

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB674

Hearing Date: Friday January 31, 2014
Committee On: Judiciary
Introducer: Chambers
One Liner: Change provisions relating to abandonment or cruel neglect of an animal

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Ashford, Chambers, Christensen, Coash, Davis, Lathrop,
McGill, Seiler

Nay:

Absent:

Present Not Voting:

Proponents:

SEN. ERNIE CHAMBERS
MARK LANGAN
PATRICK CONDON

CAROL WHEELER

Representing:

INTRODUCER
NE HUMANE SOCIETY
NE COUNTY ATTORNEY/LANCASTER COUNTY
ATTORNEY
HEARTS UNITED FOR ANIMALS

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

CURRENTLY:

The sentencing court may order a person not to own, possess, or reside with any animal after the date of conviction, if such person is convicted of:

a Class I misdemeanor under section 28-1005.01

Section 28-1005.01 provides that it is a Class I misdemeanor to knowingly or intentionally own or possess animal fighting paraphernalia with the intent to commit a violation of section 28-1005. (Dogfighting, cockfighting, bearbaiting, or pitting an animal against another)

OR

a Class I misdemeanor under subdivision (2)(a) of section 28-1009

Subdivision (2)(a) of section 28-1009 provides that it is a Class I misdemeanor to cruelly mistreat an animal (first offense).

OR

a Class III misdemeanor under section 28-1010

Section 28-1010 provides that it is a Class III misdemeanor to commit indecency with an animal. A person commits indecency with an animal when such person subjects an animal to sexual penetration as defined in section 28-318.

Such time restriction, if any, shall not exceed five years.

AS AMENDED:

The sentencing court may order a person not to own, possess, or reside with any animal after the date of conviction, if such person is convicted of:

a Class I misdemeanor under section 28-1005.01

Section 28-1005.01 provides that it is a Class I misdemeanor to knowingly or intentionally own or possess animal fighting paraphernalia with the intent to commit a violation of section 28-1005. (Dogfighting, cockfighting, bearbaiting, or pitting an animal against another)

OR

a Class I misdemeanor under section 28-1009

Subdivision (1) of section 28-1009 provides that it is a Class I misdemeanor to intentionally, knowingly, or recklessly abandon or cruelly neglect an animal.

Subdivision (2) of section 28-1009 provides that it is a Class I misdemeanor to cruelly mistreat an animal (first offense).

OR

a Class III misdemeanor under section 28-1010

Section 28-1010 provides that it is a Class III misdemeanor to commit indecency with an animal. A person commits indecency with an animal when such person subjects an animal to sexual penetration as defined in section 28-318.

Such time restriction, if any, shall not exceed five years.

NOTE: Subdivision (4) of section 28-1009 provides that a person convicted of a Class I misdemeanor under subdivision (2)(a) shall also be subject to section 28-1019.

Section 2

Original section 28-1019, Revised Statutes Cumulative Supplement, 2012, is repealed.

RELEVANT STATUTES:

Section 28-1005- Dogfighting, cockfighting, bearbaiting, or pitting an animal against another; prohibited acts; penalty

Section 28-1005.01 - Ownership or possession of animal fighting paraphernalia; penalty

Section 28-1009 - Abandonment; cruel neglect; harassment of a police animal; penalty

Section 28-1009(2)(a) - Except as provided in subdivision (b) of this subsection, a person who cruelly mistreats an animal is guilty of a Class I misdemeanor for the first offense and a Class IV felony for any subsequent offense.

Section 28-1010 - Indecency with an animal; penalty

Section 28-1019 - Conviction; order prohibiting ownership, possession, or residing with animal; duration; violation; penalty; seizure of animal

Section 29-818 - Seized property; custody; pet animal; additional procedures; hearing; order to pay expenses; delinquent payments; hearing; notice; appeal.

Brad Ashford, Chairperson