

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 100**

Introduced by Stuhr, 24; Cornett, 45; Friend, 10

Read first time January 6, 2005

Committee: Judiciary

A BILL

1 FOR AN ACT relating to police animals; to amend section 28-906,  
2 Reissue Revised Statutes of Nebraska, and section  
3 28-1008, Revised Statutes Supplement, 2004; to redefine  
4 the term for certain crimes; and to repeal the original  
5 sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1.    Section 28-906, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           28-906. (1) A person commits the offense of obstructing  
4 a peace officer, when, by using or threatening to use violence,  
5 force, physical interference, or obstacle, he or she intentionally  
6 obstructs, impairs, or hinders (a) the enforcement of the penal law  
7 or the preservation of the peace by a peace officer or judge acting  
8 under color of his or her official authority or (b) a police animal  
9 assisting a peace officer acting pursuant to the peace officer's  
10 official authority.

11           (2) For purposes of this section, police animal means (a)  
12 a horse ~~or dog~~ owned or controlled by ~~the State of Nebraska~~ a law  
13 enforcement agency for the purpose of assisting a ~~Nebraska state~~  
14 ~~trooper acting pursuant to his or her official authority~~ peace  
15 officer in the performance of his or her official duties or (b) a  
16 dog, certified as a police service dog pursuant to standards  
17 recognized by the Police Standards Advisory Council, owned or  
18 controlled by a law enforcement agency for the purpose of assisting  
19 a peace officer in the performance of his or her official duties  
20 and such officer is certified as a police service dog handler  
21 pursuant to standards recognized by the Police Standards Advisory  
22 Council.

23           (3) Obstructing a peace officer is a Class I misdemeanor.

24           Sec. 2.    Section 28-1008, Revised Statutes Supplement,  
25 2004, is amended to read:

26           28-1008. For purposes of sections 28-1008 to 28-1017:

27           (1) Abandon means to leave any animal for any length of  
28 time without making effective provision for its food, water, or

1 other care as is reasonably necessary for the animal's health;

2 (2) Animal means any vertebrate member of the animal  
3 kingdom. The term does not include an uncaptured wild creature;

4 (3) Cruelly mistreat means to knowingly and intentionally  
5 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or  
6 otherwise inflict harm upon any animal;

7 (4) Cruelly neglect means to fail to provide any animal  
8 in one's care, whether as owner or custodian, with food, water, or  
9 other care as is reasonably necessary for the animal's health;

10 (5) Humane killing means the destruction of an animal by  
11 a method which causes the animal a minimum of pain and suffering;

12 (6) Law enforcement officer means any member of the  
13 Nebraska State Patrol, any county or deputy sheriff, any member of  
14 the police force of any city or village, or any other public  
15 official authorized by a city or village to enforce state or local  
16 animal control laws, rules, regulations, or ordinances; and

17 (7) Police animal means (a) a horse ~~or dog~~ owned or  
18 controlled by the State of Nebraska a law enforcement agency for  
19 the purpose of assisting a Nebraska state trooper law enforcement  
20 officer in the performance of his or her official enforcement  
21 duties or (b) a dog, certified as a police service dog pursuant to  
22 standards recognized by the Police Standards Advisory Council,  
23 owned or controlled by a law enforcement agency for the purpose of  
24 assisting a peace officer in the performance of his or her official  
25 duties and such officer is certified as a police service dog  
26 handler pursuant to standards recognized by the Police Standards  
27 Advisory Council.

28 Sec. 3. Original section 28-906, Reissue Revised

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1 Statutes of Nebraska, and section 28-1008, Revised Statutes  
2 Supplement, 2004, are repealed.