

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 216**

Introduced By: Ashford, 20  
Read first time: January 9, 2007  
Committee: Judiciary

A BILL

1 FOR AN ACT relating to service dogs; to amend section 28-1009.01,  
2 Revised Statutes Cumulative Supplement, 2006; to change  
3 provisions relating to violence on a service dog; and to  
4 repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-1009.01, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           28-1009.01. (1) A person commits the offense of violence on  
4 a service dog when he or she (a) intentionally injures, harasses, or  
5 threatens to injure or harass or (b) attempts to intentionally injure,  
6 harass, or threaten a dog that he or she knows or has reason to  
7 believe is a dog guide for a blind or visually impaired person, a  
8 hearing aid dog or hearing dog for a deaf or hearing-impaired  
9 person, or a service dog for a physically limited person.

10           (2) A person commits the offense of interference with a  
11 service dog when he or she (a) intentionally impedes, interferes, or  
12 threatens to impede or interfere or (b) attempts to intentionally  
13 impede, interfere, or threaten to impede or interfere with a dog that  
14 he or she knows or has reason to believe is a dog guide for a blind or  
15 visually impaired person, a hearing aid dog or hearing dog for a  
16 deaf or hearing-impaired person, or a service dog for a physically  
17 limited person.

18           (3) Evidence that the defendant initiated or continued  
19 conduct toward a dog as described in subsection (1) or (2) of this  
20 section after being requested to avoid or discontinue such conduct by  
21 the blind, visually impaired, deaf, hearing-impaired, or physically  
22 limited person being served or assisted by the dog shall create a  
23 rebuttable presumption that the conduct of the defendant was initiated  
24 or continued intentionally.

25           (4) For purposes of this section:

26           (a) Blind person means a person with totally impaired vision  
27 or with vision, with or without correction, which is so severely

1       impaired that the primary means of receiving information is through  
2       other sensory input, including, but not limited to, braille,  
3       mechanical reproduction, synthesized speech, or readers;

4               (b) Deaf person means a person with totally impaired hearing  
5       or with hearing, with or without amplification, which is so severely  
6       impaired that the primary means of receiving spoken language is  
7       through other sensory input, including, but not limited to, lip  
8       reading, sign language, finger spelling, or reading;

9               (c) Hearing-impaired person means a person who is unable to  
10       hear air conduction thresholds at an average of forty decibels or  
11       greater in the person's better ear;

12              (d) Physically limited person means a person having limited  
13       ambulatory abilities, including, but not limited to, having a  
14       permanent impairment or condition that requires the person to use a  
15       wheelchair or to walk with difficulty or insecurity to the extent that  
16       the person is insecure or exposed to danger; and

17              (e) Visually impaired person means a person having a visual  
18       acuity of 20/200 or less in the person's better eye with correction or  
19       having a limitation to the person's field of vision so that the widest  
20       diameter of the visual field subtends an angular distance not greater  
21       than twenty degrees.

22              (5) Violence on a service dog or interference with a service  
23       dog is a Class III misdemeanor.

24              Sec. 2. Original section 28-1009.01, Revised Statutes  
25       Cumulative Supplement, 2006, is repealed.