

**ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013**  
**COMMITTEE STATEMENT**  
**LB329**

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**Hearing Date:** Wednesday February 20, 2013  
**Committee On:** Judiciary  
**Introducer:** Howard  
**One Liner:** Change provisions relating to criminal offenses against animals

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

**Aye:** 8 Senators Ashford, Chambers, Christensen, Coash, Davis, Lathrop, McGill, Seiler

**Nay:**

**Absent:**

**Present Not Voting:**

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**Proponents:**

SEN. SARA HOWARD  
MARK LANGAN

**Representing:**

INTRODUCER  
NEB HUMANE SOCIETY

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 329 amends sections 28-1005 (Dogfighting, cockfighting, bear baiting, or pitting an animal against another; prohibited acts; penalty.), 28-1005.01 (Ownership or possession of animal fighting paraphernalia; penalty.), 28-1009 (Abandonment; cruel neglect; harassment of a police animal; penalty.), and 28-1010 (Indecency with an animal; penalty.) of the Nebraska Revised Statutes in the following manner:

Section 1. 28-1005 is amended to provide that in addition to the penalty provided for under this section, a person is also subject to the requirements of 28-1019, which provides that a person convicted under 28-1005 may be subject to a court ordering such person not to own, possess, or reside with any animal after the date of conviction, but such time restriction, if any, shall not exceed five years. Any person violating such court order shall be guilty of a Class IV misdemeanor;

Section 2. 28-1005.01 is amended to provide that in addition to the penalty provided for under this section, a person is also subject to the requirements of 28-1019 which provides that a person convicted under 28-1005.01 may be subject to a court ordering such person not to own, possess, or reside with any animal after the date of conviction, but such time restriction, if any, shall not exceed five years. Any person violating such court order shall be guilty of a Class IV misdemeanor;

Section 3. 28-1009 is amended to include a new subsection (4) which provides notice that a person convicted of a misdemeanor under subdivision (2) (a) of this section "may" also be subject to penalties under section 28-1019. This section also provides that those convicted of a Class IV felony under this section "shall" be subjected to penalties under section 28-1019; and

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Section 4. 28-1010 is amended to provide that a person convicted under this section may also be subjected to the penalty provided under 28-1019.

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Brad Ashford, Chairperson