule or domestic cattle, whether the horse, mule or domestic cattle are the property of the person or another, is guilty of a category C felony and shall be punished as provided in N.R.S. 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. A person who unjustifiably administers any poisonous or noxious drug or substance to any animal other than a horse, mule or domestic cattle, or unjustifiably exposes any such drug or substance with the intent that it be taken by an animal other than a horse, mule or domestic cattle,

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whether the animal is the property of the person or another, is guilty of a gross misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

3. This section does not prohibit the destruction of noxious animals.

No Applicable Case Law.

§ 574.160. Throwing substance injurious to animals in public places unlawful.

A person who willfully throws, drops or places, or causes to be thrown, dropped or placed, upon any road, highway, street or public place, any glass, nails, pieces of metal, or other substance which might wound, disable or injure any animal is guilty of a misdemeanor.

No Applicable Case Law.

§ 574.170. Keeping cow or other milk-producing animal in unhealthy place or diseased condition; Feeding resulting in impure milk; Penalty.

A person who keeps a cow or any animal for the production of milk in a crowded or unhealthy place, or in a diseased condition, or feeds such cow or animal upon any food that produces impure or unwholesome milk, is guilty of a misdemeanor.

No Applicable Case Law.

§ 574.180. Running horses on highway; Penalty.

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A person driving any vehicle upon any plank road, turnpike or public highway, who unjustifiably runs the horses drawing the same, or causes or permits them to run, is guilty of a misdemeanor.

No Applicable Case Law.

§ 574.190. Carrying animal in cruel manner; Penalty.

A person who carries or causes to be carried in or upon any vessel or vehicle or otherwise any animal in a cruel or inhuman manner, or so as to produce torture, is guilty of a misdemeanor.

No Applicable Case Law.

§ 206.150. Killing, maiming, disfiguring or poisoning animal of another person; Killing stray or livestock.

1. Except as otherwise provided in subsections 2 and 3, any person who willfully and maliciously kills, maims or disfigures any animal belonging to another, or exposes any poison or noxious substance with intent that it should be taken by the animal is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.

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2. Except as otherwise provided in NRS 205.220⁵, a person who willfully and maliciously kills an estray or one or more head of livestock, without the authority to do so, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

⁵ § 205.220. Grand larceny: Definition.

Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:
 - (a) Personal goods or property, with a value of \$1,200 or more, owned by another person;
 - (b) Bedding, furniture or other property, with a value of \$1,200 or more, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or
 - (c) Real property, with a value of \$1,200 or more, that the person has converted into personal property by severing it from real property owned by another person.
2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which the person knows he or she is not entitled.
3. Intentionally steals, takes and carries away, leads away, drives away or entices away:
 - (a) One or more head of livestock owned by another person; or
 - (b) One or more domesticated animals or domesticated birds, with an aggregate value of \$1,200 or more, owned by another person.
4. With the intent to defraud, steal, appropriate or prevent identification:

3. The provisions of subsection 1 do not apply to any person who kills a dog pursuant to NRS 575.020.⁶

(a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;

(b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;

(c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or

(d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of \$1,200 or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

⁶ §575.020. Allowing vicious animal to escape or run at large; vicious animal may be killed; liability of person having care or custody of animal which bothers, injures or kills livestock of another.

1. Every person having the care or custody of any animal known to possess any vicious or dangerous tendencies, who allows it to escape or run at large in any place or manner liable to endanger the safety of any person, is guilty of a misdemeanor.

§ 206.160. Leading or driving horse away without authority.

Every person who shall willfully and maliciously:

1. Untie, unfasten or liberate, without authority, the horse or team of another; or
2. Lead, ride or drive away, without authority, the horse or team of another from the place where left by the owner or person in charge thereof, shall be guilty of a misdemeanor.

No Applicable Case Law.

2. Any person may lawfully and without liability for damages kill such an animal when reasonably necessary to protect his or her own safety or the public safety, or if the animal chases, worries, injures or kills the person's livestock on the land of any person other than that of the owner of the animal.
3. Every person having the care or custody of an animal which chases, worries, injures or kills the livestock of another on land other than his or her own is liable to the owner of the livestock for damage to it.
4. As used in this section, "livestock" means all animals of the bovine, caprine, equine, ovine and porcine species, and all domesticated fowl and rabbits.

2. ANIMAL FIGHTING PROVISIONS

§ 574.060. Commission of certain acts concerning place kept or used for baiting or fighting birds or other animals unlawful; Penalties.

