

E AND R AMENDMENTS TO LB 1055

Introduced by Enrollment and Review Committee: McGill, 26,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 54-607, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           54-607 ~~Whoever,~~ being the The owner of any dog, shall  
6 ~~permit the same to run~~ running at large for ten days, without such  
7 a collar as hereinbefore described being securely placed upon the  
8 neck of such dog, required in section 54-605 shall be fined in any  
9 ~~sum not exceeding~~ an amount not to exceed twenty-five dollars.

10          Sec. 2. Section 54-608, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12          54-608 In counties having a population of eighty thousand  
13 or more inhabitants and cities of the first class contained in such  
14 counties, it shall be unlawful for any person, firm, partnership,  
15 limited liability company, or corporation to have any dog which  
16 is owned, kept, harbored, or allowed to be habitually in or upon  
17 premises occupied by him, ~~or~~ her, or it or under his, ~~or~~ her, or  
18 its control to be at large, ~~and go in or upon public property or~~  
19 ~~the private premises of others or upon the streets or highways.~~

20          Sec. 3. Section 54-610, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22          54-610 In counties having a population of eighty thousand  
23 or more inhabitants and cities of the first class contained in such

1 counties, whenever complaints are made to the poundmaster or the  
2 person or corporation performing the duties of poundmaster that a  
3 dog is at large, ~~or doing damage to public or private property,~~  
4 it shall be the duty of such poundmaster, person, or corporation  
5 to investigate such complaint. If upon such investigation it  
6 appears that the complaint is founded upon facts, it shall be  
7 the duty of such poundmaster, person, or corporation to take such  
8 dog into custody and he, she, or it may file or cause to be  
9 filed a complaint in the county court against such person, firm,  
10 partnership, limited liability company, or corporation owning,  
11 keeping, or harboring such dog charging a violation of ~~sections~~  
12 section 54-601 and or 54-608. ~~to 54-611.~~

13           Sec. 4. Section 54-611, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           54-611 In counties having a population of eighty thousand  
16 or more inhabitants and cities of the first class contained in  
17 such counties, if upon final hearing the defendant is adjudged  
18 guilty of any violation of ~~sections~~ section 54-601 and or 54-608,  
19 ~~to 54-610,~~ the court may, in addition to the penalty provided in  
20 section 54-613, order such disposition of the offending dog as  
21 may seem reasonable and proper. Disposition includes sterilization,  
22 seizure, permanent assignment of the dog to a court-approved animal  
23 shelter as defined in section 28-1018, or destruction of the dog  
24 in an expeditious and humane manner. Reasonable costs for such  
25 disposition are the responsibility of the defendant.

26           Sec. 5. Section 54-613, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1           54-613 ~~In counties having a population of eighty thousand~~  
2 ~~or more inhabitants and cities of the first class contained in such~~  
3 ~~counties,~~ any Any person in violation of ~~sections~~ section 54-601  
4 ~~and or~~ 54-608 ~~to 54-611~~ shall be deemed guilty of a Class ~~V~~ IV  
5 misdemeanor.

6           Sec. 6. Section 54-614, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           54-614 (1) A ~~Any~~ county having a population in excess of  
9 ~~fifteen thousand inhabitants according to the most recent federal~~  
10 ~~decennial census~~ may collect a license tax in an amount which  
11 shall be determined by the appropriate governing body from the  
12 owners and harborers of dogs, ~~and may enforce the same~~ such tax by  
13 appropriate penalties. A county may impound any dog if ~~and cause~~  
14 ~~the destruction of any dog for which the owner or harborer shall~~  
15 refuse or neglect to pay such license tax. Any licensing provision  
16 shall comply with subsection (2) of section 54-603 for dog guides,  
17 hearing aid dogs, and service dogs.

18           (2) A ~~Such~~ county may regulate, ~~license,~~ or prohibit the  
19 running at large of dogs, adopt regulations to ~~and guard against~~  
20 injuries or annoyances therefrom, and authorize the destruction,  
21 adoption, or other disposition of the same such dogs when running  
22 at large contrary to the provisions of this subsection or any  
23 regulations adopted in accordance with this subsection. A county  
24 adopting regulations in accordance with this subsection shall  
25 provide for an appeal process with respect to such regulations.

26           Sec. 7. Section 54-615, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1           54-615 ~~Such A county shall have power to regulate the~~  
2 ~~running at large of dogs,~~ and to cause such as may be running at  
3 large to be impounded and sold to discharge the may impound any dog  
4 deemed to be running at large. The owner of such dog shall pay the  
5 reasonable cost and penalties provided for the violation of such  
6 ~~prohibitions,~~ prohibition, including the expense of impounding and  
7 keeping the same, and the expense of such sale, dog.

