

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 133

Introduced by Holdcroft, 36.

Read first time January 13, 2025

Committee:

- 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.