

AMENDMENTS TO LB 494

Introduced by Judiciary.

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

3           Section 1. Section 54-617, Revised Statutes Cumulative  
4 Supplement, 2008, is amended to read:

5           54-617 For purposes of sections 54-617 to 54-624 and  
6 section 6 of this act:

7           (1) Animal control authority means an entity authorized  
8 to enforce the animal control laws of a county, city, or village or  
9 this state and includes any local law enforcement agency or other  
10 agency designated by a county, city, or village to enforce the  
11 animal control laws of such county, city, or village;

12           (2) Animal control officer means any individual employed,  
13 appointed, or authorized by an animal control authority for the  
14 purpose of aiding in the enforcement of sections 54-617 to 54-624  
15 and section 6 of this act or any other law or ordinance relating  
16 to the licensure of animals, control of animals, or seizure  
17 and impoundment of animals and includes any state or local law  
18 enforcement officer or other employee whose duties in whole or in  
19 part include assignments that involve the seizure and impoundment  
20 of any animal;

21           (3) (a) Dangerous dog means a dog that, according to  
22 the records of an animal control authority: (i) Has killed a  
23 human being; (ii) has inflicted injury on a human being that

1 requires medical treatment; (iii) has killed a domestic animal  
2 without provocation; or (iv) has been previously determined to be  
3 a potentially dangerous dog by an animal control authority, the  
4 owner has received notice from an animal control authority or an  
5 animal control officer of such determination, and the dog inflicts  
6 an injury on a human being that does not require medical treatment,  
7 injures a domestic animal, or threatens the safety of humans or  
8 domestic animals.

9 (b) (i) A dog shall not be defined as a dangerous dog  
10 under subdivision (3) (a) (ii) of this section, and the owner shall  
11 not be guilty under section 6 of this act, if the individual was  
12 tormenting, abusing, or assaulting the dog at the time of the  
13 injury or has, in the past, been observed or reported to have  
14 tormented, abused, or assaulted the dog.

15 (ii) A dog shall not be defined as a dangerous dog under  
16 subdivision (3) (a) (iv) of this section, and the owner shall not  
17 be guilty under section 6 of this act, if the injury, damage,  
18 or threat was sustained by an individual who, at the time, was  
19 committing a willful trespass as defined in section 20-203, 28-520,  
20 or 28-521, was committing any other tort upon the property of the  
21 owner of the dog, was tormenting, abusing, or assaulting the dog,  
22 or has, in the past, been observed or reported to have tormented,  
23 abused, or assaulted the dog, or was committing or attempting to  
24 commit a crime.†

25 (iii) A dog shall not be defined as a dangerous dog under  
26 subdivision (3) (a) of this section if the dog is a police animal as  
27 defined in section 28-1008;

1           (4) Domestic animal means a cat, a dog, or livestock.  
2 Livestock includes buffalo, deer, antelope, fowl, and any other  
3 animal in any zoo, wildlife park, refuge, wildlife area, or nature  
4 center intended to be on exhibit;

5           (5) Medical treatment means treatment administered by a  
6 physician or other licensed health care professional;

7           (6) Owner means any person, firm, corporation,  
8 organization, political subdivision, or department possessing,  
9 harboring, keeping, or having control or custody of a dog; and

10           (7) Potentially dangerous dog means (a) any dog that  
11 when unprovoked (i) inflicts an injury on a human being that does  
12 not require medical treatment, (ii) injures a domestic animal, or  
13 (iii) chases or approaches a person upon streets, sidewalks, or  
14 any public grounds in a menacing fashion or apparent attitude of  
15 attack or (b) any specific dog with a known propensity, tendency,  
16 or disposition to attack when unprovoked, to cause injury, or to  
17 threaten the safety of humans or domestic animals.

18           Sec. 2. Section 54-620, Revised Statutes Cumulative  
19 Supplement, 2008, is amended to read:

20           54-620 Any dangerous dog may be immediately confiscated  
21 by an animal control officer if the owner is in violation  
22 of sections 54-617 to 54-624 and section 6 of this act. The  
23 owner shall be responsible for the reasonable costs incurred by  
24 the animal control authority for the care of a dangerous dog  
25 confiscated by an animal control officer or for the destruction of  
26 any dangerous dog if the action by the animal control authority is  
27 pursuant to law and if the owner violated sections 54-617 to 54-624

1 and section 6 of this act.

2           Sec. 3. Section 54-622, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           54-622 ~~Any person~~ Except as provided in section 6 of this  
5 act, any owner who violates sections 54-617 to 54-621 shall be  
6 guilty of a Class IV misdemeanor.

7           Sec. 4. Section 54-623, Revised Statutes Cumulative  
8 Supplement, 2008, is amended to read:

9           54-623 (1) ~~Any person~~ owner convicted of a violation of  
10 sections 54-617 to 54-624 and section 6 of this act shall not own  
11 a dangerous dog within ten years after such conviction. ~~Any person~~  
12 owner violating this subsection shall be guilty of a Class IIIA  
13 misdemeanor, and the dog shall be treated as provided in subsection  
14 (2) of this section.

15           (2) ~~If~~ Except as provided in section 6 of this act, if  
16 a dangerous dog of an owner with a prior conviction under sections  
17 54-617 to 54-624 and section 6 of this act attacks or bites a  
18 human being or domestic animal, the owner shall be guilty of a  
19 Class IIIA misdemeanor. In addition, the dangerous dog shall be  
20 immediately confiscated by an animal control authority, placed in  
21 quarantine for the proper length of time, and thereafter destroyed  
22 in an expeditious and humane manner.

23           Sec. 5. Section 54-623.01, Revised Statutes Cumulative  
24 Supplement, 2008, is amended to read:

25           54-623.01 Each county shall designate an animal control  
26 authority that shall be responsible for enforcing sections 54-617  
27 to 54-624 and section 6 of this act and the laws of such county

1 regarding dangerous dogs.

2           Sec. 6. (1) Any owner whose dangerous dog inflicts on a  
3 human being a serious bodily injury as defined in section 28-109 is  
4 guilty of a Class IV felony.

5           (2) It is a defense to a violation of subsection (1)  
6 of this section that the dangerous dog was, at the time of the  
7 infliction of the serious bodily injury, in the custody of or under  
8 the direct control of a person other than the owner or the owner's  
9 immediate family.

10           Sec. 7. Section 54-624, Revised Statutes Cumulative  
11 Supplement, 2008, is amended to read:

12           54-624 Nothing in sections 54-617 to 54-623.01 and  
13 section 6 of this act shall be construed to restrict or prohibit  
14 any governing board of any county, city, or village from  
15 establishing and enforcing laws or ordinances at least as stringent  
16 as the provisions of sections 54-617 to 54-623.01 and section 6  
17 of this act.

18           Sec. 8. Original section 54-622, Reissue Revised Statutes  
19 of Nebraska, and sections 54-617, 54-620, 54-623, 54-623.01, and  
20 54-624, Revised Statutes Cumulative Supplement, 2008, are repealed.