

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1055

Introduced by McDonald, 41.

Read first time January 18, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to dogs; to amend sections 54-608, 54-610,
2 54-611, 54-613, 54-614, 54-615, 54-616, 54-617, 54-618,
3 54-619, 54-620, 54-623, and 54-624, Reissue Revised
4 Statutes of Nebraska; to change provisions relating to
5 dogs running at large and dangerous dogs; to provide
6 penalties; to provide powers and duties to counties; to
7 harmonize provisions; to repeal the original sections;
8 to outright repeal sections 54-607 and 54-609, Reissue
9 Revised Statutes of Nebraska; and to declare an
10 emergency.

11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-608, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 54-608 ~~In counties having a population of eighty thousand~~
4 ~~or more inhabitants and cities of the first class contained in~~
5 ~~such counties,~~ It shall be unlawful for any person, firm,
6 partnership, limited liability company, or corporation to have any
7 dog which is owned, kept, harbored, or allowed to be habitually
8 in or upon premises occupied by him, ~~or her, or it~~ or under
9 his, ~~or her, or its~~ control to be at large. Such person, firm,
10 partnership, limited liability company, or corporation who permits
11 such dog to run at large shall be fined fifty dollars for the
12 first offense, seventy-five dollars for the second offense, and
13 one hundred dollars for the third and each subsequent offense.
14 Nothing in this section shall restrict a county, city, or village
15 from imposing additional penalties on owners who have been fined
16 for more than three violations of this section. and go in or upon
17 public property or the private premises of others or upon the
18 streets or highways.

19 Sec. 2. Section 54-610, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 54-610 In counties having a population of eighty thousand
22 or more inhabitants and cities of the first class contained in such
23 counties, whenever complaints are made to the poundmaster or the
24 person or corporation performing the duties of poundmaster that a
25 dog is at large, ~~or doing damage to public or private property,~~ it

1 shall be the duty of such poundmaster, person, or corporation to
2 investigate such complaint. If upon such investigation it appears
3 that the complaint is founded upon facts, it shall be the duty
4 of such poundmaster, person, or corporation to take such dog into
5 custody and file or cause to be filed a complaint in the county
6 court against such person, firm, partnership, limited liability
7 company, or corporation owning, keeping, or harboring such dog
8 charging a violation of ~~sections~~ section 54-601 and or 54-608. ~~to~~
9 ~~54-611.~~

10 Sec. 3. Section 54-611, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 54-611 In counties having a population of eighty thousand
13 or more inhabitants and cities of the first class contained in such
14 counties, if upon final hearing the defendant is adjudged guilty of
15 any violation of ~~sections~~ section 54-601 and or 54-608, ~~to 54-610,~~
16 the court may, in addition to the penalty provided in section
17 54-613, order such disposition of the offending dog as may seem
18 reasonable and proper. Disposition includes sterilization, seizure,
19 permanent assignment of the dog to a court-approved animal shelter
20 as defined in section 28-1018, or destruction of the dog in an
21 expeditious and humane manner.

22 Sec. 4. Section 54-613, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 54-613 In counties having a population of eighty thousand
25 ~~or more inhabitants and cities of the first class contained in such~~

1 ~~counties, any~~ Any person in violation of ~~sections~~ section 54-601
 2 ~~and or~~ 54-608 ~~to 54-611~~ shall be deemed guilty of a Class V IV
 3 misdemeanor.

4 Sec. 5. Section 54-614, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 54-614 (1) A ~~Any~~ county having a population in excess of
 7 ~~fifteen thousand inhabitants according to the most recent federal~~
 8 ~~decennial census~~ may collect a license tax in an amount which
 9 shall be determined by the appropriate governing body from the
 10 owners and harborers of dogs, and may enforce the same such tax by
 11 appropriate penalties. A county may impound any dog if, ~~and cause~~
 12 ~~the destruction of any dog for which~~ the owner or harborer shall
 13 refuse or neglect to pay such license tax. Any licensing provision
 14 shall comply with subsection (2) of section 54-603 for dog guides,
 15 hearing aid dogs, and service dogs.

