

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 494

Introduced by McCoy, 39; Mello, 5; Nordquist, 7.

Read first time January 20, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to dogs; to amend section 54-622, Reissue
2 Revised Statutes of Nebraska, and sections 54-617,
3 54-620, 54-623, 54-623.01, and 54-624, Revised Statutes
4 Cumulative Supplement, 2008; to change provisions
5 relating to dangerous dogs; to provide a penalty;
6 to harmonize provisions; and to repeal the original
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-617, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 54-617 For purposes of sections 54-617 to 54-624 and
4 section 6 of this act:

5 (1) Animal control authority means an entity authorized
6 to enforce the animal control laws of a county, city, or village or
7 this state and includes any local law enforcement agency or other
8 agency designated by a county, city, or village to enforce the
9 animal control laws of such county, city, or village;

10 (2) Animal control officer means any individual employed,
11 appointed, or authorized by an animal control authority for the
12 purpose of aiding in the enforcement of sections 54-617 to 54-624
13 and section 6 of this act or any other law or ordinance relating
14 to the licensure of animals, control of animals, or seizure
15 and impoundment of animals and includes any state or local law
16 enforcement officer or other employee whose duties in whole or in
17 part include assignments that involve the seizure and impoundment
18 of any animal;

19 (3)(a) Dangerous dog means a dog that, according to
20 the records of an animal control authority: (i) Has killed a
21 human being; (ii) has inflicted injury on a human being that
22 requires medical treatment; (iii) has killed a domestic animal
23 without provocation; or (iv) has been previously determined to be a
24 potentially dangerous dog by an animal control authority, the owner
25 has received notice of such determination, and the dog inflicts an

1 injury on a human being that does not require medical treatment,
2 injures a domestic animal, or threatens the safety of humans or
3 domestic animals.

4 (b)(i) A dog shall not be defined as a dangerous dog
5 under subdivision (3)(a)(ii) of this section if the individual was
6 tormenting, abusing, or assaulting the dog at the time of the
7 injury or has, in the past, been observed or reported to have
8 tormented, abused, or assaulted the dog.

9 (ii) A dog shall not be defined as a dangerous dog
10 under subdivision (3)(a)(iv) of this section if the injury, damage,
11 or threat was sustained by an individual who, at the time, was
12 committing a willful trespass as defined in section 20-203, 28-520,
13 or 28-521, was committing any other tort upon the property of the
14 owner of the dog, was tormenting, abusing, or assaulting the dog,
15 or has, in the past, been observed or reported to have tormented,
16 abused, or assaulted the dog, or was committing or attempting to
17 commit a crime;

18 (4) Domestic animal means a cat, a dog, or livestock.
19 Livestock includes buffalo, deer, antelope, fowl, and any other
20 animal in any zoo, wildlife park, refuge, wildlife area, or nature
21 center intended to be on exhibit;

22 (5) Medical treatment means treatment administered by a
23 physician or other licensed health care professional;

24 (6) Owner means any person, firm, corporation,
25 organization, political subdivision, or department possessing,

1 harboring, keeping, or having control or custody of a dog; and

2 (7) Potentially dangerous dog means (a) any dog that
3 when unprovoked (i) inflicts an injury on a human being that does
4 not require medical treatment, (ii) injures a domestic animal, or
5 (iii) chases or approaches a person upon streets, sidewalks, or
6 any public grounds in a menacing fashion or apparent attitude of
7 attack or (b) any specific dog with a known propensity, tendency,
8 or disposition to attack when unprovoked, to cause injury, or to
9 threaten the safety of humans or domestic animals.

10 Sec. 2. Section 54-620, Revised Statutes Cumulative
11 Supplement, 2008, is amended to read:

12 54-620 Any dangerous dog may be immediately confiscated
13 by an animal control officer if the owner is in violation
14 of sections 54-617 to 54-624 and section 6 of this act. The
15 owner shall be responsible for the reasonable costs incurred by
16 the animal control authority for the care of a dangerous dog
17 confiscated by an animal control officer or for the destruction of
18 any dangerous dog if the action by the animal control authority is
19 pursuant to law and if the owner violated sections 54-617 to 54-624
20 and section 6 of this act.

21 Sec. 3. Section 54-622, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 54-622 ~~Any person~~ Except as provided in section 6 of this
24 act, any owner who violates sections 54-617 to 54-621 shall be
25 guilty of a Class IV misdemeanor.

1 Sec. 4. Section 54-623, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 54-623 (1) Any ~~person~~ owner convicted of a violation of
4 sections 54-617 to 54-624 and section 6 of this act shall not own
5 a dangerous dog within ten years after such conviction. Any ~~person~~
6 owner violating this subsection shall be guilty of a Class IIIA
7 misdemeanor, and the dog shall be treated as provided in subsection
8 (2) of this section.

9 (2) ~~If~~ Except as provided in section 6 of this act, if
10 a dangerous dog of an owner with a prior conviction under sections
11 54-617 to 54-624 and section 6 of this act attacks or bites a
12 human being or domestic animal, the owner shall be guilty of a
13 Class IIIA misdemeanor. In addition, the dangerous dog shall be
14 immediately confiscated by an animal control authority, placed in
15 quarantine for the proper length of time, and thereafter destroyed
16 in an expeditious and humane manner.

17 Sec. 5. Section 54-623.01, Revised Statutes Cumulative
18 Supplement, 2008, is amended to read:

19 54-623.01 Each county shall designate an animal control
20 authority that shall be responsible for enforcing sections 54-617
21 to 54-624 and section 6 of this act and the laws of such county
22 regarding dangerous dogs.

23 Sec. 6. Any owner whose dangerous dog inflicts on a human
24 being an injury which includes mutilation or the loss of a body
25 part is guilty of a Class IV felony.

1 Sec. 7. Section 54-624, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 54-624 Nothing in sections 54-617 to 54-623.01 and
4 section 6 of this act shall be construed to restrict or prohibit
5 any governing board of any county, city, or village from
6 establishing and enforcing laws or ordinances at least as stringent
7 as the provisions of sections 54-617 to 54-623.01 and section 6
8 of this act.

9 Sec. 8. Original section 54-622, Reissue Revised Statutes
10 of Nebraska, and sections 54-617, 54-620, 54-623, 54-623.01, and
11 54-624, Revised Statutes Cumulative Supplement, 2008, are repealed.