

LEGISLATIVE BILL 227

Approved by the Governor May 16, 2007

Introduced by Cornett, 45; McGill, 26; Schimek, 27; Pirsch, 4

FOR AN ACT relating to crimes and offenses; to amend sections 28-1008 and 28-1009, Revised Statutes Cumulative Supplement, 2006; to define and redefine terms; to change penalty provisions for abandoning or cruelly neglecting an animal; and to repeal the original sections.

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

Section 1. Section 28-1008, Revised Statutes Cumulative Supplement, 2006, is amended to read:

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

(1) Abandon means to leave any animal in one's care, whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health;

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

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

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

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

(6) Law enforcement officer means any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances. Law enforcement officer also includes any inspector under the Commercial Dog and Cat Operator Inspection Act to the extent that such inspector may exercise the authority of a law enforcement officer under section 28-1012 while in the course of performing inspection activities under the Commercial Dog and Cat Operator Inspection Act; and

(7) Police animal means a horse or dog owned or controlled by the State of Nebraska for the purpose of assisting a Nebraska state trooper in the performance of his or her official enforcement duties; and -

(8) Serious injury or illness includes any injury or illness to any animal which creates a substantial risk of death or which causes prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

Sec. 2. Section 28-1009, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-1009 (1) A person who intentionally, knowingly, or recklessly abandons or cruelly neglects an animal is guilty of a Class I misdemeanor unless the abandonment or cruel neglect results in serious injury or illness or death of the animal, in which case it is a Class IV felony.

(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.

(b) A person who cruelly mistreats an animal is guilty of a Class IV felony if such cruel mistreatment involves the knowing and intentional torture, repeated beating, or mutilation of the animal.

(3) A person commits harassment of a police animal if he or she knowingly and intentionally teases or harasses a police animal in order to distract, agitate, or harm the police animal for the purpose of preventing such animal from performing its legitimate official duties. Harassment of a police animal is a Class IV misdemeanor unless the harassment is the proximate cause of the death of the police animal, in which case it is a Class IV felony.

Sec. 3. Original sections 28-1008 and 28-1009, Revised Statutes Cumulative Supplement, 2006, are repealed.