8           Sec. 8. Section 54-616, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           54-616 ~~Such A county may shall have power to provide for~~  
11 the erection of all needful pounds any pounds needed within the  
12 county, ~~to~~ appoint and compensate keepers thereof, and ~~to~~ establish  
13 and enforce rules governing the ~~same,~~ such pounds.

14           Sec. 9. Section 54-617, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           54-617 For purposes of sections 54-617 to 54-624 and  
17 section 15 of this act:

18           (1) Animal control authority ~~shall mean~~ means an entity  
19 authorized to enforce the animal control laws of a county, city, or  
20 village or this state and includes any local law enforcement agency  
21 or other agency designated by a county, city, or village to enforce  
22 the animal control laws of such county, city, or village;

23           (2) Animal control officer ~~shall mean~~ means any  
24 individual employed, appointed, or authorized by an animal control  
25 authority for the purpose of aiding in the enforcement of sections  
26 54-617 to 54-624 and section 15 of this act or any other law or  
27 ordinance relating to the licensure of animals, control of animals,

1 or seizure and impoundment of animals and ~~shall include~~ includes  
2 any state or local law enforcement officer or other employee whose  
3 duties in whole or in part include assignments that involve the  
4 seizure and impoundment of any animal;

5 (3) Dangerous dog ~~shall mean any~~ means a dog that,  
6 according to the records of an animal control authority: (a) Has  
7 killed or inflicted ~~severe~~ injury on a human being; ~~on public~~  
8 ~~or private property;~~ (b) has killed a domestic animal without  
9 provocation; ~~while the dog was off the owner's property;~~ or (c) has  
10 been previously determined to be a potentially dangerous dog by an  
11 animal control authority and the owner has received notice of such  
12 determination and such dog again ~~aggressively~~ bites, attacks, or  
13 endangers the safety of humans or domestic animals. A dog shall not  
14 be defined as a dangerous dog if the threat, ~~any injury that is not~~  
15 ~~a severe injury,~~ or the damage was sustained by a person who, at  
16 the time, was committing a willful trespass as defined in section  
17 20-203, 28-520, or 28-521 or any other tort upon the property of  
18 the owner of the dog, who was tormenting, abusing, or assaulting  
19 the dog, who has, in the past, been observed or reported to have  
20 tormented, abused, or assaulted the dog, or who was committing or  
21 attempting to commit a crime;

22 (4) Domestic animal ~~shall mean~~ means a cat, a dog, or  
23 livestock. Livestock includes buffalo, deer, antelope, fowl, and  
24 any other animal in any zoo, wildlife park, refuge, wildlife area,  
25 or nature center intended to be on exhibit;

26 (5) Owner ~~shall mean~~ means any person, firm, corporation,  
27 organization, political subdivision, or department possessing,

1 harboring, keeping, or having control or custody of a dog; and

2 (6) Potentially dangerous dog ~~shall mean~~ means (a) any  
3 dog that when unprovoked (i) ~~inflicts a nonsevere injury on a human~~  
4 ~~or injures a domestic animal either on public or private property~~  
5 or (ii) chases or approaches a person ~~upon streets, sidewalks, or~~  
6 ~~any public grounds~~ in a menacing fashion or apparent attitude of  
7 attack or (b) any specific dog with a known propensity, tendency,  
8 or disposition to attack when unprovoked, to cause injury, or to  
9 threaten the safety of humans or domestic animals. ~~and~~

10 ~~(7) Severe injury shall mean any physical injury that~~  
11 ~~results in disfiguring lacerations requiring multiple sutures or~~  
12 ~~cosmetic surgery or one or more broken bones or that creates a~~  
13 ~~potential danger to the life or health of the victim.~~

14 Sec. 10. Section 54-618, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 54-618 (1) A dangerous dog that has been declared as  
17 such shall be spayed or neutered and implanted with a microchip  
18 identification number by a licensed veterinarian within thirty  
19 days after such declaration. The cost of both procedures is the  
20 responsibility of the owner of the dangerous dog. Written proof of  
21 both procedures and the microchip identification number shall be  
22 provided to the animal control authority after the procedures are  
23 completed.

24 (2) No owner of a dangerous dog shall permit the dog to  
25 go beyond the property of the owner unless the dog is restrained  
26 securely by a chain or leash.

27 (3) Except as provided in subsection (4) of this section

1 or for a reasonable veterinary purpose, no owner of a dangerous dog  
2 shall transport such dog or permit such dog to be transported to  
3 another county, city, or village in this state.