1. A person shall not knowingly keep or use, or in any manner be connected with, or be interested in the management of, or receive money for the admission of any person to, a house, apartment, pit or place kept or used for baiting or fighting any bird or animal, or be an owner or occupant of a house, apartment, pit or place who willfully procures or permits the same to be used or occupied for such baiting or fighting.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense, a category E felony and shall be punished as provided in NRS 193.130.

(b) For a second or subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. Upon complaint under oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant has just and reasonable cause to suspect that any provision of law relating to or in any way affecting animals is being or is about to be violated in any particular building or place, the magistrate shall immediately issue and deliver a warrant to any person authorized by law to make arrests for such offenses, authorizing the person to enter and search the building or place, to arrest any person there present found violating any such law and to bring the person before the nearest magistrate of competent jurisdiction to be dealt with according to law.

No Applicable Case Law.

§ 574.070. Instigating or attending fights between birds or other animals unlawful; owning, training, selling or purchasing animals to fight other animals unlawful; manufacturing, possessing, selling or purchasing certain implements designed for attachment to fighting birds unlawful; penalties; exceptions.

1. Except as otherwise provided in this section, a person shall not begin, cause, instigate, promote, carry on or do any act as an assistant, umpire or principal, or in any way aid in or engage in the furtherance of any fight between animals in an exhibition or for amusement or gain which is premeditated by a person owning or having custody of the animals.

2. A person shall not:

(a) Own, possess, keep, train, promote or purchase an animal with the intent to use it to fight another animal; or

(b) Sell an animal knowing that it is intended to be used to fight another animal.

3. A person shall not:

(a) Knowingly attend any fight between animals in an exhibition or for amusement or gain; or

(b) Manufacture, own, possess, purchase, sell, barter or exchange, or advertise for sale, barter or exchange, any gaff, spur or other sharp implement designed for attachment to a cock or other bird with the intent that the implement be used in fighting another cock or other bird.

4. Except as otherwise provided in subsection 7, a person who violates any provision of subsection 1 is guilty of:

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(a) For a first offense, a category E felony and shall be punished as provided in NRS 193.130.

(b) For a second or subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

5. A person who violates any provision of subsection 2 is guilty of:

(a) For a first offense, a category E felony and shall be punished as provided in NRS 193.130.

(b) For a second or subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

6. A person who violates any provision of subsection 3 is guilty of:

(a) For a first offense, a gross misdemeanor.

(b) For a second or subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

7. If a violation of subsection 1 involves a dog, a person who commits such a violation is guilty of:

(a) For a first offense, a category D felony and shall be punished as provided in NRS 193.130.

(b) For a second offense, a category C felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

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8. If a person who violates this section is not a natural person, the person shall be punished by a fine of not more than \$10,000.

9. This section does not prohibit the use of dogs or birds for:

- (a) The management of livestock by the owner thereof, the owner's employees or agents or any other person in the lawful custody of the livestock; or
- (b) Hunting as permitted by law.

Applicable Case Law:

State v. Salgado, No. 75287-COA, 2019 WL 989863 (Nev. App. Feb. 26, 2019): Holding that the state need not allege with particularity which single chicken/rooster is the instrument for each particular count where more than five hundred chickens were discovered. The state indictment of both respondents, the date of the incident, and a list of chickens was sufficient.

Davis v. State, 438 P.3d 823 (Nev. 2019): District Court properly held that a motion to correct an illegal sentence may challenge the sentence's facial legality *not* the validity of a judgment of conviction or sentence on alleged error before or during the guilty plea or at sentencing. (interpreting NRS 574.070(2)).

§ 574.080. Peace officer or animal control officer may take possession of animals and implements used in fights among animals.

1. Any peace officer or animal control officer authorized by law to make arrests may lawfully take possession of any animals, or implements, or other property used or employed, or about to be used or employed, in the violation of any provision of law relating to fights among animals.

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2. The officer shall state to the person in charge thereof, at the time of such taking, his or her name and residence, and also the time and place at which the application provided for by N.R.S. 574.090 will be made.

No Applicable Case Law.

§ 574.090. Disposition of animals or implements used in fights among animals.

1. The officer, after taking possession of such animals, or implements or other property, pursuant to N.R.S. 574.080, shall apply to the magistrate, before whom the complaint is made against the offender violating such provision of law, for the order mentioned in subsection 2, and shall make and file an affidavit with such magistrate, stating therein:

(a) The name of the offender charged in such complaint.

(b) The time, place and description of the animals, implements or other property so taken, together with the name of the person who claims the same, if known.

(c) That the affiant has reason to believe and does believe, stating the grounds of such belief, that the same were used or employed, or were about to be used or employed, in such violation, and will establish the truth thereof upon the trial of such offender.

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2. The officer shall then deliver such animals, implements or other property to such magistrate, who shall thereupon, by order in writing, place the same in the custody of an officer or other proper person in such order named and designated, to be kept by him or her until the trial or final discharge of the offender, and shall send a copy of such order, without delay, to the district attorney of the county.

3. The officer or person so named and designated in the order shall immediately thereupon assume custody, and shall retain the same for the purpose of evidence upon the trial, subject to the order of the court before which the offender may be required to appear, until the offender's final discharge or conviction.

4. Upon the conviction of the offender, the animals, implements or other property shall be adjudged by the court to be forfeited.

5. In the event of the acquittal or final discharge, without conviction, of the offender, the court shall, on demand, direct the delivery of the property so held in custody to the owner thereof.

No Applicable Case Law.

3. IMPOUNDED ANIMALS

§ 574.055. Taking possession of animal being treated cruelly; notice to owner; lien for cost of care; disposition of animal; liability of peace officer or animal control officer; limitations and procedure when animal is located on agricultural land

Except as otherwise provided in NRS 574.201 to 574.204, inclusive:

1. Any peace officer or animal control officer shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.
2. If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, the fact that there is a limited lien on the animal for the cost of shelter and care and notice of the right of the owner to request a hearing pursuant to NRS 574.203 within 5 days after receipt of the notice. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.
3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.
4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

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5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.

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

Applicable Case Law:

1996 Nev. Op. Att'y Gen. 28, 1996 WL 161353 (Nev. A.G. 1996).

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Question: Does NRS 574.055(6) require concurrence and supervision of a veterinarian and a brand inspector to impound animals on agricultural land?

Opinion: In general, this section deals with the procedures for impounding animals that are being treated cruelly. As amended, NRS 574.055(6) states that animals on agricultural land can only be impounded if the sheriff or his designee, a licensed veterinarian, and the district brand inspector or his designee concur that the animal is being deprived of food or water and the impoundment must be accomplished with their concurrence and supervision.

4.ANIMAL BREEDING

§ 574.210. Definitions.

As used in NV ST §574.210 to 574.510, inclusive, unless the context otherwise requires, the words and terms defined in N.R.S. 574.220 to 574.330, inclusive, have the meanings ascribed to them in those sections.

No Applicable Case Law

§ 574.340. Applicability.

1. The provisions of NV ST §574.210 to 574.510, inclusive, do not apply to:
 - (a) The exhibition, production, marketing or disposal of any livestock, poultry, fish or other agricultural commodity or animal.
 - (b) Activities for which a license is required by the provisions of chapter 466 of NRS.
 - (c) The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of another person in a home environment.

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(d) The exhibition of dogs or cats.

2. As used in this section:

(a) “Animal” has the meaning ascribed to it in N.R.S. 564.010.

(b) “Livestock” has the meaning ascribed to it in N.R.S. 569.0085.

No Applicable Case Law

§ 574.300. “Pet” defined.

“Pet” means a domestic cat or dog commonly kept for pleasure.

No Applicable Case Law

§ 574.350. Enforcement by society for prevention of cruelty to animals prohibited.

No member, agent or officer of a society for the prevention of cruelty to animals may enforce the provisions of NV ST §574.210 to 574.510, inclusive.

No Applicable Case Law

§ 574.353. Annual permits: Application; Fees; Suspension, revocation or denial.

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1. In addition to any ordinance adopted pursuant to N.R.S. 244.189, 244.335 or 244.359, the board of county commissioners of each county, if its jurisdiction to enact and enforce ordinances relating to animals⁷ is not limited by an interlocal agreement, shall adopt an ordinance requiring each breeder⁸ in an unincorporated area of the county to obtain an annual permit to act as a breeder issued by the board or by the animal control agency of the county, if any. Each such board of county commissioners may impose a fee for the issuance of the annual permit which does not exceed the approximate cost of providing the services associated with the issuance of the annual permits.

2. In addition to any ordinance adopted pursuant to N.R.S. 266.325 or 266.355, the city council or other governing body of each incorporated city, whether organized under general law or special charter, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, shall adopt an ordinance requiring each breeder in the incorporated area of the city to obtain an annual permit to act as a breeder issued by the city council or other governing body or by the animal control agency, if any. Each such city council or other governing body of an incorporated city may impose a fee for the issuance of the annual

⁷ “Animal” includes every living creature that is not a human being.” § 574.230.

