

Assembly Bill No. 381—Assemblymembers Hardy, Hibbetts, Marzola, Miller; Dalia, González, Jauregui, La Rue Hatch, Moore, Nadeem, Nguyen, Orentlicher, Roth and Yeager

Joint Sponsor: Senator Scheible

CHAPTER.....

AN ACT relating to animals; revising provisions governing the seizure of animals under certain circumstances; revising certain penalties and remedies for acts of animal cruelty; revising certain provisions governing the ownership and care of animals treated cruelly; revising provisions relating to immunity from civil liability for certain actions taken to protect or remove a pet from a motor vehicle under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain officers to: (1) take possession of an animal which is being treated cruelly and provide the animal with shelter and care or, with the permission of the owner, humanely destroy the animal; and (2) give to the owner a notice containing certain information. (NRS 574.055) **Section 3** of this bill also authorizes an officer that takes possession of an animal to destroy the animal in a humane manner if: (1) the officer obtains an order from a court; or (2) a licensed veterinarian, veterinarian technician or euthanasia technician examines the animal and recommends that the animal be humanely destroyed.

Upon proof that proper notice has been given, existing law authorizes a court of competent jurisdiction to order the animal sold at auction, humanely destroyed or continued in the care of the officer. (NRS 574.055) **Section 3** removes the authorization for a court to order the animal sold at auction.

Existing law provides that, with certain exceptions, the seizure and disposition of an animal which an officer discovers is being treated cruelly does not apply to any animal which is located on land being employed for an agricultural use. (NRS 574.055) **Section 3** removes this exception.

Existing law provides that a person who engages in certain acts of torture or cruelty to animals is guilty of a misdemeanor for a first offense, except if the person: (1) willfully and maliciously engages in such an act, the person is guilty of a category D felony; or (2) commits the act to threaten, intimidate or terrorize another person, the person is guilty of a category C felony. (NRS 574.100) **Section 4** of this bill provides instead that a willful and malicious violation where the act causes the death of the animal and committing the act to threaten, intimidate or terrorize another person are both a category B felony, punishable by imprisonment in the state prison for a minimum term of 1 year and a maximum term of 6 years.

Existing law prohibits the owner, possessor or person in charge or custody of a maimed, diseased, disabled or infirm animal from abandoning the animal, leaving the animal to die in certain public places or allowing the animal to lie in certain public places for more than 3 hours after the person receives notice that the animal is left disabled. A violation of this prohibition is a misdemeanor. (NRS 574.110) Existing law also prohibits a person from abandoning an animal in any other circumstance, with certain exceptions for feral cats. A violation of this prohibition is a misdemeanor that is subject to certain enhanced penalties under certain



circumstances. (NRS 574.100) **Section 4** prohibits the abandonment of an animal in all circumstances, with certain exceptions for feral cats. **Section 15.5** of this bill repeals the existing law relating to the abandonment of a maimed, diseased, disabled or infirm animal. As a result of this change, the abandonment of an animal, regardless of the health of the animal, is subject to the same penalties and penalty enhancements.

Existing law provides that a person who engages in certain acts of torture or of cruelty to a police animal is guilty of: (1) a category D felony if the police animal is not totally disabled or killed; and (2) a category C felony if the police animal is totally disabled or killed. (NRS 574.105) **Section 5** of this bill increases these penalties to a category B felony if the police animal is totally disabled or killed, punishable 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.

Existing law sets forth the applicability of certain provisions relating to cruelty to animals. (NRS 574.200) **Section 6** of this bill provides that these provisions do not prohibit providing humane relief to an animal to prevent the further suffering of the animal when the animal is gravely injured.

Existing law requires that if a person is lawfully arrested for certain crimes against animals and an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, the person must be notified of his or her right to request a hearing within 5 days. If the person does not request a hearing, or if the owner of the animal has not been identified within 5 days after the arrest, the county, city or other local government which impounded the animal is required to transfer ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal. (NRS 574.055, 574.203) **Sections 3 and 7** of this bill require the owner to be notified of his or her right to request a hearing within 7 calendar days after receiving the notice. **Sections 3 and 7** also provide that, if the arrested and detained person does not request a hearing, or the owner of the animal has not been identified within 7 calendar days after the arrest, the animal is forfeited to the county, city or other local government which took possession of the animal, who must then dispose of the animal as the county, city or other local government sees fit.

