

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 393

Introduced by Schilz, 47.

Read first time January 16, 2015

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to the Livestock Animal Welfare Act; to amend
- 2 sections 54-903 and 54-909, Reissue Revised Statutes of Nebraska,
- 3 and sections 54-901 and 54-902, Revised Statutes Cumulative
- 4 Supplement, 2014; to redefine terms; to change criminal penalties;
- 5 to provide for animal cruelty investigation agents as prescribed; to
- 6 provide powers and duties for the Director of Agriculture; to
- 7 provide fees; and to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-901, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 54-901 Sections 54-901 to 54-913 and section 5 of this act shall be
4 known and may be cited as the Livestock Animal Welfare Act.

5 Sec. 2. Section 54-902, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 54-902 For purposes of the Livestock Animal Welfare Act:

8 (1) Abandon means to leave a livestock animal in one's care, whether
9 as owner or custodian, for any length of time without making effective
10 provision for the livestock animal's feed, water, or other care as is
11 reasonably necessary for the livestock animal's health;

12 (2) Animal welfare practice means veterinarian practices and animal
13 husbandry practices common to the livestock animal industry, including
14 transport of livestock animals from one location to another;

15 (3) Bovine means a cow, an ox, or a bison;

16 (4) Cruelly mistreat means to knowingly and intentionally kill or
17 cause physical harm to a livestock animal in a manner that is not
18 consistent with animal welfare practices;

19 (5) Cruelly neglect means to fail to provide a livestock animal in
20 one's care, whether as owner or custodian, with feed, water, or other
21 care consistent with customary animal husbandry practices ~~as is~~
22 ~~reasonably necessary for the livestock animal's health;~~

23 (6) Equine means a horse, pony, donkey, mule, or hinny;

24 (7) Euthanasia means the destruction of a livestock animal by
25 commonly accepted veterinary practices;

26 (8) Law enforcement officer means any member of the Nebraska State
27 Patrol, any county or deputy sheriff, any member of the police force of
28 any city or village, or any other public official authorized by a city or
29 village to enforce state or local laws, rules, regulations, or
30 ordinances;

31 (9) Livestock animal means any bovine, equine, swine, sheep, goats,

1 domesticated cervine animals, ratite birds, llamas, or poultry;

2 (10) Owner or custodian means any person owning, keeping,
3 possessing, harboring, or knowingly permitting an animal to remain on or
4 about any premises owned or occupied by such person; and

5 (11) Serious injury or illness includes any injury or illness to any
6 livestock animal which creates a substantial risk of death or which
7 causes broken bones, prolonged impairment of health, or prolonged loss or
8 impairment of the function of any bodily organ.

9 Sec. 3. Section 54-903, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 54-903 (1) A person who intentionally, knowingly, or recklessly
12 abandons or cruelly neglects a livestock animal is guilty of a Class I
13 misdemeanor unless the abandonment or cruel neglect results in serious
14 injury or illness or death of the livestock animal, in which case it is a
15 Class IV felony. A person shall not be guilty of more than one offense
16 under this subsection for acts or omissions affecting multiple livestock
17 animals managed as a herd during any period of uninterrupted abandonment
18 or neglect.

19 (2) A person who cruelly mistreats a livestock animal is guilty of a
20 Class I misdemeanor for the first offense and a Class IV felony for any
21 subsequent offense.

22 Sec. 4. Section 54-909, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 54-909 (1) If a person is convicted of a Class IV felony under
25 section 54-903, the sentencing court shall order such person not to own
26 or possess a livestock animal for at least five years after the date of
27 conviction, but such time restriction shall not exceed fifteen years. Any
28 person violating such court order shall be guilty of a Class I
29 misdemeanor.

30 (2) If a person is convicted of a second or subsequent Class I
31 misdemeanor under section 54-903 or a second or subsequent Class III

1 misdemeanor under section 54-904, the sentencing court may order such
2 person not to own or possess any livestock animal after the date of
3 conviction, but such time restriction, if any, shall not exceed five
4 years. Any person violating such court order shall be guilty of a Class
5 IV misdemeanor.

6 (3) Any livestock animal involved in a violation of a court order
7 under subsection (1) or (2) of this section shall be subject to seizure
8 by law enforcement.

9 Sec. 5. (1) The Director of Agriculture may commission animal
10 cruelty investigation agents who shall be licensed veterinarians who have
11 completed training or acquired certification as specified by the
12 director. The director may determine the number and classification of
13 commissioned agents so as to provide specialization in the various
14 livestock species as needed and for geographic dispersal of availability
15 of commissioned agents. The director shall furnish or contract for
16 training and certification services to qualify persons for commission
17 under this section. Such commissioned agents shall be agents of the state
18 for purposes of the State Tort Claims Act when acting within the agent's
19 commission.

20 (2) Upon the request of a law enforcement agency, the director shall
21 assign an agent to advise and assist law enforcement officers in the
22 examination, assessment, care, and disposition of livestock animals
23 inspected or seized while in the course of carrying out duties or
24 authorities assigned to law enforcement officers pursuant to the
25 Livestock Animal Welfare Act, to assist in the collection and
26 preservation of evidence under the act, and to represent the State
27 Veterinarian regarding any livestock health interests of the Department
28 of Agriculture with respect to such animals.

29 (3) Agents assigned by the director shall be paid an advisory fee by
30 the law enforcement agency to whom they are assigned. The advisory fee
31 shall be one hundred fifty dollars per day plus reimbursement for any

1 costs incurred by the agent to provide care, treatment, examination, or
2 other veterinary services requested by law enforcement officers.

3 (4) This section shall not be construed to assign to the director or
4 to require or authorize the director to assume any duties or
5 responsibilities for enforcement of the Livestock Animal Welfare Act or
6 responsibility for the care and disposition of livestock animals beyond
7 the director's responsibility and authority relating to livestock health.

8 Sec. 6. Original sections 54-903 and 54-909, Reissue Revised
9 Statutes of Nebraska, and sections 54-901 and 54-902, Revised Statutes
10 Cumulative Supplement, 2014, are repealed.