⁸ “Breeder” means a dealer, operator or other person who is responsible for the operation of a commercial establishment engaged in the business of breeding dogs or cats for sale or trade. The term does not include a person who breeds dogs or cats as a hobby.” § 574.245.

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permit which does not exceed the approximate cost of providing the services associated with the issuance of the annual permits.

3. After a board of county commissioners or a city council or other governing body of an incorporated city adopts an ordinance pursuant to subsection 1 or 2, as applicable, the board or governing body shall issue a permit and assign a permit number to each breeder who:

(a) Submits an application on a form and in the manner prescribed by the ordinance;

(b) Pays a fee, if any, prescribed by the ordinance; and

(c) Complies with any other requirements prescribed by the ordinance.

4. Each permit issued pursuant to subsection 3 must specify the address of the premises at which the person may act as a breeder.

5. The number of the permit assigned to a breeder pursuant to subsection 3 must be displayed in all advertising in which the breeder offers a dog or cat for sale and on any receipt of sale of a dog or cat sold by the breeder.

6. For the purpose of enforcing the provisions of N.R.S. 574.360 to 574.440, inclusive, as those provisions apply to breeders, any animal control agent of the issuing authority may enter and inspect the premises specified on the permit at any reasonable hour.

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7. An ordinance adopted pursuant to subsection 1 or 2 may provide for the suspension, revocation or denial of a permit for a violation of the provisions of N.R.S. 574.360 to 574.440, inclusive, as those provisions apply to breeders.

No Applicable Case Law.

§ 574.356. Prohibited acts.

A breeder shall not:

1. Sell a dog or cat:

(a) Unless the dog or cat has had:

(1) A registered microchip subcutaneously inserted into the dog or cat; and

(2) All the required vaccinations for rabies which are appropriate based upon the age of the dog or cat; or

(b) Without providing a written sales contract to the purchaser; or

2. Breed a female dog:

(a) Before she is 18 months old; or

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(b) More than once a year.

No Applicable Case Law.

§ 574.360. Buildings and grounds; Housing facilities.

An operator⁹ shall ensure that:

⁹ § 574.290. **“Operator” defined.**

“Operator” means a person responsible for the operation of:

1. A cattery, kennel or commercial establishment engaged in the business of selling animals; or
2. An animal shelter. § 574.250. **“Cattery” defined.**

“Cattery” means a place where at least 10 cats of not less than 6 months of age are kept, harbored or maintained for:

1. Boarding;
2. Training; or
3. Breeding for sale to a retailer or dealer.

For the purposes of this section, spayed or neutered cats must not be counted when determining the number of cats that are being kept, harbored or maintained.

§ 574.280. “Kennel” defined.

“Kennel” means a place where at least 10 dogs of not less than 6 months of age are kept, harbored or maintained for:

1. Boarding;

1. The buildings and grounds at all locations where dogs or cats are kept:

- (a) Are clean and in good repair; and
- (b) Do not become accumulated with trash.

2. Housing facilities¹⁰:

(a) Are constructed and maintained in such a manner as to:

- (1) Protect the dogs or cats inside from injury;
 - (2) Prevent the dogs or cats inside from escaping; and
-

2. Training; or

3. Breeding for sale to a retailer or dealer.

For the purposes of this section, spayed or neutered dogs, dogs used by or being trained for use by the Armed Forces, police officers, search and rescue teams or other similar organizations, dogs used in farming or ranching, and dogs used by or being trained for use by persons with disabilities, including, but not limited to, dogs used to assist persons in wheelchairs, must not be counted when determining the number of dogs that are being kept, harbored or maintained.

¹⁰ §574.270. **"Housing facility" defined.**

"Housing facility" means a building, room or other area which contains one or more primary enclosures.

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(3) Restrict the entrance of other dogs and cats.

(b) Have adequate and reliable sources of electrical power and potable water available.

No Applicable Case Law.

§ 574.370. Enclosures generally.

An operator shall:

1. Provide all dogs and cats with primary enclosures¹¹ located indoors, except dogs and cats that are acclimated to the outdoor environment.

2. Ensure that the interior of a housing facility for indoor primary enclosures is constructed and maintained in such a manner as to be substantially impervious to moisture and to facilitate regular cleaning.