4 (4) An owner of a dangerous dog may transport such dog  
5 or permit such dog to be transported to another county, city, or  
6 village in this state for the purpose of permanent relocation of  
7 the owner if the owner has obtained written permission prior to  
8 such relocation from the animal control authority of the county,  
9 city, or village in which the owner resides and from the county,  
10 city, or village in which the owner will reside. Each animal  
11 control authority may grant such permission based upon a reasonable  
12 evaluation of both the owner and the dog, including if the owner  
13 has complied with the laws of this state and of the county, city,  
14 or village in which he or she resides with regard to dangerous dogs  
15 after the dog was declared dangerous. An animal control authority  
16 shall not grant permission under this subsection if the county,  
17 city, or village has an ordinance or resolution prohibiting the  
18 relocation of dangerous dogs. After the permanent relocation, the  
19 animal control authority of the county, city, or village in which  
20 the owner resides shall monitor the owner and such dog for a period  
21 of at least thirty days but not to exceed ninety days to ensure  
22 the owner's compliance with the laws of this state and of such  
23 county, city, or village with regard to dangerous dogs. Nothing in  
24 this subsection shall permit the rescindment of the declaration of  
25 dangerous dog.

26 Sec. 11. Section 54-619, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1           54-619 (1) No person, firm, partnership, limited  
2 liability company, or corporation shall own, keep, or harbor or  
3 allow to be in or on any premises occupied by him, her, or it or  
4 under his, her, or its charge or control any dangerous dog without  
5 such dog being confined so as to protect the public from injury.

6           (2) While unattended on the owner's property, a dangerous  
7 dog shall be securely confined, in a humane manner, indoors or in  
8 a securely enclosed and locked pen or structure suitably designed  
9 to prevent the entry of young children and to prevent the dog  
10 from escaping. Such pen or structure shall meet the requirements  
11 of subdivision (6) of section 54-640. The pen or structure shall  
12 have secure sides and a secure top. If the pen or structure has no  
13 bottom secured to the sides, the sides shall be embedded into the  
14 ground at a depth of at least one foot. The pen or structure shall  
15 also protect the dog from the elements. The pen or structure shall  
16 be at least ten feet from any property line of the owner. The owner  
17 of a dangerous dog shall post a warning sign signs on the property  
18 where the dog is kept that is are clearly visible from all areas  
19 of public access and that informs inform persons that a dangerous  
20 dog is on the property. Each warning sign shall be no less than  
21 ten inches by twelve inches and shall contain the words warning and  
22 dangerous animal in high-contrast lettering at least three inches  
23 high on a black background.

24           Sec. 12. Section 54-620, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26           54-620 Any dangerous dog may be immediately confiscated  
27 by an animal control officer if the owner is in violation of



1 sections 54-617 to 54-624 and section 15 of this act. The  
2 owner shall be responsible for the reasonable costs incurred  
3 by the animal control authority for the care of a dangerous dog  
4 confiscated by an animal control officer or for the destruction of  
5 any dangerous dog if the action by the animal control authority is  
6 pursuant to law and if the owner violated sections 54-617 to 54-624  
7 and section 15 of this act.

8 Sec. 13. Section 54-623, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 54-623 (1) Any person convicted of a violation of  
11 sections 54-617 to 54-624 and section 15 of this act shall  
12 not own a dangerous dog within ten years after such conviction. Any  
13 person violating this subsection shall be guilty of a Class IIIA  
14 misdemeanor, and the dog shall be treated as provided in subsection  
15 (2) of this section.

16 (2) If a dangerous dog of an owner with a prior  
17 conviction under sections 54-617 to 54-624 and section 15 of  
18 this act attacks or bites a ~~person~~ human being or ~~another~~ domestic  
19 animal, the owner shall be guilty of a Class ~~IV~~ IIIA misdemeanor.  
20 In addition, the dangerous dog shall be immediately confiscated by  
21 an animal control authority, placed in quarantine for the proper  
22 length of time, and thereafter destroyed in an expeditious and  
23 humane manner.

24 Sec. 14. Section 54-624, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 54-624 Nothing in sections 54-617 to 54-623 and section  
27 15 of this act shall be construed to restrict or prohibit any

1 governing board of any county, city, or village from establishing  
2 and enforcing laws or ordinances at least as stringent as the  
3 provisions of sections 54-617 to 54-623 and section 15 of this act.

4           Sec. 15. Each county shall designate an animal control  
5 authority that shall be responsible for enforcing sections 54-617  
6 to 54-624 and the laws of such county regarding dangerous dogs.

7           Sec. 16. Original sections 54-607, 54-608, 54-610,  
8 54-611, 54-613, 54-614, 54-615, 54-616, 54-617, 54-618, 54-619,  
9 54-620, 54-623, and 54-624, Reissue Revised Statutes of Nebraska,  
10 are repealed.

11           Sec. 17. The following section is outright repealed:  
12 Section 54-609, Reissue Revised Statutes of Nebraska.

13           Sec. 18. Since an emergency exists, this act takes effect  
14 when passed and approved according to law.

15           2. On page 1, line 1, after "sections" insert "54-607,";  
16 in line 6 before "penalties" insert "and change" and strike "to  
17 counties" and insert "for certain political subdivisions"; and in  
18 line 8 strike "sections 54-607 and" and insert "section".