

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB347

Hearing Date: Wednesday February 11, 2009
Committee On: Judiciary
Introducer: Cornett
One Liner: Eliminate governmental agency liability with respect to dogs

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert
Nay:
Absent:
Present Not Voting:

Proponents:

Sen. Abbie Cornett
Thomas Mumgaard
Stephen Worley
Gary Krumland

Representing:

Introducer
City of Omaha
Omaha Police Department
League of NE Municipalities

Opponents:

Daniel Friedman

Representing:

NATA

Neutral:

Representing:

Summary of purpose and/or changes:

LB 347 provides that a governmental agency or its employees using a dog for military or law enforcement purposes shall not be liable under Nebraska Statute 54-601 for injuries that the dog may cause; (1) while the dog was defending itself from harassment or provocation and (2) when the injuries resulted from a reasonable use of force while the dog was assisting its handler in the following circumstances:

- Apprehending or holding a suspect,
 - The investigation of a crime or possible crime;
 - The execution of a warrant; or
 - The defense of a peace officer or another officer other than the suspect.
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Explanation of amendments:

AM to LB 347 would make the following changes to LB 347:

- On page 2, beginning in line 14, would exempt from liability, a governmental agency or its employee, following "written policies adopted by the agency on the necessary and appropriate use of a dog for military or police work," when a military or police dog injures a party or participant suspected to be a party to the act which required the use of the dog in the military or police work.

- The agency would also be exempted from liability if the injury to a person occurred while the dog was responding to a harassing or provoking act, or that the injury resulted from a reasonable use of force while the dog or dogs were assisting an employee of the agency.

- For purposes of this subsection, harassing or provoking act means knowingly and intentionally attempting to interfere with, interfering with, teasing or harassing such dog in order to distract, or agitating or harming such dog.

Brad Ashford, Chairperson