3. Provide a suitable method to eliminate excessive water from the interior of a housing facility for indoor primary enclosures. Any drains must be constructed and maintained in such a manner

¹¹ “‘Primary enclosure’ means a structure used to restrict the immediate movement of a dog or cat to a limited amount of space, such as a room, pen, run, cage, compartment or hutch, and in which an animal is regularly so restricted for more than 7 hours during a 24-hour period.” § 574.310.

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as to avoid foul odors. Any closed system for drainage must be equipped with traps that prevent the release of sewage into the housing facility.

4. Ensure that indoor primary enclosures are constructed and maintained in such a manner as to:

(a) Protect the dogs or cats inside from excessive illumination while providing an ample amount of light, by natural or artificial means, or both, of a sufficient distribution and intensity to allow for routine inspection and cleaning.

(b) Provide a sufficient amount of heat when necessary to protect the dogs or cats inside from cold and to maintain their health and comfort. The ambient temperature¹² of an indoor primary enclosure in which one or more cats or dogs are kept must not be allowed to fall below 50 degrees Fahrenheit, unless each cat or dog is acclimated to a lower temperature.

(c) Provide adequate ventilation at all times to maintain the health and comfort of the dogs or cats inside. The system of ventilation must provide fresh air by means of windows, doors, vents or air-conditioning, and be designed to maintain drafts, odors and the condensation of moisture at a minimum. If the ambient temperature reaches 85 degrees Fahrenheit or greater, air-conditioning, exhaust fans and vents, or other auxiliary ventilation must be provided.

¹² “Ambient temperature” means the temperature surrounding an animal.” § 574.220.

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No Applicable Case Law.

§ 574.380. Dogs and cats kept outdoors.

If dogs or cats are kept outdoors, an operator shall:

1. Provide a suitable method for the rapid drainage of surface water from the area where each dog or cat is kept.

2. Provide each dog or cat with a sufficient amount of shelter to:

(a) Remain dry from rain and snow;

(b) Have enough shade to protect itself from any direct sunlight that is likely to cause overheating or discomfort;

(c) Remain cool during a period for which the National Weather Service has issued a heat advisory;

(d) Protect the animal from wind which creates a wind chill below 50 degrees Fahrenheit or for which the National Weather Service has issued a high wind warning; and

(e) Remain warm when the atmospheric temperature falls below 50 degrees Fahrenheit. If the ambient temperature falls below 50 degrees Fahrenheit, the operator shall provide such an

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additional amount of clean bedding material or other protection as necessary for the dog or cat to remain warm.

3. After considering the ambient temperature, provide each dog or cat with a sufficient amount of food and water necessary to sustain it in a healthy condition at that temperature.

No Applicable Case Law.

§ 574.390. Primary enclosures generally.

1. An operator shall ensure that a primary enclosure :

(a) Has a solid floor;

(b) Is not stacked on top of another primary enclosure; and

(c) Is constructed and maintained in such a manner as to:

(1) Protect the dogs or cats inside from injury;

(2) Prevent the dogs or cats inside from escaping;

(3) Keep other dogs or cats out;

(4) Allow the dogs or cats inside convenient access to food and water;

(5) Enable the dogs or cats inside to remain clean and dry;

(6) Provide sufficient space for each dog or cat inside to turn about freely and to stand, sit and lie in a comfortable, normal position; and

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(7) Prevent the dogs or cats inside from biting or otherwise harming an animal or person outside of the primary enclosure.

2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an animal shelter¹³.

No Applicable Case Law.

§ 574.400. Floor space of primary enclosure.

An operator shall ensure that a primary enclosure in which a dog or cat that is at least 6 months old is kept has a minimum amount of floor space which is calculated by finding the mathematical square of the sum of 6 inches plus the length of the dog or cat measured from the tip of its nose to the base of its tail, and dividing that amount by 144, to arrive at the minimum amount of square footage required for the floor space.

No Applicable Case Law.

¹³ “Animal shelter” means a facility:

1. For receiving and holding animals;
2. Designated by a local government for receiving and holding animals; or
3. Operated by a society for the prevention of cruelty to animals, which is in compliance with the provisions of N.R.S. 574.010 to 574.040, inclusive, for receiving and holding animals.” § 574.240.

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§ 574.410. Dogs or cats kept in primary enclosures together.

