

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB494

Hearing Date: Wednesday February 11, 2009
Committee On: Judiciary
Introducer: McCoy
One Liner: Change provisions relating to dangerous dogs

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert
Nay:
Absent:
Present Not Voting:

Proponents:

Sen. Beau McCoy
Martin Conboy
Mark Langan
Wendy Blevins

Representing:

Introducer
City of Omaha
NE Humane Society
self

Opponents:

Harry Muhlbach

Representing:

self

Neutral:

Representing:

Summary of purpose and/or changes:

LB 494 would amend sections 54-620 to 54-624, which provides penalties for owning a dangerous dogs, by adding a new penalty located in section 6 of this act, by making it a Class IV felony for any owner, "whose dangerous dog inflicts on a human being an injury which includes mutilation or the loss of a body part."

Explanation of amendments:

LB 494 is amended by AM 844 in the following ways:

Section 1

1. (3)(a)(iv) is amended to more specifically provide that an owner of a dog that has been previously determined to be a potentially dangerous dog by an animal control authority, must receive notice from an animal control authority or an animal control officer of such a determination...

2. 3(b)(i) is amended to provide that the owner of the dog in question could not be convicted of a crime under section 6 of this act, if the owner's dog caused harm as the result of being tormented, abused, or assaulted by the person bitten.

3. 3(b)(ii) is amended to provide that the owner of the dog in question shall not be found guilty under section 6 of this

act, if the injury, damage, or threat was sustained by an individual who at the time of being injured was committing a willful trespass as defined in section 20-203, 28-520, or 28-521, or was committing any other tort on the owners property.

4. 3(b)(iii) which is a new section, would exempt a dog that is deemed a police animal as defined by 28-1008 from the definition of a dangerous dog under subdivision (3)(a) of this statute.

Section 6

- AM 844 amends Section 6 of LB 494 which provides that a Class IV Felony occurs when a dangerous dog inflicts "mutilation" or "loss of a body part" and replaces it with, a Class IV Felony occurs when a dangerous dog inflicts on a human being a "serious bodily injury" as defined in section 28-109 of Neb. Rev. Stat.

- Section 6 is further amended to provide that it is a defense to a violation of subsection (1) of this section that the dangerous dog was in the custody or under the control of a person other than the owner or the owner's family.

Brad Ashford, Chairperson