

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 915

Introduced by Larson, 40; Lautenbaugh, 18; Schilz, 47.

Read first time January 10, 2012

Committee: Agriculture

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 54-908,
2 Reissue Revised Statutes of Nebraska, section 28-1017,
3 Revised Statutes Cumulative Supplement, 2010, and section
4 28-101, Revised Statutes Supplement, 2011; to change
5 provisions relating to the reporting of cruelty to
6 animals; to change a penalty; to create the offense of
7 obtaining employment at an animal facility with intent to
8 disrupt operations; to provide a penalty; to harmonize
9 provisions; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Supplement,
2 2011, is amended to read:

3 28-101 Sections 28-101 to 28-1356 and section 3 of this
4 act shall be known and may be cited as the Nebraska Criminal Code.

5 Sec. 2. Section 28-1017, Revised Statutes Cumulative
6 Supplement, 2010, is amended to read:

7 28-1017 (1) For purposes of this section, reasonably ÷
8 ~~(a) Reasonably~~ suspects means a basis for reporting knowledge or a
9 set of facts that would lead a person of ordinary care and prudence
10 to believe and conscientiously entertain a strong suspicion that
11 criminal activity is at hand or that a crime has been committed. ÷
12 ~~and~~

13 ~~(b) Employee means any employee of a governmental agency~~
14 ~~dealing with child or adult protective services, animal control, or~~
15 ~~animal abuse.~~

16 (2) Any ~~employee, while acting in his or her professional~~
17 ~~capacity or within the scope of his or her employment,~~ person who
18 observes or is involved in an incident which leads the ~~employee~~
19 person to reasonably suspect that an animal has been abandoned,
20 cruelly neglected, or cruelly mistreated shall report such to the
21 entity or entities that investigate such reports in that
22 jurisdiction.

23 (3) The report ~~of an employee~~ shall be made within ~~two~~
24 ~~working days of~~ twelve hours after acquiring the information
25 concerning the animal by facsimile transmission of a written report

1 presented in the form described in subsection (6) of this section or
2 by telephone. When an immediate response is necessary to protect the
3 health and safety of the animal or others, the report ~~of an employee~~
4 shall be made by telephone as soon as possible.

5 (4) Nothing in this section shall be construed to impose
6 a duty to investigate observed or reasonably suspected animal
7 abandonment, cruel neglect, or cruel mistreatment. Any person making
8 a report under this section is immune from liability except for false
9 statements of fact made with malicious intent.

10 (5) A report made ~~by an employee~~ pursuant to this section
11 shall include:

12 (a) The reporter's name, ~~and title, business address,~~ and
13 telephone number;

14 (b) The name, if known, of the animal owner or custodian,
15 whether a business or individual;

16 (c) A description of the animal or animals involved,
17 person or persons involved, and location of the animal or animals and
18 the premises; ~~and~~

19 (d) The date, time, and a description of the observation
20 or incident which led the reporter to reasonably suspect animal
21 abandonment, cruel neglect, or cruel mistreatment and any other
22 information the reporter believes may be relevant; and -

23 (e) All original documentation, if any, or copies
24 thereof, including video, photographs, or audio, which is evidence of
25 animal abandonment, cruel neglect, or cruel mistreatment.

1 (6) A report made ~~by an employee~~ pursuant to this section
2 may be made on preprinted forms prepared by the entity or entities
3 that investigate reports of animal abandonment, cruel neglect, or
4 cruel mistreatment in that jurisdiction. The form shall include space
5 for the information required under subsection (5) of this section.

6 (7) When two or more ~~employees~~ persons jointly have
7 observed or reasonably suspected animal abandonment, cruel neglect,
8 or cruel mistreatment and there is agreement between or among them, a
9 report may be made by one person by mutual agreement. Any such
10 reporter who has knowledge that the person designated to report has
11 failed to do so shall thereafter make the report.

12 (8) Any ~~employee~~ person failing to report under this
13 section ~~shall be is~~ guilty of ~~an infraction.~~ a Class IV felony.

