

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 674
Final Reading

Introduced by Chambers, 11.

Read first time January 08, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to animal abuse; to amend section 28-1019,
2 Revised Statutes Cumulative Supplement, 2012, and section
3 28-1009, Revised Statutes Supplement, 2013; to change
4 provisions relating to conviction orders for abandonment
5 or cruel neglect of an animal; to harmonize provisions;
6 and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1009, Revised Statutes Supplement,
2 2013, is amended to read:

3 28-1009 (1) A person who intentionally, knowingly, or
4 recklessly abandons or cruelly neglects an animal is guilty of a
5 Class I misdemeanor unless the abandonment or cruel neglect results
6 in serious injury or illness or death of the animal, in which case it
7 is a Class IV felony.

8 (2)(a) Except as provided in subdivision (b) of this
9 subsection, a person who cruelly mistreats an animal is guilty of a
10 Class I misdemeanor for the first offense and a Class IV felony for
11 any subsequent offense.

12 (b) A person who cruelly mistreats an animal is guilty of
13 a Class IV felony if such cruel mistreatment involves the knowing and
14 intentional torture, repeated beating, or mutilation of the animal.

15 (3) A person commits harassment of a police animal if he
16 or she knowingly and intentionally teases or harasses a police animal
17 in order to distract, agitate, or harm the police animal for the
18 purpose of preventing such animal from performing its legitimate
19 official duties. Harassment of a police animal is a Class IV
20 misdemeanor unless the harassment is the proximate cause of the death
21 of the police animal, in which case it is a Class IV felony.

22 (4) A person convicted of a Class I misdemeanor under
23 ~~subdivision (2)(a) of this section~~ may also be subject to section
24 28-1019. A person convicted of a Class IV felony under this section
25 shall also be subject to section 28-1019.

1 Sec. 2. Section 28-1019, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 28-1019 (1)(a) If a person is convicted of a Class IV
4 felony under section 28-1005 or 28-1009, the sentencing court shall
5 order such person not to own, possess, or reside with any animal for
6 at least five years after the date of conviction, but such time
7 restriction shall not exceed fifteen years. Any person violating such
8 court order shall be guilty of a Class I misdemeanor.

9 (b) If a person is convicted of a Class I misdemeanor
10 under section 28-1005.01 or ~~subdivision (2)(a) of section 28-1009~~ or
11 a Class III misdemeanor under section 28-1010, the sentencing court
12 may order such person not to own, possess, or reside with any animal
13 after the date of conviction, but such time restriction, if any,
14 shall not exceed five years. Any person violating such court order
15 shall be guilty of a Class IV misdemeanor.

16 (c) Any animal involved in a violation of a court order
17 under subdivision (a) or (b) of this subsection shall be subject to
18 seizure by law enforcement. Distribution or disposition shall be made
19 under section 29-818.

20 (2) This section shall not apply to any person convicted
21 under section 28-1005, 28-1005.01, or 28-1009 if a licensed physician
22 confirms in writing that ownership or possession of or residence with
23 an animal is essential to the health of such person.

24 Sec. 3. Original section 28-1019, Revised Statutes
25 Cumulative Supplement, 2012, and section 28-1009, Revised Statutes

1 Supplement, 2013, are repealed.