

ONE HUNDREDTH LEGISLATURE - SECOND SESSION - 2008

COMMITTEE STATEMENT

LB1055

Hearing Date: February 13, 2008

Committee On: Judiciary

Introducer(s): (McDonald)

Title: Change provisions relating to dangerous dogs and dogs running at large

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

7 Yes	Senators Ashford, Chambers, Lathrop, McDonald, McGill, Pirsch, Schimek
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0 No	
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1 Absent	Senators Pedersen
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0 Present, not voting	
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Proponents:

Senator McDonald
Mark Langan

Representing:

Introducer
Nebraska Humane Society

Robert Downey
Don Wesely
Scott Tingelhoff

Larry Williams

Opponents:

Neutral:

Capital Humane Society
Humane Society of the United States
County Attorneys Association Saunders
County Saunders County Lost Pets
Nebraska Veterinary Medical Association

Representing:

Representing:

Summary of purpose and/or change:

LB 1055 would make the following changes to Nebraska's statutes on dogs and dangerous dogs found in sections 54-608 through 54-624 of the statutes. The following is a section by section description of the bill:

Section 1.

1. Amends §54-608 to make it unlawful for any dog to run at large.
2. The fines for allowing a dog to run at large are increased to \$50 for a first offense, \$75 for a second offense, and \$100 for a third and subsequent offenses.
3. Counties, cities and villages may enact additional penalties for dog owners with more than three violations.

Section 2.

Amends §54-610 to remove language regarding a dog committing damage to public or private property as a condition for the pound master to investigate a complaint.

- A dog at large can be justification for an investigation.

Section 3.

Amends §54-611 to add additional options for the disposition of a dog for repeated violation of sections 54-601 or 54-608.

- Disposition has been defined to include sterilization, seizure, permanent assignment of the dog to a court-approved animal shelter or destruction in a humane and expeditious manner.

Section 4.

Amends §54-613 to increase the penalty for violation of sections 54-601 and 54-608 to a Class IV misdemeanor which is punishable by a maximum of \$500.

Section 5.

1. Amends §54-614 to allow all counties to assess a dog license tax and adopt regulations prohibiting dogs from running at large.
 - Dogs will no longer be destroyed if an owner fails to pay the license tax.
 - Counties may impound a dog if the owner hasn't paid the license tax or if the dog is running at large.
 - The owner will be responsible for the cost of impoundment.
 - Dogs may not be sold to discharge costs and penalties.

Section 6.

Amends §54-615 to allow counties to impound dogs running at large.

- The owner will be responsible for the reasonable cost of impoundment and any penalties.

Section 7.

Amends §54-616 by changing the language from: "*such county shall power to provide for the erection of all needful pounds within the county.*" To now read as: "A county may provide for the erection of any pounds needed within the county."

Section 8.

Amends §54-617 to expand the definition of animal control authority to include any local law enforcement agency or other agency designated by a county, city or village to enforce animal control in their jurisdiction.

- In addition, the definition of dangerous dog has been changed.
- Currently a dog must inflict a severe injury on a person while on public or private property other than their owner's property in order to be considered dangerous. Severe injury is defined as any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones.

- The bill removes the "severe injury" and a location requirement for a dog attack and establishes that a dog will be considered dangerous if it kills a domestic animal or inflicts injury on a human being.
- The definition of domestic animals is expanded to include livestock such as buffalo, deer, antelope, fowl, and other animals in a zoo, wildlife park, refuge, wildlife area or nature center.

Section 9.

Amends §54-618 to add specific requirements for dangerous dogs.

- A dangerous dog must be spayed or neutered and implanted with a microchip by a licensed veterinarian within 30 days after the declaration that the dog is dangerous.
- Written proof of both procedures and the microchip number must be provided to the animal control authority.
- Dangerous dogs can't be transported to another county, city or village in the state except for a reasonable veterinary purpose.
- The bill creates a procedure which may allow an owner who is relocating permanently to move a dangerous dog to another county under certain specific requirements. A dangerous dog may be moved only if the owner obtains written permission from both the animal control authority in the county of current residence and the animal control authority in the county of the new residence. Animal control authorities are not required to grant written permission to move dangerous dogs.
- A dangerous dog designation can not be rescinded.

Section 10.

Amends §54-619 to clarify that dangerous dogs must be confined to protect the public.

- The confinement may be indoors or outdoors in a specific pen or structure.
- Requirements for the size and construction of the outdoor pen or structure will be the same as those found in §54-640. The sides of the structure must be embedded at least one foot into the ground and the structure must be located at least 10 feet from any property line.
- Warning signs are required and must be clearly visible from all areas of public access. The warning signs must be at least 10" by 12" and contain the words "warning" and "dangerous animal" in high-contrast lettering at least 3" high on a black background.

Section 11.

Amends §54-620 to include a reference to Section 14 of this act.

Section 12.

Amends §54-623 to prohibit anyone convicted of violating sections 54-617 to 54-624 from owning a dangerous dog for 10 years after such a conviction.

- A violation of the ownership prohibition is a Class IIIA misdemeanor.
- In addition, if a dangerous dog of an owner with a previous violation of these sections attacks or bites a human being or domestic animal, the dog can be confiscated, quarantined and humanely destroyed.
- The owner will be guilty of a Class IIIA misdemeanor.

Section 13.

Amends §54-624 to include a reference to Section 14 of this act.

Section 14.

New language requiring each county to designate an animal control officer to enforce the dangerous dog statutes and the county's laws on dangerous dogs.

Section 15.

54- Repeal of original sections 54-608, 54-610, 54-611, 54-613, 54-614, 54-615, 616, 54-617, 54-618, 54-619, 54-620, 54-623 and 54-624.

Section 16.

Outright repeal of sections 54-607 and 54-609.

Section 17.

The emergency clause.

Explanation of amendments, if any:

AM 1876 TO LB 1055

AM 1876 would make the following changes:

- Adds section 54-607 to the bill which provides that, "The owner of any dog running at large for ten days without a collar as required in section 54-605 shall be fined an amount not to exceed twenty-five dollars.
- Amends section 54-608 so that this section would only apply, "In counties having a population of eighty thousand or more inhabitants and cities of the first class contained in such counties..." found on page 2, lines 3-5 and strike the new matter on lines 9 through 16.
- Section 5, page 4, line 16 after the period, add that, "A county adopting regulations in accordance with this subsection shall provide for an appeal process with respect to such regulations."
- Amends section 9 of the bill to provide that a dangerous dog that is to be spayed or neutered and implanted with a microchip as provided for in LB 1055, will be done so at the cost to the owner of the dangerous dog.

Senator Brad Ashford, Chairperson