



Hundredth Legislature - Second Session - 2008
Introducer's Statement of Intent
LB 1055

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 13, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1055 makes substantial changes to Nebraska's statutes on dogs and dangerous dogs to tighten the laws and institute stiffer penalties for dog owners who violate those laws.

Section 54-608 has been amended to make it unlawful for any dog to run at large. The fines for allowing a dog to run at large are increased and counties, cities and villages can enact additional penalties for dog owners with more than three violations.

Section 54-610 has been amended to remove language about a dog doing damage to public or private property as a condition for the pound master to investigate a complaint. A dog at large can be justification for an investigation.

Section 54-611 has been amended to add additional options for the disposition of a dog for repeated violation of sections 54-601 or 54-608. Disposition has been defined to include sterilization, seizure, permanent assignment of the dog to a court-approved animal shelter or destruction in a humane and expeditious manner.

Section 54-613 has been amended to increase the penalty for violation of sections 54-601 and 54-608 to a Class IV misdemeanor.

Section 54-614 is amended to allow all counties to assess a dog license tax and adopt regulations prohibiting dogs from running at large. Dogs will no longer be destroyed if an owner fails to pay the license tax. Counties may impound a dog if the owner hasn't paid the license tax or if the dog is running at large. The owner will be responsible for the cost of impoundment. Dogs may not be sold to discharge costs and penalties.

Section 54-615 is amended to allow counties to impound dogs running at large. The owner will be responsible for the reasonable cost of impoundment and any penalties.

Section 54-616 contains technical changes suggested by the Revisor of Statutes.

Section 54-617 has been amended to expand the definition of animal control authority to include any local law enforcement agency or other agency designated by a county, city or village to enforce animal control in their jurisdiction.

In addition, the definition of dangerous dog has been changed. Currently a dog must inflict a severe injury on a person while on public or private property other than their owner's property in order to be considered dangerous. Severe injury is defined as any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones. The bill removes the "severe injury" and location requirements for a dog attack

and establishes that a dog will be considered dangerous if it kills a domestic animal or inflicts injury on a human being.

The definition of domestic animals is expanded to include livestock such as buffalo, deer, antelope, fowl, and other animals in a zoo, wildlife park, refuge, wildlife area or nature center.

Section 54-618 is amended to add specific requirements for dangerous dogs. A dangerous dog must be spayed or neutered and implanted with a microchip by a licensed veterinarian within 30 days after the declaration that the dog is dangerous. Written proof of both procedures and the microchip number must be provided to the animal control authority.

Dangerous dogs can't be transported to another county, city or village in the state except for a reasonable veterinary purpose.

The bill creates a procedure which may allow an owner who is relocating permanently to move a dangerous dog to another county under certain specific requirements. A dangerous dog may be moved only if the owner obtains written permission from both the animal control authority in the county of current residence and the animal control authority in the county of the new residence. Animal control authorities are not required to grant written permission to move dangerous dogs. A dangerous dog designation can not be rescinded.

Section 54-619 has been amended to clarify that dangerous dogs must be confined to protect the public. The confinement may be indoors or outdoors in a specific pen or structure. Requirements for the size and construction of the outdoor pen or structure will be the same as those found in §54-640. The sides of the structure must be embedded at least one foot into the ground and the structure must be located at least 10 feet from any property line.

Warning signs are required and must be clearly visible from all areas of public access. The warning signs must be at least 10" by 12" and contain the words "warning" and "dangerous animal" in high-contrast lettering at least 3" high on a black background.

Section 54-623 is amended to prohibit anyone convicted of violating sections 54-617 to 54-624 from owning a dangerous dog for 10 years after such a conviction. A violation of the ownership prohibition is a Class IIIA misdemeanor. In addition, if a dangerous dog of an owner with a previous violation of these sections attacks or bites a human being or domestic animal, the dog can be confiscated, quarantined and humanely destroyed. The owner will be guilty of a Class IIIA misdemeanor.

Section 14 of the bill itself is new language requiring each county to designate an animal control officer to enforce the dangerous dog statutes and the county's laws on dangerous dogs.

The bill contains the emergency clause.

Principal Introducer:

Senator Vickie D. McDonald