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SENATE BILL NO. 133—SENATOR TOWNSEND

FEBRUARY 12, 2009

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Referred to Committee on Natural Resources

SUMMARY—Prohibits a person from possessing an animal for certain purposes. (BDR 50-26)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

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

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**AN ACT** relating to animals; prohibiting a person from possessing an animal with the intent to use the animal in a fight with another animal or to engage in certain other prohibited acts; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law prohibits a person from instigating, promoting or in any way  
2 engaging in the furtherance of any fight between animals in an exhibition or for  
3 amusement or gain, if the fight is premeditated by a person who owns or has  
4 custody of the animals. If the person commits such a violation, he is guilty of a  
5 gross misdemeanor for a first offense, a category E felony for a second offense and  
6 a category D felony for a third or subsequent offense. If the violation involves a  
7 dog, the person is guilty of a category D felony for a first offense, a category C  
8 felony for a second offense and a category B felony for a third or subsequent  
9 offense. Existing law also prohibits a person from witnessing such a fight. If the  
10 person commits such a violation, he is guilty of a misdemeanor for a first offense, a  
11 gross misdemeanor for a second offense and a category E felony for a third or  
12 subsequent offense. (NRS 574.070) This bill expands the prohibition set forth in  
13 existing law to include a person who possesses any animal with the intent to use the  
14 animal in a fight with another animal or to engage in certain other acts that are  
15 prohibited under NRS 574.070.

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

- 1       **Section 1.** NRS 574.070 is hereby amended to read as follows:  
2       574.070 1. Except as otherwise provided in this section, a  
3       person shall not ~~[set on foot,]~~ :
- 4       (a) *Begin, cause,* instigate, promote, carry on or do any act as an  
5       assistant, umpire or principal, or in any way aid in or engage in the  
6       furtherance of any fight between ~~[cocks or other birds, or bulls,~~  
7       ~~bears or other]~~ animals in an exhibition or for amusement or gain ~~[.]~~  
8       *which is* premeditated by a person owning or having custody *or*  
9       *possession* of ~~[such birds or]~~ *the* animals.
- 10       (b) *Possess any animal with the intent to use the animal in a*  
11       *fight with another animal or to engage in any other act prohibited*  
12       *by paragraph (a).*
- 13       2. A person shall not witness any fight between ~~[cocks or other~~  
14       ~~birds, or bulls, bears or other]~~ animals in an exhibition or for  
15       amusement or gain ~~[.]~~ *which is* premeditated by a person *owning or*  
16       having custody *or possession* of ~~[such birds or]~~ *the* animals.
- 17       3. Except as otherwise provided in subsection 5, a person who  
18       violates any provision of subsection 1 is guilty of:
- 19       (a) For a first offense, a gross misdemeanor.  
20       (b) For a second offense, a category E felony and shall be  
21       punished as provided in NRS 193.130.  
22       (c) For a third or subsequent offense, a category D felony and  
23       shall be punished as provided in NRS 193.130.
- 24       4. A person who violates any provision of subsection 2 is  
25       guilty of:
- 26       (a) For a first offense, a misdemeanor.  
27       (b) For a second offense, a gross misdemeanor.  
28       (c) For a third or subsequent offense, a category E felony and  
29       shall be punished as provided in NRS 193.130.
- 30       5. If a violation of subsection 1 involves a dog, a person who  
31       commits such a violation is guilty of:
- 32       (a) For a first offense, a category D felony and shall be punished  
33       as provided in NRS 193.130.  
34       (b) For a second offense, a category C felony and shall be  
35       punished as provided in NRS 193.130.  
36       (c) For a third or subsequent offense, a category B felony and  
37       shall be punished by imprisonment in the state prison for a  
38       minimum term of not less than 1 year and a maximum term of not  
39       more than 6 years.
- 40       6. If a person who violates this section is not a natural person,  
41       he shall be punished by a fine of not more than \$10,000.
- 42       7. This section does not prohibit the use of dogs or birds for:



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

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