If dogs or cats are kept in primary enclosures, an operator shall ensure that:

1. Dogs placed together with other dogs and cats placed together with other cats are compatible.
2. A dog or cat that displays a vicious disposition is not placed together with any other dog or cat.
3. A female dog or cat is not placed together with any intact male dog or cat during periods of estrus, except for supervised breeding.
4. An immature dog or cat is not placed together with an adult dog or cat, except with its mother or when permanently maintained in a breeding colony.

No Applicable Case Law.

§ 574.420. Food and water.

An operator shall ensure that:

1. Potable water is offered to each dog or cat at least twice daily for not less than 1 hour on each occasion, unless potable water is accessible to the dog or cat at all times or except as otherwise required to provide adequate care.

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2. Each dog or cat is fed at least once each day, except as otherwise required to provide adequate care.

3. The food provided to a dog or cat is wholesome, palatable, free from contamination, and of sufficient quality and nutritive value to meet the normal daily requirements for the dog or cat, based upon its condition and size.

4. Supplies of perishable food are adequately refrigerated.

5. Containers of food are:

(a) Durable, except that disposable receptacles may be used if they are discarded after each feeding; and

(b) Located so as to be accessible to the dogs or cats while reducing to a minimum any contamination from excreta.

6. Containers of food and water are kept clean. Self-feeders must not be used for the feeding of dry food unless they are cleaned regularly to prevent molding, deterioration and the caking of food.

No Applicable Case Law.

§ 574.430. Sanitization.

An operator shall ensure that:

1. Insects, ectoparasites and avian, mammalian and reptilian pests are kept under control.
2. Supplies of food and bedding material are stored in facilities that afford adequate protection from infestation or contamination by vermin.
3. For primary enclosures used to restrict the immediate movement of a dog or cat:
 - (a) Excreta are removed at least once daily to prevent contamination and to reduce to a minimum odors and the risk of disease; and
 - (b) Each such primary enclosure is disinfected at least once daily and before placing another dog or cat in the primary enclosure. If a hosing or flushing method of cleaning is used, all dogs and cats must be removed from the primary enclosure and adequate measures must be taken to protect the dogs and cats in other primary enclosures from being contaminated with water and other wastes.
4. Primary enclosures used to restrict the immediate movement of an animal other than a dog or cat are cleaned, washed and disinfected at least once every 2 weeks to prevent any accumulation

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of debris or excreta and to reduce to a practical minimum substances and organisms injurious to the health of animals or humans.

5. Pens or runs with hard surfaces, and cages and rooms, are sanitized at least once every 2 weeks by:

(a) Washing them with water of a temperature not less than 120 degrees Fahrenheit and with soap or detergent;

(b) Washing all soiled surfaces with a safe and effective disinfectant; or

(c) Cleaning all soiled surfaces with live steam.

6. Pens or runs with gravel, sand or dirt surfaces are cleaned as often as necessary by removing and replacing the soiled gravel, sand or dirt.

7. Sewage, solid wastes, soiled bedding, dead animals and debris are removed from housing facilities regularly and disposed of properly.

8. Facilities for disposal are maintained in such a manner as to reduce to a minimum odors and the risk of disease or infestation by vermin.

9. Adequate facilities, such as washrooms, basins or sinks, are provided for the cleanliness of persons handling animals.

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No Applicable Case Law.

§ 574.440. Program to control disease and care for health.

An operator shall, with the approval of a veterinarian¹⁴, establish and maintain a program to control disease and care for the health of dogs and cats. As part of this program, an operator shall ensure that:

1. Each dog and cat is observed daily by the person directly responsible for its care, or by someone else under that person's direct supervision.
2. Blind, lame, injured, ill or diseased dogs and cats are provided with the appropriate veterinary care that is consistent with the purposes for which a dog or cat is being kept or humanely euthanized.
3. Any dogs or cats under quarantine or being treated for a communicable disease are kept separate from other dogs and cats.

No Applicable Case Law.

¹⁴ “‘Veterinarian’ means a person authorized pursuant to chapter 638 of NRS to practice veterinary medicine in this state.” § 574.330.

§ 574.500. Separating dog or cat from mother.

1. A retailer¹⁵, dealer¹⁶ or operator shall not separate a dog or cat from its mother until it is 8 weeks of age or accustomed to taking food or nourishment other than by nursing, whichever is later.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

No Applicable Case Law.

§ 574.510. Knowingly selling dog or cat with condition requiring immediate treatment prohibited; Penalties.¹⁷

¹⁵ “Retailer” means a person who acquires pets for resale.” § 574.320.

