

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 856**

Introduced by Larson, 40; Schilz, 47.

Read first time January 06, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-1017,  
2 Revised Statutes Cumulative Supplement, 2010, and section  
3 28-101, Revised Statutes Supplement, 2011; to change  
4 provisions relating to the reporting of cruelty to  
5 animals; to define a term and change a penalty; to create  
6 the offense of obtaining employment at an animal facility  
7 with intent to disrupt operations; to provide a penalty;  
8 to harmonize provisions; and to repeal the original  
9 sections.  
10 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-101, Revised Statutes Supplement,  
2   2011, is amended to read:

3           28-101 Sections 28-101 to 28-1356 and section 3 of this  
4 act shall be known and may be cited as the Nebraska Criminal Code.

5           Sec. 2. Section 28-1017, Revised Statutes Cumulative  
6 Supplement, 2010, is amended to read:

7           28-1017 (1) For purposes of this section+ ~~(a)~~ Reasonably  
8 suspects means a basis for reporting knowledge or a set of facts that  
9 would lead a person of ordinary care and prudence to believe and  
10 conscientiously entertain a strong suspicion that criminal activity  
11 is at hand or that a crime has been committed. ~~;~~ and

12           ~~(b) Employee means any employee of a governmental agency~~  
13 ~~dealing with child or adult protective services, animal control, or~~  
14 ~~animal abuse.~~

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

22           (3) The report ~~of an employee~~ shall be made within ~~two~~  
23 ~~working days of twelve hours after~~ acquiring the information  
24 concerning the animal by facsimile transmission of a written report  
25 presented in the form described in subsection (6) of this section or

1 by telephone. When an immediate response is necessary to protect the  
2 health and safety of the animal or others, the report ~~of an employee~~  
3 shall be made by telephone as soon as possible.

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

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

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

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

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

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

22 (e) All original documentation, if any, or copies  
23 thereof, including video, photographs, or audio, which is evidence of  
24 animal abandonment, cruel neglect, or cruel mistreatment.

25 (6) A report made ~~by an employee~~ pursuant to this section

1 may be made on preprinted forms prepared by the entity or entities  
2 that investigate reports of animal abandonment, cruel neglect, or  
3 cruel mistreatment in that jurisdiction. The form shall include space  
4 for the information required under subsection (5) of this section.

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

11 (8) Any ~~employee~~person failing to report under this  
12 section ~~shall be is~~ guilty of ~~an infraction.~~ a Class IV felony.

13 Sec. 3. (1) Any person who obtains employment at an  
14 animal facility with the intent to disrupt the normal operations of  
15 the animal facility is guilty of a Class IV felony.

16 (2) For purposes of this section, animal facility means a  
17 location where an agricultural animal is maintained for agricultural  
18 production dedicated to farming, a livestock market, or an  
19 exhibition, or a location where an animal is maintained for  
20 educational or scientific purposes, including, but not limited to, a  
21 research facility or an exhibition, or a location where the primary  
22 activity is the transport of animals for animal facility purposes.

23 Sec. 4. Original section 28-1017, Revised Statutes  
24 Cumulative Supplement, 2010, and section 28-101, Revised Statutes  
25 Supplement, 2011, are repealed.