

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 329**

Introduced by Howard, 9.

Read first time January 17, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to offenses against animals; to amend sections  
2 28-1005 and 28-1009, Reissue Revised Statutes of  
3 Nebraska, and sections 28-1005.01 and 28-1010, Revised  
4 Statutes Cumulative Supplement, 2012; to reference a  
5 statute restricting ownership, possession, or residence  
6 with any animal as prescribed; to harmonize provisions;  
7 and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-1005, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           28-1005 (1) No person shall knowingly:

4           (a) Promote, engage in, or be employed at dogfighting,  
5 cockfighting, bearbaiting, or pitting an animal against another;

6           (b) Receive money for the admission of another person to  
7 a place kept for such purpose;

8           (c) Own, use, train, sell, or possess an animal for such  
9 purpose; or

10           (d) Permit any act as described in this subsection to  
11 occur on any premises owned or controlled by him or her.

12           (2) Any person violating subsection (1) of this section  
13 shall be guilty of a Class IV felony and shall also be subject to  
14 section 28-1019.

15           (3) No person shall knowingly and willingly be present at  
16 and witness as a spectator dogfighting, cockfighting, bearbaiting, or  
17 the pitting of an animal against another as prohibited in subsection  
18 (1) of this section. Any person who violates any provision of this  
19 subsection shall be guilty of a Class IV felony and shall also be  
20 subject to section 28-1019.

21           Sec. 2. Section 28-1005.01, Revised Statutes Cumulative  
22 Supplement, 2012, is amended to read:

23           28-1005.01 (1) No person shall knowingly or intentionally  
24 own or possess animal fighting paraphernalia with the intent to  
25 commit a violation of section 28-1005.

1                   (2)(a) For purposes of this section, except as provided  
2 in subdivision (b) of this subsection, animal fighting paraphernalia  
3 means equipment, products, and materials of any kind that are used,  
4 intended for use, or designed for use in the training, preparation,  
5 conditioning, or furtherance of the pitting of an animal against  
6 another as defined in section 28-1004. Animal fighting paraphernalia  
7 includes, but is not limited to, the following:

8                   (i) A breaking stick, which means a device designed for  
9 insertion behind the molars of a dog for the purpose of breaking the  
10 dog's grip on another animal or object;

11                   (ii) A cat mill, which means a device that rotates around  
12 a central support with one arm designed to secure a dog and one arm  
13 designed to secure a cat, rabbit, or other small animal beyond the  
14 grasp of the dog;

15                   (iii) A treadmill, which means an exercise device  
16 consisting of an endless belt on which the animal walks or runs  
17 without changing place;

18                   (iv) A fighting pit, which means a walled area designed  
19 to contain an animal fight;

20                   (v) A springpole, which means a biting surface attached  
21 to a stretchable device, suspended at a height sufficient to prevent  
22 a dog from reaching the biting surface while touching the ground;

23                   (vi) A heel, which means any edged or pointed instrument  
24 designed to be attached to the leg of a fowl;

25                   (vii) A boxing glove or muff, which means a fitted

1 protective covering for the spurs of a fowl; and

2 (viii) Any other instrument commonly used in the  
3 furtherance of pitting an animal against another.

4 (b) Animal fighting paraphernalia does not include  
5 equipment, products, or materials of any kind used by a veterinarian  
6 licensed to practice veterinary medicine and surgery in this state.

7 (3) Any person violating subsection (1) of this section  
8 is guilty of a Class I misdemeanor and may also be subject to section  
9 28-1019.

10 Sec. 3. Section 28-1009, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 28-1009 (1) A person who intentionally, knowingly, or  
13 recklessly abandons or cruelly neglects an animal is guilty of a  
14 Class I misdemeanor unless the abandonment or cruel neglect results  
15 in serious injury or illness or death of the animal, in which case it  
16 is a Class IV felony.

17 (2)(a) Except as provided in subdivision (b) of this  
18 subsection, a person who cruelly mistreats an animal is guilty of a  
19 Class I misdemeanor for the first offense and a Class IV felony for  
20 any subsequent offense.

21 (b) A person who cruelly mistreats an animal is guilty of  
22 a Class IV felony if such cruel mistreatment involves the knowing and  
23 intentional torture, repeated beating, or mutilation of the animal.

24 (3) A person commits harassment of a police animal if he  
25 or she knowingly and intentionally teases or harasses a police animal

1 in order to distract, agitate, or harm the police animal for the  
2 purpose of preventing such animal from performing its legitimate  
3 official duties. Harassment of a police animal is a Class IV  
4 misdemeanor unless the harassment is the proximate cause of the death  
5 of the police animal, in which case it is a Class IV felony.

6 (4) A person convicted of a Class I misdemeanor under  
7 subdivision (2)(a) of this section may also be subject to section  
8 28-1019. A person convicted of a Class IV felony under this section  
9 shall also be subject to section 28-1019.

10 Sec. 4. Section 28-1010, Revised Statutes Cumulative  
11 Supplement, 2012, is amended to read:

12 28-1010 A person commits indecency with an animal when  
13 such person subjects an animal to sexual penetration as defined in  
14 section 28-318. Indecency with an animal is a Class III misdemeanor.  
15 A person convicted under this section may also be subject to section  
16 28-1019.

17 Sec. 5. Original sections 28-1005 and 28-1009, Reissue  
18 Revised Statutes of Nebraska, and sections 28-1005.01 and 28-1010,  
19 Revised Statutes Cumulative Supplement, 2012, are repealed.