¹⁶ “Dealer” means a person who, for compensation or profit, buys, sells, breeds, trades or imports cats or dogs for resale.” § 574.260.

¹⁷ § 574.490. Duties upon determination that pet was sold with condition that requires immediate treatment.

If a person purchases a pet from a retailer or dealer and, within 10 days after the sale, a veterinarian determines that the pet has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and that was in existence on the date of the sale, the retailer or dealer shall, at the option of the purchaser, either:

1. Refund the purchase price of the pet if the pet is returned or provide the purchaser with another pet of equal value; or

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1. A retailer or dealer who sells a dog or cat that the retailer or dealer knows has any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and fails to disclose such information at the time of sale is guilty of a misdemeanor. In addition to any other penalty that may be imposed, the court may prohibit a person convicted of a violation of this section from selling any dogs or cats for not more than 1 year.

2. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the dog or cat is clinically ill as a result of the parasite.

No Applicable Case Law.

5. BESTIALITY

201.455. Bestiality; penalties

2. Reimburse the purchaser, in an amount not to exceed the purchase price of the pet, for expenses incurred by the purchaser in obtaining a diagnosis and treatment for the pet from a veterinarian chosen by the retailer or dealer.

1. A person commits the crime of bestiality if the person knowingly and intentionally:

- (a) Engages in sexual conduct with an animal;
- (b) Causes another person to engage in sexual conduct with an animal or aids or abets another person in engaging in sexual conduct with an animal;
- (c) Permits any sexual conduct with an animal to be conducted on any premises under the control of the person;
- (d) Engages in, organizes, promotes, conducts, advertises, aids, abets, participates in and is physically present as an observer, or performs any service in the furtherance of an act involving any sexual conduct with an animal; or
- (e) Photographs or films, for purposes of his or her sexual gratification or the sexual gratification of another person, a person engaged in sexual conduct with an animal.

2. A person who commits the crime of bestiality is guilty of:

- (a) If the crime does not cause the death of or serious bodily injury to an animal involved in the crime and the person has not previously been convicted of a violation of NRS 574.100 punishable as a felony, a gross misdemeanor.
- (b) If the crime causes the death of or serious bodily injury to an animal involved in the crime or if the person has previously been convicted of a violation of NRS 574.100 punishable as a felony, a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty imposed by the court, the court shall order a person convicted of the crime of bestiality to comply with the following:

- (a) Relinquishing and permanently forfeiting ownership or possession of all animals which are in the same household as the person to an animal shelter, an organization that takes into custody

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animals which have been abused or neglected, or a society for the prevention of cruelty to animals established pursuant to NRS 574.010.

(b) Not harboring, owning, possessing, keeping or exercising control over any animal, not residing in any household where an animal is present and not working at or volunteering for a business, animal shelter or other place where the person may access an animal, for a period determined by the court.

4. In addition to any other penalty imposed by the court, the court may order a person convicted of the crime of bestiality to comply with any or all of the following:

(a) Undergoing a psychological evaluation and any recommended counseling, including, without limitation, any counseling for the treatment of a substance use disorder, and to pay the expenses for the psychological evaluation and any recommended counseling.

(b) Paying all reasonable costs incurred for the care and maintenance of the animal involved in the crime and any other animal relinquished by the person to an animal shelter, an organization that takes into custody animals which have been abused or neglected, or a society for the prevention of cruelty to animals established pursuant to NRS 574.010.

(c) If the person convicted of the crime of bestiality is not the owner of the animal involved in the crime, reimbursing the owner of the animal for all medical expenses incurred for treating the animal.

5. As used in this section:

(a) “Animal” means every living creature other than a human being.

(b) “Animal shelter” has the meaning ascribed to it in NRS 574.240.

(c) “Licensed veterinarian” has the meaning ascribed to it in NRS 638.007.

(d) “Sexual conduct”:

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(1) Means any sexual act involving:

(I) The genitalia of a person and the genitalia, anus or mouth of an animal;

(II) The genitalia of an animal and the genitalia, anus or mouth of a person;

(III) Any insertion, however slight, of any part of the body of a person or of a foreign object into the genitalia or anus of an animal; or

(IV) Any touching or fondling by a person, directly or indirectly through clothing, of the genitalia or anus of an animal.

(2) Does not include:

(I) Any accepted practice of animal husbandry which provides care for an animal;

(II) Any accepted method of insemination of an animal for the purpose of procreation;

(III) Any accepted practice relating to conformation judging; or

(IV) Any accepted medical procedure performed by a licensed veterinarian while engaging in the practice of veterinary medicine or by his or her employee while acting under his or her supervision.

