

One Hundred Third Legislature - Second Session - 2014

Introducer's Statement of Intent

LB674

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: January 31, 2014

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

This bill addresses the matter of restrictions on animal ownership for those convicted of animal cruelty.

Section 28-1008 defines two forms of animal cruelty: cruel mistreatment and cruel neglect. Both may involve great suffering, including death.

Due to a “loophole” in the sentencing structure in section 28-1019, a defendant convicted of cruel mistreatment may be ordered not to “own, possess or reside with any animal” for a period of years, but such is not the case with cruel neglect.

Legislative Bill 674 strikes the pertinent language in line 10 on page 2. By doing so, a sentencing judge will be empowered to impose animal ownership restrictions for cruel neglect as is currently the case with cruel mistreatment.

The problem surfaced in a recent Lancaster County case involving a defendant whose dog-breeding operation was so deplorable that Lancaster County Judge Timothy Phillips called it “an animal Auschwitz” – a reference to the most brutal and notorious of the Holocaust death camps.

The puppy mill operator pleaded no contest to misdemeanor animal neglect and was sentenced to two years’ probation, the longest probationary sentence that could be imposed. Judge Phillips expressed frustration that he could not impose a 5-year animal ownership restriction, per section 28-1019 due to the aforementioned loophole. The most he could do was impose a restriction of two years, equal to the term of probation.

The judge said the defendant was driven by greed and refused to take responsibility for her actions or apologize.

“An individual has to be very insensitive to not believe that these creatures can feel cold, hunger, pain and abandonment,” said Judge Phillips.

Principal Introducer: Senator Ernie Chambers