Existing law provides that the knowing, purposeful or reckless killing or injuring of an animal may be an act that constitutes domestic violence. (NRS 33.018) Existing law authorizes a court, by a temporary order, to enjoin the adverse party named in an application for an order for protection against domestic violence from: (1) physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant for the order or a minor child and any animal that is owned or kept by the adverse party; and (2) physically injuring or threatening to injure any animal that is owned or kept by the adverse party. Existing law further authorizes the court, by extended order, to specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child. (NRS 33.030) **Section 8** of this bill authorizes the court, by temporary order, to enjoin the adverse party from taking possession of an animal that is owned or kept by the adverse party.

Existing law requires, if a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court to order the child to participate in counseling or other psychological treatment. (NRS 62E.680) **Sections 1.9 and 9** of this bill require the juvenile court to order such a child to also undergo a psychological evaluation.

Existing law provides that if a person is convicted for an unlawful act involving animal cruelty, a court may order, as a condition of probation, the person to submit



to a psychiatric evaluation and participate in counseling or therapy. (NRS 176A.416) **Sections 1.9 and 11** of this bill authorize a court to also order such a person to participate in a rehabilitative or educational program.

Section 2 of this bill applies certain definitions in existing law relating to animal cruelty to the provisions of **section 1.9**.

Existing law prohibits a person from leaving a pet in a motor vehicle under certain circumstances. (NRS 202.487) Existing law authorizes a peace officer, an animal control officer, certain governmental officers and certain other persons to use any reasonable means necessary to protect a pet left unattended in a motor vehicle and to remove the pet from the motor vehicle without incurring civil liability, under certain circumstances. (NRS 202.487) **Section 14** of this bill provides that a person who is immune from civil liability for taking such actions is also immune from criminal liability. **Section 14** also authorizes any other person to whom existing law does not grant immunity from civil liability to use any reasonable means necessary to protect a pet left unattended and to remove the pet from the motor vehicle without incurring civil or criminal liability if the person: (1) determines that the motor vehicle is locked or there is no other reasonable way to protect the pet or remove the pet from the vehicle; (2) reports the violation to a law enforcement agency or certain other governmental entities; (3) remains with the pet until informed that his or her presence is no longer needed by such law enforcement agency or other governmental entity; and (4) cooperates with certain persons who respond to a request for assistance.

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

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

Sections 1, 1.2, 1.4, 1.6 and 1.8. (Deleted by amendment.)

Sec. 1.9. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other penalty or remedy imposed pursuant to NRS 574.050 to 574.200, inclusive:

1. A court may, pursuant to NRS 176A.416, order a defendant convicted of a violation of a provision of NRS 574.050 to 574.200, inclusive, as a condition of probation, to:

- (a) Submit to a psychiatric evaluation;***
- (b) Participate in counseling or therapy; or***
- (c) Participate in a rehabilitative or educational program.***

2. If a defendant convicted of a violation of a provision of NRS 574.050 to 574.200, inclusive, is a child adjudicated delinquent for an act that involves cruelty to or torture of an animal, the juvenile court shall, pursuant to NRS 62E.680, order the child to undergo a psychological evaluation and participate in counseling or other psychological treatment.



Sec. 2. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~it~~ ,
and section 1.9 of this act:

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.

Sec. 3. NRS 574.055 is hereby amended to read as follows:

574.055 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~~ *the animal* and ~~provide it~~ :

(a) Provide the animal with shelter and care ; or ~~upon obtaining~~

(b) Destroy the animal in a humane manner if:

(1) The officer obtains written permission from the owner of the animal ~~may destroy it in a humane manner.~~ ;

(2) The officer obtains an order from a court; or

(3) A veterinarian, veterinarian technician or euthanasia technician licensed pursuant to chapter 638 of NRS examines the animal and recommends that the animal be humanely destroyed.

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 , *if applicable*, notice of the right of the owner to request a hearing pursuant to NRS 574.203 ~~within~~ *not later than* ~~5~~ *7 calendar* 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~~ If the owner *of an animal* has been notified in accordance with the provisions of subsection 2 *and the owner does not request a hearing pursuant to NRS 574.203* or ~~if~~ the owner has not been found ~~for identified, that~~ *not later than 7 calendar days after* 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 ~~is sold at auction, humanely destroyed or continued in the care of~~ *is forfeited to* the ~~officer~~ *county, city or other local government which took possession of the animal* for ~~such~~ disposition as the ~~officer~~ *county, city or other local government* sees fit ~~;~~