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

23 Sec. 6. Section 54-615, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 54-615 ~~Such~~ A county shall have power ~~to regulate~~ the

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

7 Sec. 7. Section 54-616, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 54-616 ~~Such A county may shall have power to provide for~~
 10 the erection of ~~all needful pounds~~ any pounds needed within the
 11 county, to appoint and compensate keepers thereof, and to establish
 12 and enforce rules governing ~~the same, such pounds.~~

13 Sec. 8. Section 54-617, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 54-617 For purposes of sections 54-617 to 54-624 and
 16 section 14 of this act:

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

22 (2) Animal control officer ~~shall mean~~ means any
 23 individual employed, appointed, or authorized by an animal control
 24 authority for the purpose of aiding in the enforcement of sections
 25 54-617 to 54-624 and section 14 of this act or any other law or

1 ordinance relating to the licensure of animals, control of animals,
2 or seizure and impoundment of animals and shall include any state
3 or local law enforcement officer or other employee whose duties in
4 whole or in part include assignments that involve the seizure and
5 impoundment of any animal;

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

23 (4) Domestic animal ~~shall mean~~ means a cat, a dog, or
24 livestock. Livestock includes buffalo, deer, antelope, fowl, and
25 any other animal in any zoo, wildlife park, refuge, wildlife area,

1 or nature center intended to be on exhibit;

2 (5) Owner ~~shall mean~~ means any person, firm, corporation,
3 organization, political subdivision, or department possessing,
4 harboring, keeping, or having control or custody of a dog; and

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

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

17 Sec. 9. Section 54-618, Reissue Revised Statutes of
18 Nebraska, is amended to read:

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

25 (2) No owner of a dangerous dog shall permit the dog to

1 go beyond the property of the owner unless the dog is restrained
2 securely by a chain or leash.

3 (3) Except as provided in subsection (4) of this section
4 or for a reasonable veterinary purpose, no owner of a dangerous dog
5 shall transport such dog or permit such dog to be transported to
6 another county, city, or village in this state.

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

1 permit the rescindment of the declaration of dangerous dog.

2 Sec. 10. Section 54-619, Reissue Revised Statutes of
3 Nebraska, is amended to read:

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

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

1 high on a black background.

2 Sec. 11. Section 54-620, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 54-620 Any dangerous dog may be immediately confiscated
5 by an animal control officer if the owner is in violation of
6 sections 54-617 to 54-624 and section 14 of this act. The
7 owner shall be responsible for the reasonable costs incurred
8 by the animal control authority for the care of a dangerous dog
9 confiscated by an animal control officer or for the destruction of
10 any dangerous dog if the action by the animal control authority is
11 pursuant to law and if the owner violated sections 54-617 to 54-624
12 and section 14 of this act.

13 Sec. 12. Section 54-623, Reissue Revised Statutes of
14 Nebraska, is amended to read:

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

21 (2) If a dangerous dog of an owner with a prior
22 conviction under sections 54-617 to 54-624 and section 14 of
23 this act attacks or bites a ~~person~~ human being or ~~another~~ domestic
24 animal, the owner shall be guilty of a Class ~~IV~~ IIIA misdemeanor.
25 In addition, the dangerous dog shall be immediately confiscated by

1 an animal control authority, placed in quarantine for the proper
2 length of time, and thereafter destroyed in an expeditious and
3 humane manner.

4 Sec. 13. Section 54-624, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 54-624 Nothing in sections 54-617 to 54-623 and section
7 14 of this act shall be construed to restrict or prohibit any
8 governing board of any county, city, or village from establishing
9 and enforcing laws or ordinances at least as stringent as the
10 provisions of sections 54-617 to 54-623 and section 14 of this act.

11 Sec. 14. Each county shall designate an animal control
12 authority that shall be responsible for enforcing sections 54-617
13 to 54-624 and section 14 of this act and the laws of such county
14 regarding dangerous dogs.

15 Sec. 15. Original sections 54-608, 54-610, 54-611,
16 54-613, 54-614, 54-615, 54-616, 54-617, 54-618, 54-619, 54-620,
17 54-623, and 54-624, Reissue Revised Statutes of Nebraska, are
18 repealed.

19 Sec. 16. The following sections are outright repealed:
20 Sections 54-607 and 54-609, Reissue Revised Statutes of Nebraska.

21 Sec. 17. Since an emergency exists, this act takes effect
22 when passed and approved according to law.