

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 133**

Introduced by Holdcroft, 36.

Read first time January 13, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-1008, Revised Statutes Cumulative Supplement, 2024; to change the
- 3 definition of law enforcement officer for purposes of certain
- 4 offenses relating to animals; to repeal the original section; and to
- 5 declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 28-1008, Revised Statutes Cumulative Supplement,  
2 2024, is amended to read:

3           28-1008 For purposes of sections 28-1008 to 28-1017, 28-1019, and  
4 28-1020:

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

9           (2) Animal means any vertebrate member of the animal kingdom. Animal  
10 does not include an uncaptured wild creature or a livestock animal as  
11 defined in section 54-902;

12           (3) Cruelly mistreat means to knowingly and intentionally kill,  
13 maim, disfigure, torture, beat, kick, hit, strike in any manner,  
14 mutilate, burn, scald, or otherwise inflict harm upon any animal;

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

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

20           (6) Law enforcement officer means any member of the Nebraska State  
21 Patrol, any county or deputy sheriff, any member of the police force of  
22 any city or village, or any other public official or animal control  
23 officer authorized by a city, ~~or~~ village, or county to enforce state or  
24 local animal control laws, rules, regulations, resolutions, or  
25 ordinances. Law enforcement officer also includes a special investigator  
26 appointed as a deputy state sheriff as authorized pursuant to section  
27 81-201 while acting within the authority of the Director of Agriculture  
28 under the Commercial Dog and Cat Operator Inspection Act;

29           (7) Mutilation means intentionally causing permanent injury,  
30 disfigurement, degradation of function, incapacitation, or imperfection  
31 to an animal. Mutilation does not include conduct performed by a

1 veterinarian licensed to practice veterinary medicine and surgery in this  
2 state or conduct that conforms to accepted veterinary practices;

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

6 (9) Police animal means a horse or dog owned or controlled by the  
7 State of Nebraska or any county, city, or village for the purpose of  
8 assisting a law enforcement officer in the performance of his or her  
9 official enforcement duties;

10 (10) Repeated beating means intentional successive strikes to an  
11 animal by a person resulting in serious injury or illness or death to the  
12 animal;

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

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

21 **Sec. 2.** Original section 28-1008, Revised Statutes Cumulative  
22 Supplement, 2024, is repealed.

23 **Sec. 3.** Since an emergency exists, this act takes effect when  
24 passed and approved according to law.