~~—5. An officer who seizes an~~ , which may include, without limitation, the humane destruction of the animal or transferring ownership of the animal ~~pursuant~~ to ~~this section~~ *an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.*

5. *The State, political subdivisions of the State, any public officers or employees of the State or political subdivisions of the State, and any veterinarian, veterinarian technician or euthanasia technician who recommends the humane destruction of an animal pursuant to subsection 1 are* 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.]~~

Sec. 4. NRS 574.100 is hereby amended to read as follows:

574.100 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;

(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 NRS 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 NRS 574.210 to 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

(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 10 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 NRS 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;

(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 processed into an animal shelter;

(f) Temporarily for a period of less than 1 month:

(1) Being cared for as part of a rescue operation in conjunction with an animal rescue organization; or

(2) Staying in a camping area;

(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;

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

(i) Being walked by a person using a leash.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. A person who ~~willfully~~:

(a) Willfully and maliciously violates paragraph (a) of subsection 1:



~~[(a)]~~ (1) Except as otherwise provided in ~~[(paragraph (b))]~~ *subparagraph (2)* is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(2) If the act caused the death of the animal, is guilty of 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 \$10,000.

(b) ~~[(b)]~~ *Violates paragraph (a) of subsection 1 and commits* the act ~~[(is committed)]~~ in order to threaten, intimidate or terrorize another person, is guilty of a category ~~[(C)]~~ *B* felony and shall be punished ~~[(as provided in NRS 193.130.)]~~ *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 \$10,000.*

7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:

(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.

(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 NRS 193.130.

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating



subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

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.

Sec. 5. NRS 574.105 is hereby amended to read as follows:

574.105 1. A person shall not willfully and maliciously:

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

(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 NRS 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 NRS 193.130, and may be further punished by a fine of not more than \$10,000.

(2) If the police animal is totally disabled or killed, a category ~~C~~ **B** felony and shall be punished ~~as provided in NRS 193.130.~~ **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**



\$10,000. 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.

Sec. 5.5. (Deleted by amendment.)

Sec. 6. NRS 574.200 is hereby amended to read as follows:

574.200 1. The provisions of NRS 574.050 to 574.510, inclusive, **and section 1.9 of this act** 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.

(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.

(g) Prohibit providing humane relief to an animal to prevent the further suffering of the animal when the animal is gravely injured.

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

Sec. 7. NRS 574.203 is hereby amended to read as follows:

574.203 1. If a person is lawfully arrested for a violation of NRS 574.070 or 574.100 and if an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, the person must be notified in accordance with the provisions of subsection 2 of NRS 574.055 and be notified of his or her right to request a hearing within ~~15~~ **7 calendar** days after receipt of the notice to determine



whether the person is the owner of the animal and whether the person is able to provide adequate care and shelter to the animal. The person must request a hearing pursuant to this subsection within ~~5~~ **7 calendar** days after receipt of the notice pursuant to this subsection.

2. If a person who is lawfully arrested and detained for a violation of NRS 574.070 or 574.100 does not request a hearing pursuant to subsection 1, or an owner of the animal has not been identified within ~~5~~ **7 calendar** days ~~of~~ **after the** arrest, the **animal is forfeited to the** county, city or other local government ~~shall transfer~~ **which took possession of the animal for disposition as the county, city or other local government sees fit, which may include, without limitation, the humane destruction of the animal or transferring** ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.

3. If the court receives a timely request pursuant to subsection 1, the court shall hold a hearing within 15 judicial days after receipt of the request to determine whether the person is the owner of an animal and whether the person is able and fit to provide adequate care and shelter to the animal.

4. For the purpose of conducting a hearing pursuant to this section, the court may consider:

(a) Testimony of the peace officer or animal control officer who took possession of or impounded the animal or other witnesses concerning the conditions under which the animal was owned or kept;

(b) Testimony and evidence related to veterinary care provided to the animal, including, without limitation, the degree or type of care provided to the animal;

(c) Expert testimony as to community standards for the reasonable care of a similar animal;

(d) Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person;

(e) Prior arrests or convictions related to subjecting an animal to an act of cruelty in violation of NRS 574.070 or 574.100; and

(f) Any other evidence which the court determines is relevant.

Sec. 8. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;



(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure *or taking possession of* any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.



3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that:

(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and

(b) A person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(2) The person has previously violated a temporary or extended order for protection; or

(3) At the time of the violation or within 2 hours after the violation, the person has:

(I) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(II) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

Sec. 9. NRS 62E.680 is hereby amended to read as follows:

62E.680 1. If a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court shall order the child to *undergo a psychological evaluation and* participate in counseling or other psychological treatment.

