

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB83

Hearing Date: Thursday January 22, 2009
Committee On: Judiciary
Introducer: McGill
One Liner: Provide for the care of domestic animals in protection orders

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. Amanda McGill
John Lindsay
Robert Donney

Representing:

Introducer
U.S. Humane Society
Capital Humane Society

Opponents:

Craig Head
Pete McClymont

Representing:

NE Farm Bureau
Nebraska Cattlemen

Neutral:

Representing:

Summary of purpose and/or changes:

LB 83 would amend 42-924 (Protection order; when authorized; term; violation; penalty; construction of sections) of the Nebraska Statutes, by including in the provisions for issuing a protection order that a judge or court may provide for:

The care of domestic pets belonging to the family and,
That the individual subject to the protection order is prohibited from harming or killing the animal without justification.

A violation of this section is a Class II misdemeanor. The penalty is enhanced to a Class I misdemeanor if the person violating the order has a prior conviction for violating a different protection order.

A person who has a conviction for violating the same protection order or a protection order granted to the same person who obtained the current protection order, shall be guilty of a Class IV felony.

Class II misdemeanor=6months/\$1,000/ Both
Class I misdemeanor= 1year/\$1,000/Both
Class IV felony=5years/\$10,000/Both

Explanation of amendments:

AM 96 to LB 83

LB 83 was amended in Committee by Am 96 to provide clarification that the types of animals that a judge can consider under a protection order as established under LB 83 are to be limited to family pets and not those animals used for "commercial agricultural operations".

Brad Ashford, Chairperson