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## Health and Welfare; Cruelty to Animals

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dent children.<sup>27</sup> Existing law also provides that the Division or the prosecuting attorney will be supplied on request with all information on hand relative to the location, income and property of such parent.<sup>28</sup> Thus, a danger may exist that the Welfare Division will begin to accumulate and disseminate potentially incriminating information against private individuals.<sup>29</sup> This problem may be minimized, however, if the information made available is limited to names, addresses, and phone numbers.<sup>30</sup>

In summary, Chapter 183 amends statutes governing aid to dependent children to conform with constitutional standards governing residency requirements for obtaining public assistance,<sup>31</sup> has established a statutory duty of parental support,<sup>32</sup> has broadened the availability of records for collection of support,<sup>33</sup> and has provided penalties for obtaining assistance by fraudulent means.<sup>34</sup>

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27. See N.R.S. §425.400 3(d).

28. *Id.* §425.400 2(e).

29. See generally Miller, *supra*, at 15.

30. See N.R.S. §425.400 2(e).

31. See *id.* §425.060.

32. See *id.* §425.350 1(a), (b).

33. See *id.* §425.400 2, 3.

34. See *id.* §425.250 1.

## Health and Welfare; cruelty to animals

N.R.S. §574.— (new); §§574.050, 574.100 (amended).

SB 405 (Committee on Natural Resources); STATS 1981, Ch 364

Existing law specifies that anyone who treats an animal<sup>1</sup> cruelly<sup>2</sup> is guilty of a misdemeanor.<sup>3</sup> Prior to the enactment of Chapter 364, however, Nevada law did not provide for the seizure, care, and disposition of animals that have been cruelly treated.<sup>4</sup> Chapter 364 gives any officer with the authority to make an arrest for cruelty to animals the power to take possession of an abused animal and provide it with shelter and care.<sup>5</sup> In addition, the officer may have the animal humanely destroyed if the owner gives written permission.<sup>6</sup>

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1. See N.R.S. §574.050 1 (definition of animal).

2. See *id.* §574.050 2 (definition of cruelty).

3. See *id.* §574.100.

4. Compare *id.* §574.— with *id.* §§574.010-574.200.

5. See *id.* §574.— 1. *But see id.* §574.— 6 (Chapter 364 does not apply to animals located on land utilized for agricultural use). See also *id.* §§361A.030 (definition of agricultural use), 574.040 1 (persons authorized to take possession of abused animals).

6. See *id.* §574.— 1.

If the owner of the seized animal can be found, Chapter 364 requires the officer to give the owner notice of the seizure.<sup>7</sup> The notice must include a written statement of the reasons the animal was taken<sup>8</sup> and the location of the shelter where the animal will be held.<sup>9</sup> There will also be a limited lien on the animal for the cost of care, shelter, and, if applicable, humane destruction of the animal.<sup>10</sup> If the owner is not present at the time the animal is taken or cannot be found after a reasonable search, the officer must post the notice on the property where the animal is seized.<sup>11</sup> If the identity and address of the owner is discovered at any time thereafter, the notice must be mailed to the person immediately.<sup>12</sup>

In addition, Chapter 364 provides that the final disposition of the animals be judicially determined.<sup>13</sup> Upon proof that the owner has been notified<sup>14</sup> and provided with an opportunity to be heard, a court of competent jurisdiction may order the animal sold at auction, humanely destroyed, or continued in the care of the officer for disposition as he or she may determine.<sup>15</sup> Furthermore, an officer seizing an animal pursuant to Chapter 364 is not liable for any action arising from the taking or humane destruction of the animal.<sup>16</sup> Finally, existing law provides that abandoning an animal when it is infirm, maimed, diseased, or disabled is a misdemeanor.<sup>17</sup> Chapter 364 broadens this liability by making *any* abandonment of an animal a misdemeanor, even if the animal is healthy.<sup>18</sup>

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7. *See id.* §574.— 2.

8. *See id.*

9. *See id.*

10. *See id.* §574.— 2, 3 (the lien is limited to the reasonable cost of care and shelter for a period of two weeks).

11. *See id.* §574.— 2.

12. *See id.*

13. *See id.* §574.— 4.

14. *See id.* §574.— 2.

15. *See id.* §574.— 4.

16. *See id.* §574.— 5.

17. *See id.* §574.110.

18. *Compare id.* §574.100 5 with *id.* §574.110.