2. Except as otherwise provided in this subsection, the juvenile court shall not order the child or the parent or guardian of the child to pay the cost of the child to *undergo a psychological evaluation and* participate in the counseling or other psychological treatment. The juvenile court shall:

(a) To the extent possible, arrange for the child to receive such *psychological evaluation and* counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such *psychological evaluation and* counseling or treatment.



(b) Arrange for the billing of any available public or private medical insurance to pay for such **psychological evaluation and** counseling or treatment.

(c) Not order the parent or guardian of the child to pay the costs of such **psychological evaluation and** counseling or treatment unless the child receives such **psychological evaluation and** counseling or treatment from a provider that is not approved or the child seeks additional **psychological evaluation and** counseling or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such **psychological evaluation and** counseling or treatment.

3. As used in this section:

(a) “Animal” does not include the human race, but includes every other living creature.

(b) “Torture” or “cruelty” includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 176A.416 is hereby amended to read as follows:

176A.416 1. As a condition of probation, the court may order a defendant who is convicted of a violation of chapter 574 of NRS that is punishable as a felony , ~~fel~~ gross misdemeanor **or misdemeanor** to:

(a) Submit to a psychiatric evaluation; and

(b) Participate in any counseling , ~~fel~~ therapy , **rehabilitative program or educational program** recommended in the evaluation.

2. The court shall order a defendant, to the extent of the defendant’s financial ability, to pay the cost for an evaluation and any counseling , ~~fel~~ therapy , **rehabilitative program or educational program ordered** pursuant to this section.

Secs. 12 and 13. (Deleted by amendment.)

Sec. 14. NRS 202.487 is hereby amended to read as follows:

202.487 1. Except as otherwise provided in subsection ~~3~~ 4, a person shall not allow a pet to remain unattended in a parked or standing motor vehicle if conditions, including, without limitation, extreme heat or cold, present a significant risk to the health and safety of the pet.

2. Any:

(a) Peace officer;

(b) Animal control officer;

(c) Governmental officer or employee whose primary duty is to ensure public safety;

(d) Employee or volunteer of any organized fire department; or



(e) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,
➔ who reasonably believes that a violation of this section has occurred may, without incurring civil *or criminal* liability, use any reasonable means necessary to protect the pet and to remove the pet from the motor vehicle.

3. *A person, other than a person described in subsection 2, who reasonably believes that a violation of subsection 1 has occurred may, without incurring any civil or criminal liability, use any reasonable means necessary to protect the pet and to remove the pet from the motor vehicle, if the person:*

(a) Determines that the motor vehicle is locked or there is no other reasonable way to remove the pet from the vehicle;

(b) Reports the violation of subsection 1 to a member of a law enforcement agency, a 911 emergency service, an animal control agency or a fire department and requests assistance;

(c) Remains with the pet in a safe place in close proximity to the motor vehicle until informed that his or her presence is no longer necessary by the law enforcement officer, animal control officer or other person who responds to the request for assistance made pursuant to paragraph (b); and

(d) Cooperates with any person who responds to the request for assistance made pursuant to paragraph (b).

4. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization in this State that is under the direction of a sheriff to assist the organization in carrying out the activities of the organization; or

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency.

~~14.1~~ 5. A pet that is removed from a motor vehicle pursuant to subsection 2 *or 3* shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. A person required by NRS 574.055 to take possession of a pet removed pursuant to this section may take any action relating to the pet specified in NRS 574.055 and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

~~15.1~~ 6. The provisions of this section do not:

(a) Interfere with or prohibit any activity, law or right specified in NRS 574.200; or



(b) Apply to a person who unintentionally locks a motor vehicle with a pet in the motor vehicle.

~~16.1~~ **7.** A person who violates a provision of subsection 1 is guilty of a misdemeanor.

~~17.1~~ **8.** As used in this section:

(a) “Animal” has the meaning ascribed to it in NRS 574.050.

(b) “First responder” has the meaning ascribed to it in NRS 574.050.

(c) “Pet” means a domesticated animal owned or possessed by a person for the purpose of pleasure or companionship and includes, without limitation, a cat or dog.

(d) “Police animal” has the meaning ascribed to it in NRS 574.050.

Sec. 15. (Deleted by amendment.)

Sec. 15.5. NRS 574.110 is hereby repealed.

Sec. 16. This act becomes effective upon passage and approval.