No Applicable Case Law

§ 200.727. Use of Internet to control visual presentation depicting sexual conduct of person under 16 years of age; Penalties.

1. Any person who, knowingly, willfully and with the specific intent to view any film, photograph or other visual presentation depicting a person under the age of 16 years engaging in

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or simulating sexual conduct, uses the Internet to control such a film, photograph or other visual presentation is guilty of:

(a) For the first offense, a category C felony and shall be punished as provided in NRS 193.130.

(b) For any subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. As used in this section, “sexual conduct” means sexual intercourse, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any object manipulated or inserted by a person into the genital or anal opening of the body of another.

No Applicable Case Law.

6. SENTENCING

§ 193.120. Classification of crimes.

1. A crime is an act or omission forbidden by law and punishable upon conviction by death, imprisonment, fine or other penal discipline.

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2. Every crime which may be punished by death or by imprisonment in the state prison is a felony.

3. Every crime punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than 6 months, is a misdemeanor.

4. Every other crime is a gross misdemeanor.

Applicable Case Law:

Ex Parte Booth, 154 P. 933 (Nev. 1916): Holding that the words “gross misdemeanor” do not describe a particular generic offense, but rather simply a general class or grade of offense, determined by the limit fixed by a particular law concerning the punishment.

§ 193.130. Categories and punishment of felonies.

1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of N.R.S. 176A.100 or paragraph (a) of subsection 2 of NRS 453.336, upon sentencing a person

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who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.

No Applicable Animal Cruelty Case Law.

§ 193.140. Punishment for gross misdemeanors.

Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

No Applicable Case Law.

§ 193.150. Punishment for misdemeanors.

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and

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imprisonment, unless the statute in force at the time of commission of such misdemeanor prescribed a different penalty.

2. In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in N.R.S. 176.087.

No Applicable Case Law.

7. LIMITATIONS & ARREST PROVISIONS

§ 574.200. Intended applicability of provisions.

1. The provisions of NRS 574.050 to 574.510, inclusive, do not:

- (a) Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.
- (b) Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.
- (c) Interfere with the right to kill all animals and fowl used for food.
- (d) Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

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(e) Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

(f) Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

2. Nothing contained in subsection 1 shall be deemed to exclude a research facility from the provisions of NRS 574.205.

Applicable Case Law:

See 1985 Nev. Op. Att’y Gen. 7, 1985 WL 195265 (Nev. A.G. 1985) on Page 6.

§ 574.040. Arrests by members, agents and officers of certain societies: Application; Submission of fingerprints; Exhibition of badge; Resistance to officers unlawful.

1. Except as otherwise provided in this subsection and N.R.S. 574.350, a member, agent or local or district officer of a society so incorporating, if authorized in writing by the trustees of the society, approved by the district judge of the county, and sworn in the same manner as peace officers are sworn, may make arrests for a violation of the provisions of this chapter in the same manner as is provided for other officers. The provisions of this subsection apply only to a society that, on the date the society submits an application to the district judge for approval for a member, agent or local or district officer of the society to make arrests pursuant to this subsection:

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(a) Has at least 25 members; and(b) Has been incorporated in accordance with N.R.S. 574.010¹⁸ for not less than 5 years immediately preceding the submission of the application.

2. Before submitting an application specified in subsection 1, the society shall require that each member, agent or local or district officer of the society to whom the application relates submit to the society a complete set of his or her fingerprints which the society shall submit to the sheriff of the county.

3. The sheriff shall:

(a) Upon receipt of the fingerprints, forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report concerning the criminal history of the member, agent or local or district officer of the society.

¹⁸ § 574.010. **Incorporation.**

Any three or more citizens of the State of Nevada who incorporate as a body corporate under the general laws for corporations in this state set forth in chapter 78 of NRS for the purpose of preventing cruelty to animals may, except as otherwise provided in N.R.S. 574.040, avail themselves of the privileges and benefits of N.R.S. 574.010 to 574.040, inclusive.

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(b) Upon receipt of the report, forward the report to the society. The society shall include the report in the application submitted pursuant to subsection 1.

4. A member, agent or local or district officer who is authorized to make arrests pursuant to subsection 1 shall, when making those arrests, exhibit and expose a suitable badge, to be adopted by the society.

5. A person who resists such a specially appointed officer shall be punished for that resistance in the same manner as is provided for the punishment of resistance to other officers.

No Applicable Case Law.