

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 721**

Introduced by Larson, 40.

Read first time January 04, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-906,  
2 Reissue Revised Statutes of Nebraska, and section  
3 28-1008, Revised Statutes Cumulative Supplement, 2010; to  
4 redefine the term police animal; and to repeal the  
5 original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-906, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           28-906 (1) A person commits the offense of obstructing a  
4 peace officer, when, by using or threatening to use violence, force,  
5 physical interference, or obstacle, he or she intentionally  
6 obstructs, impairs, or hinders (a) the enforcement of the penal law  
7 or the preservation of the peace by a peace officer or judge acting  
8 under color of his or her official authority or (b) a police animal  
9 assisting a peace officer acting pursuant to the peace officer's  
10 official authority.

11           (2) For purposes of this section, police animal means a  
12 horse or dog owned or controlled by the State of Nebraska or any  
13 county, city, or village for the purpose of assisting a ~~Nebraska~~  
14 ~~state trooper~~ peace officer acting pursuant to his or her official  
15 authority.

16           (3) Obstructing a peace officer is a Class I misdemeanor.

17           Sec. 2. Section 28-1008, Revised Statutes Cumulative  
18 Supplement, 2010, is amended to read:

19           28-1008 For purposes of sections 28-1008 to 28-1017,  
20 28-1019, and 28-1020:

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

25           (2) Animal means any vertebrate member of the animal

1 kingdom. Animal does not include an uncaptured wild creature or a  
2 livestock animal as defined in section 54-902;

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

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

9 (5) Humane killing means the destruction of an animal by  
10 a method which causes the animal a minimum of pain and suffering;

11 (6) Law enforcement officer means any member of the  
12 Nebraska State Patrol, any county or deputy sheriff, any member of  
13 the police force of any city or village, or any other public official  
14 authorized by a city or village to enforce state or local animal  
15 control laws, rules, regulations, or ordinances. Law enforcement  
16 officer also includes any inspector under the Commercial Dog and Cat  
17 Operator Inspection Act to the extent that such inspector may  
18 exercise the authority of a law enforcement officer under section  
19 28-1012 while in the course of performing inspection activities under  
20 the Commercial Dog and Cat Operator Inspection Act;

21 (7) Mutilation means intentionally causing permanent  
22 injury, disfigurement, degradation of function, incapacitation, or  
23 imperfection to an animal. Mutilation does not include conduct  
24 performed by a veterinarian licensed to practice veterinary medicine  
25 and surgery in this state or conduct that conforms to accepted

1 veterinary practices;

2 (8) Police animal means a horse or dog owned or  
3 controlled by the State of Nebraska or any county, city, or village  
4 for the purpose of assisting a ~~Nebraska state trooper~~ law enforcement  
5 officer in the performance of his or her official enforcement duties;

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

9 (10) Serious injury or illness includes any injury or  
10 illness to any animal which creates a substantial risk of death or  
11 which causes broken bones, prolonged impairment of health, or  
12 prolonged loss or impairment of the function of any bodily organ; and

13 (11) Torture means intentionally subjecting an animal to  
14 extreme pain, suffering, or agony. Torture does not include conduct  
15 performed by a veterinarian licensed to practice veterinary medicine  
16 and surgery in this state or conduct that conforms to accepted  
17 veterinary practices.

18 Sec. 3. Original section 28-906, Reissue Revised Statutes  
19 of Nebraska, and section 28-1008, Revised Statutes Cumulative  
20 Supplement, 2010, are repealed.