

CLERK: Senator Robinson voting yes. Senator Day voting yes. Senator Jones voting yes. Senator Dierks voting yes. Senator Schellpeper voting yes. Senator Maurstad voting yes. Senator Brown voting yes.

PRESIDENT ROBAK: Please record.

CLERK: 26 ayes, 0 nays on the amendment.

PRESIDENT ROBAK: The Chambers amendment is adopted. I raise the call. We are now on the fifth Chambers amendment. (Chambers amendment, FA329, appears on page 2617 of the Legislative Journal.)

SENATOR CHAMBERS: Madam President, members of the Legislature, I hope this doesn't become my unfinished fifth. But in any case, this deals with an area that I had talked to Senator Wehrbein about, and when we were discussing the bill, at an earlier point, I could not come up with language that dealt with exactly what I was interested in. And I don't know how he feels about this language. But here's where it would be found, on page 4 of the E & R amendment I would add a new subsection (9). In order for you to follow, I want to read to you the subsection (8), which would be current law with a minor change. The purpose of these provisions that I'm reading is to show that...oh, Section 28-1008 does not apply. This is one of the things under existing law it does not apply to. Use of reasonable force against an animal other than a police animal which is working, including killing, capture or restraint, if the animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person or other animal. That exception which tells you when you can use reasonable force against an animal exempts out police animal. My language would add this provision following that and it deals specifically with a police animal. Use...this is what would exempt you from being charged with a crime. Use of reasonable force against a police animal if such animal poses an eminent threat of death or bodily injury. The reason for this is that I don't believe a person should have to sit there or lie there and let a dog chew him or her up. Senator Wehrbein and somebody else had talked to me about how well these dogs are trained. But regardless of how well the dog is trained, we know that we have rouge officers who themselves will use excessive force. So if the dog is doing something beyond what is