



**Hundredth Legislature - First Session - 2007  
Committee Statement  
LB 227**

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**Hearing Date:** January 19, 2007  
**Committee On:** Judiciary

**Introducer(s):** (Cornett)  
**Title:** Change provisions governing certain offenses relating to animals

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

7	Yes	Sen. Ashford, Sen. Chambers, Sen. Lathrop, Sen McDonald, Sen. McGill, Sen. Pirsch, Sen. Schimek
	No	
	Present, not voting	
1	Absent	Sen. Pedersen

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**Proponents:**  
Sen Cornett  
Mark Langan  
Robert Downey

**Representing:**  
Humane Society - Nebraska

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Legislative Bill 227 proposes to enhance the penalty for animal abandonment when the abandonment results in serious injury, serious illness or death of the animal. Specifically, the bill creates a new criminal prohibition on the intentional, knowing, negligent or reckless abandonment of an animal under a person’s custody or control which results in serious injury or illness or death to the animal. The penalty for the enhanced offense is a Class IV felony with a maximum sentence of five years.

Current law prohibits abandoning or cruelly neglecting an animal, and this offense is punishable as a Class I misdemeanor with a maximum sentence of one year incarceration. LB 227 does not

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remove this existing criminal prohibition, but creates an enhanced penalty for situations where an animal dies or suffers serious injury as the result of being abandoned. Serious injury or illness is defined in the bill to include any injury or illness to any animal which creates a substantial risk of death or which causes prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

**Explanation of amendments, if any:**

The committee amendment to LB 227 makes two changes to the bill as introduced:

1. Removes negligence as an element of the offense of animal abandonment. The offense as amended prohibits the knowing intentional or reckless abandonment or cruel neglect of an animal and provides an enhanced felony penalty if the animal is seriously injured, suffers serious illness, or dies as a result.
2. Amends the definition of abandon in section 28-1008 to require that an animal be in the care of an individual, whether as owner or custodian. This change mirrors the language found in the existing definition of cruel neglect and clarifies that an animal must be under the care or control of an individual before that individual can be charged with abandonment.

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**Senator Brad Ashford, Chairperson**