

SENATOR WITEK: No, I'm talking about the individuals who may injure the police animal would be in the commission of a crime.

SENATOR CHAMBERS: That could be, yes, that could be.

SENATOR WITEK: So you're letting someone off here. If they are depending on another...on a police animal, as sometimes they do now, as I understand, and not that I know a whole lot about the subject,...

SENATOR CHAMBERS: That's all right, go ahead.

SENATOR WITEK: ...but as I understand it, they kind of use that animal as their partner. It is their partner and all you would have to do is shoot that animal and you were committing a crime, that animal went after you and you kill it and you said, I thought they were going to hurt me, this language would allow that defense, would it not?

SENATOR CHAMBERS: Senator Witek, a person can raise any defense he or she chooses but it becomes, to use your favorite forum, in the courtroom it becomes a matter of proof. I couldn't simply say it. I would have to establish by the objective evidence in explaining the circumstances which would be established by the introduction of evidence that this dog or the horse posed an imminent threat of death or bodily injury to me.

SENATOR WITEK: But they are going to if they are going after you.

SENATOR CHAMBERS: See, even if I'm committing a crime,...

SENATOR WITEK: They're going to want to...they're going to pose a threat of bodily injury if they're going after you to bring you down or slow you down if you're running away in the commission of a crime and they say, you know, go get that individual and bring him down then that's what that dog would be doing. Or if you were...if they were chasing someone on a horse,...

SENATOR CHAMBERS: Senator Witek, before a white guy got shot in the back near the Omaha police station and I got involved in the case, he was fleeing and unarmed, nondangerous felon, the police rules and regulations allowed that. I got involved in the case and said they were wrong, showed them case law and they changed