

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 71

Introduced by Cornett, 45.

Read first time January 8, 2009

Committee: Agriculture

A BILL

1 FOR AN ACT relating to crimes; to amend sections 28-1013 and
2 28-1017, Reissue Revised Statutes of Nebraska; to require
3 animal care professionals to report animal abandonment,
4 cruel neglect, and cruel mistreatment; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1017, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-1017 (1) For purposes of this section:

4 (a) Reasonably suspects means a basis for reporting
5 knowledge or a set of facts that would lead a person of ordinary
6 care and prudence to believe and conscientiously entertain a strong
7 suspicion that criminal activity is at hand or that a crime has
8 been committed; ~~and~~

9 (b) Employee means any employee of an agency ~~relating~~
10 ~~to~~ a governmental agency dealing with child or adult protective
11 services, animal control, or animal abuse; ~~and-~~

12 (c) Animal care professional means a veterinarian or
13 veterinary technician.

14 (2) Any animal care professional or any employee, while
15 acting in his or her professional capacity or within the scope of
16 his or her employment, who observes or is involved in an incident
17 which leads the animal care professional or employee to reasonably
18 suspect that an animal has been abandoned, cruelly neglected, or
19 cruelly mistreated shall report such to the entity or entities that
20 investigate such reports in that jurisdiction.

21 (3) The report of an employee shall be made within two
22 working days of acquiring the information concerning the animal by
23 facsimile transmission of a written report presented in the form
24 described in subsection (6) of this section or by telephone. When
25 an immediate response is necessary to protect the health and safety

1 of the animal or others, the report of an employee shall be made by
2 telephone as soon as possible.

3 (4) Nothing in this section shall be construed to impose
4 a duty to investigate observed or reasonably suspected animal
5 abandonment, cruel neglect, or cruel mistreatment. Any person
6 making a report under this section is immune from liability except
7 for false statements of fact made with malicious intent.

8 (5) ~~Reports~~ A report made by an employee pursuant to this
9 section shall include:

10 (a) The reporter's name and title, business address, and
11 telephone number;

12 (b) The name, if known, of the animal owner or custodian,
13 whether a business or individual;

14 (c) A description of the animal or animals involved,
15 person or persons involved, and location of the animal or animals
16 and the premises; and

17 (d) The date, time, and a description of the observation
18 or incident which led the reporter to reasonably suspect animal
19 abandonment, cruel neglect, or cruel mistreatment and any other
20 information the reporter believes may be relevant.

21 (6) ~~Reports~~ A report made by an employee pursuant to this
22 section may be made on preprinted forms prepared by the entity
23 or entities that investigate reports of animal abandonment, cruel
24 neglect, or cruel mistreatment in that jurisdiction. The form shall
25 include space for the information required under subsection (5) of

1 this section.

2 (7) When two or more employees jointly have observed or
3 reasonably suspected animal abandonment, cruel neglect, or cruel
4 mistreatment and there is agreement between or among them, a report
5 may be made by one person by mutual agreement. Any such reporter
6 who has knowledge that the person designated to report has failed
7 to do so shall thereafter make the report.

8 (8) Any employee failing to report under this section
9 shall be guilty of an infraction.

10 Sec. 2. Section 28-1013, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 28-1013 Sections 28-1008 to ~~28-1017~~ 28-1016 and 28-1019
13 shall not apply to:

14 (1) Care or treatment of an animal by a veterinarian
15 licensed under the Nebraska Veterinary Practice Act until December
16 1, 2008, and the Veterinary Medicine and Surgery Practice Act on
17 and after December 1, 2008;

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

21 (3) Research activity carried on by any research facility
22 currently meeting the standards of the federal Animal Welfare Act,
23 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;

24 (4) Commonly accepted practices of hunting, fishing, or
25 trapping;

1 (5) Commonly accepted practices occurring in conjunction
2 with sanctioned rodeos, animal racing, or pulling contests;

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

5 (7) Commonly accepted practices of animal husbandry with
6 respect to farm animals and commercial livestock operations,
7 including their transport from one location to another and
8 nonnegligent actions taken by personnel or agents of the Nebraska
9 Department of Agriculture or the United States Department of
10 Agriculture in the performance of duties prescribed by law;

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

16 (9) Killing of house or garden pests;

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

19 (11) Commonly accepted animal training practices.

20 Sec. 3. Original sections 28-1013 and 28-1017, Reissue
21 Revised Statutes of Nebraska, are repealed.