14 Sec. 3. (1) Any person who obtains employment at an
15 animal facility with the intent to disrupt the normal operations of
16 the animal facility is guilty of a Class IV felony.

17 (2) For purposes of this section, animal facility means
18 (a) a location where an agricultural animal is maintained for
19 agricultural production, (b) a location dedicated to farming, (c) a
20 livestock market, (d) a livestock exhibition, (e) a location where an
21 animal is maintained for educational or scientific purposes,
22 including, but not limited to, a research facility or a livestock
23 exhibition, or (f) a location where the primary activity is the
24 transport of animals to such locations or facilities.

25 Sec. 4. Section 54-908, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 54-908 (1) For purposes of this section, reasonably ÷ (a)
3 ~~Employee means any employee of a governmental agency dealing with~~
4 ~~livestock animal control or animal abuse; and (b) Reasonably suspects~~
5 means a basis for reporting knowledge or a set of facts that would
6 lead a person of ordinary care and prudence to believe and
7 conscientiously entertain a strong suspicion that criminal activity
8 is at hand or that a crime has been committed.

9 (2) Any ~~employee, while acting in his or her professional~~
10 ~~capacity or within the scope of his or her employment, person who~~
11 observes or is involved in an incident which leads the ~~employee~~
12 person to reasonably suspect that a livestock animal has been
13 abandoned, cruelly neglected, or cruelly mistreated shall report such
14 to the entity or entities that investigate such reports in that
15 jurisdiction.

16 (3) The report ~~of an employee~~ shall be made within ~~two~~
17 ~~working days of~~ twelve hours after acquiring the information
18 concerning the livestock animal by facsimile transmission of a
19 written report presented in the form described in subsection (5) of
20 this section or by telephone. When an immediate response is necessary
21 to protect the health and safety of the livestock animal or others,
22 the report ~~of an employee~~ shall be made by telephone as soon as
23 possible.

24 (4) Nothing in this section shall be construed to impose
25 a duty to investigate observed or reasonably suspected livestock

1 animal abandonment, cruel neglect, or cruel mistreatment. Any person
2 making a report under this section is immune from liability except
3 for false statements of fact made with malicious intent.

4 (5) A report made ~~by an employee~~ pursuant to this section
5 shall include:

6 (a) The reporter's name, ~~and title, business~~ address, and
7 telephone number;

8 (b) The name, if known, of the livestock animal owner or
9 custodian, whether a business or individual;

10 (c) A description of the livestock animal or livestock
11 animals involved, person or persons involved, and location of the
12 livestock animal or livestock animals and the premises; ~~and~~

13 (d) The date, the time, and a description of the
14 observation or incident which led the reporter to reasonably suspect
15 livestock animal abandonment, cruel neglect, or cruel mistreatment
16 and any other information the reporter believes may be relevant;
17 and -

18 (e) All original documentation, if any, or copies
19 thereof, including video, photographs, or audio, which is evidence of
20 animal abandonment, cruel neglect, or cruel mistreatment.

21 (6) A report made ~~by an employee~~ pursuant to this section
22 may be made on preprinted forms prepared by the entity or entities
23 that investigate reports of livestock animal abandonment, livestock
24 animal cruel neglect, or livestock animal cruel mistreatment in that
25 jurisdiction. The form shall include space for the information

1 required under subsection (5) of this section.

2 (7) When two or more ~~employees~~persons jointly have
3 observed or reasonably suspected livestock animal abandonment,
4 livestock animal cruel neglect, or livestock animal cruel
5 mistreatment and there is agreement between or among them, a report
6 may be made by one person by mutual agreement. Any such reporter who
7 has knowledge that the person designated to report has failed to do
8 so shall thereafter make the report.

9 (8) Any ~~employee~~person failing to report under this
10 section ~~shall be~~is guilty of ~~an infraction.~~ a Class IV felony.

11 Sec. 5. Original section 54-908, Reissue Revised Statutes
12 of Nebraska, section 28-1017, Revised Statutes Cumulative Supplement,
13 2010, and section 28-101, Revised Statutes Supplement, 2011, are
14 repealed.