

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008
COMMITTEE STATEMENT**

LB769

Hearing Date: February 13, 2008

Committee On: Judiciary

Introducer(s): (Cornett)

Title: Change provisions relating to offenses against animals

Roll Call Vote - Final Committee Action:

Placed on General File

Vote Results:

8	Yes	Senators Ashford, Chambers, Lathrop, McDonald, McGill, Pedersen, Pirsch, Schimek
0	No	
0	Absent	
0	Present, not voting	

Proponents:

Mark Langan
Greg Ariza

Representing:

Nebraska Humane Society
Douglas County Attorney's Office

Larry Williams
Robert Downey

Nebraska Veterinary Medical Association
Capital Humane Society

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or change:

LB 769 would amend 28-1005 through 28-1010 of the Nebraska Statutes, which provide penalties for the cruel and inhumane treatment of animals, especially those used for dog fighting, cockfighting and bearbaiting.

LB 769 would prohibit individuals convicted under the cruelty to animals' statutes from owning, possessing; or reside with any animal for the following lengths of time:

- A person convicted of a Class IV felony under these statutes would be prohibited from owning, possessing, or residing with an animal for not less than 15 years, **(A person found in violation of this section would be guilty of a Class I Misdemeanor)**,
- A person convicted of a Class I or Class III Misdemeanor under this act would be prohibited from owning, possessing, or residing with an animal for not less than 5 years **(A person found in violation of this section would be guilty of a Class IV Misdemeanor)**.

LB 769 also makes several changes to the definition of terms found in section 28-1008. The following new definitions have been added:

- Mutilation means intentionally causing permanent injury, disfigurement, degradation of function, incapacitation, or imperfection to an animal. Mutilation does not include conduct performed by a veterinarian licensed under the Nebraska Veterinary Practice Act or conduct that conforms to accepted veterinary practices;
- Repeated beating means intentional successive strikes to an animal by a person resulting in serious bodily injury or death to the animal;
- Serious injury or illness includes any injury or illness to any animal which creates a substantial risk of death or which causes broken bones, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ; and **(broken bones new to this section)**
- Torture means intentionally subjecting an animal to extreme pain, suffering, or agony. Torture does not include conduct performed by a veterinarian licensed under the Nebraska Veterinary Practice Act or conduct that conforms to accepted veterinary practices.

The prohibition against owning, possessing, and residing with a person would not apply to any person convicted under sections 28-1005 or 28-1009 if:

- If a licensed physician confirms in writing that the person convicted is receiving a therapeutic benefit from the ownership or possession of or residence with an animal or
- If the person holds a license for the sale, resale, or sale of a product of an animal grown, produced, or raised in the state and at least twenty percent of the person's annual income is derived from such sale or resale.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson