

AMENDMENTS TO LB 1055

(Amendments to E & R amendments, ER8183)

Introduced by Cornett, 45.

1 1. Insert the following new sections:

2 Section 1. Section 28-101, Revised Statutes Supplement,
3 2007, is amended to read:

4 28-101 Sections 28-101 to 28-1350 and section 3 of this
5 act shall be known and may be cited as the Nebraska Criminal Code.

6 Sec. 2. Section 28-1008, Revised Statutes Supplement,
7 2007, is amended to read:

8 28-1008 For purposes of sections 28-1008 to 28-1017 and
9 section 3 of this act:

10 (1) Abandon means to leave any animal in one's care,
11 whether as owner or custodian, for any length of time without
12 making effective provision for its food, water, or other care as is
13 reasonably necessary for the animal's health;

14 (2) Animal means any vertebrate member of the animal
15 kingdom. The term does not include an uncaptured wild creature;

16 (3) Cruelly mistreat means to knowingly and intentionally
17 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or
18 otherwise inflict harm upon any animal;

19 (4) Cruelly neglect means to fail to provide any animal
20 in one's care, whether as owner or custodian, with food, water, or
21 other care as is reasonably necessary for the animal's health;

22 (5) Humane killing means the destruction of an animal by

1 a method which causes the animal a minimum of pain and suffering;

2 (6) Law enforcement officer means any member of the
3 Nebraska State Patrol, any county or deputy sheriff, any member
4 of the police force of any city or village, or any other public
5 official authorized by a city or village to enforce state or
6 local animal control laws, rules, regulations, or ordinances.
7 Law enforcement officer also includes any inspector under the
8 Commercial Dog and Cat Operator Inspection Act to the extent that
9 such inspector may exercise the authority of a law enforcement
10 officer under section 28-1012 while in the course of performing
11 inspection activities under the Commercial Dog and Cat Operator
12 Inspection Act;

13 (7) Mutilation means intentionally causing permanent
14 injury, disfigurement, degradation of function, incapacitation, or
15 imperfection to an animal. Mutilation does not include conduct
16 performed by a veterinarian licensed to practice veterinary
17 medicine and surgery in this state or conduct that conforms to
18 accepted veterinary practices;

19 ~~(7)~~ (8) Police animal means a horse or dog owned or
20 controlled by the State of Nebraska for the purpose of assisting a
21 Nebraska state trooper in the performance of his or her official
22 enforcement duties; and

23 (9) Repeated beating means intentional successive strikes
24 to an animal by a person resulting in serious bodily injury or
25 death to the animal;

26 ~~(8)~~ (10) Serious injury or illness includes any injury
27 or illness to any animal which creates a substantial risk of death

1 or which causes broken bones, prolonged impairment of health, or
2 prolonged loss or impairment of the function of any bodily organ;
3 and-

4 (11) Torture means intentionally subjecting an animal
5 to extreme pain, suffering, or agony. Torture does not include
6 conduct performed by a veterinarian licensed to practice veterinary
7 medicine and surgery in this state or conduct that conforms to
8 accepted veterinary practices.

9 Sec. 3. (1) (a) Any person convicted of a Class IV felony
10 under section 28-1005 or 28-1009 shall not own, possess, or reside
11 with any animal for not less than fifteen years from the date of
12 conviction. Any person violating this subdivision shall be guilty
13 of a Class I misdemeanor.

14 (b) Any person convicted of a Class I misdemeanor under
15 subdivision (2) (a) of section 28-1009 or a Class III misdemeanor
16 under section 28-1010 shall not own, possess, or reside with any
17 animal for not less than five years from the date of conviction.
18 Any person violating this subdivision shall be guilty of a Class IV
19 misdemeanor.

20 (c) Any animal involved in a violation of subdivisions
21 (a) and (b) of this subsection shall be subject to seizure by law
22 enforcement.

23 (d) A court may extend the time restrictions for owning,
24 possessing, or residing with any animal under this subsection as
25 the court deems reasonable and necessary.

26 (2) The time restrictions in subdivisions (1) (a) and (b)
27 of this section shall not apply to any person convicted under

1 section 28-1005 or 28-1009 if a licensed physician confirms in
2 writing that ownership or possession of or residence with an animal
3 is essential to the health of such person.

4 Sec. 4. Section 28-1013, Revised Statutes Supplement,
5 2007, is amended to read:

6 28-1013 Sections 28-1008 to 28-1017 and section 3 of this
7 act shall not apply to:

8 (1) Care or treatment of an animal by a veterinarian
9 licensed under the Nebraska Veterinary Practice Act until December
10 1, 2008, and the Veterinary Medicine and Surgery Practice Act on
11 and after December 1, 2008;

12 (2) Commonly accepted care or treatment of a police
13 animal by a law enforcement officer in the normal course of his or
14 her duties;

15 (3) Research activity carried on by any research facility
16 currently meeting the standards of the federal Animal Welfare Act,
17 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;

18 (4) Commonly accepted practices of hunting, fishing, or
19 trapping;

20 (5) Commonly accepted practices occurring in conjunction
21 with rodeos, animal racing, or pulling contests;

22 (6) Humane killing of an animal by the owner or by his or
23 her agent or a veterinarian upon the owner's request;

24 (7) Commonly accepted practices of animal husbandry with
25 respect to farm animals, including their transport from one
26 location to another and nonnegligent actions taken by personnel
27 or agents of the Nebraska Department of Agriculture or the United

1 States Department of Agriculture in the performance of duties
2 prescribed by law;

3 (8) Use of reasonable force against an animal, other than
4 a police animal, which is working, including killing, capture, or
5 restraint, if the animal is outside the owned or rented property
6 of its owner or custodian and is injuring or posing an immediate
7 threat to any person or other animal;

8 (9) Killing of house or garden pests;

9 (10) Commonly followed practices occurring in conjunction
10 with the slaughter of animals for food or byproducts; and

11 (11) Commonly accepted animal training practices.

12 Sec. 5. Section 28-1014, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 28-1014 Any city, village, or county may adopt and
15 promulgate rules, regulations, and ordinances which are not
16 inconsistent with the provisions of sections 28-1008 to 28-1017
17 and section 3 of this act for the protection of the public, public
18 health, and animals within its jurisdiction.

19 Sec. 6. Section 28-1015, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 28-1015 When an animal is owned by a minor child, the
22 parent of such minor child with whom the child resides or legal
23 guardian with whom the child resides shall be subject to the
24 penalties provided under sections 28-1008 to 28-1017 and section 3
25 of this act if the animal is abandoned or cruelly neglected.

26 Sec. 7. Section 28-1016, Revised Statutes Cumulative
27 Supplement, 2006, is amended to read:

1 28-1016 Nothing in sections 28-1008 to 28-1017 and
2 section 3 of this act shall be construed as amending or changing
3 the authority of the Game and Parks Commission as established in
4 the Game Law or to prohibit any conduct authorized or permitted by
5 such law.

6 2. On page 10, line 9, after the last comma insert
7 "sections 28-1014, 28-1015, and 28-1016, Revised Statutes
8 Cumulative Supplement, 2006, and sections 28-101, 28-1008, and
9 28-1013, Revised Statutes Supplement, 2007,".

10 3. Renumber the remaining sections and correct internal
11 references accordingly.