

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 440

Introduced by Wishart, 27.

Read first time January 17, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to offenses against animals; to amend section
- 2 28-101, Reissue Revised Statutes of Nebraska; to provide immunity
- 3 from criminal or civil liability for removal of an animal from a
- 4 motor vehicle by forcible entry as prescribed; to provide a duty for
- 5 the Revisor of Statutes; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-101 Sections 28-101 to 28-1357, 28-1418.01, 28-1429.03, and
4 28-1601 to 28-1603 and section 2 of this act shall be known and may be
5 cited as the Nebraska Criminal Code.

6 Sec. 2. (1) Any person who causes damage to a vehicle resulting
7 from forcible entry to remove and rescue an animal locked or trapped
8 inside the vehicle shall be immune from criminal or civil liability for
9 any damage to the vehicle if:

10 (a) The vehicle is locked or there is no other reasonable method by
11 which to extricate the animal than by forcible entry;

12 (b) The person has a reasonable belief that forcible entry is
13 necessary because the animal is in imminent danger of suffering harm or
14 death if not immediately removed from the vehicle based upon the
15 surrounding circumstances;

16 (c) The person has contacted either law enforcement, the fire
17 department, an animal control agency, or an emergency 911 service
18 operator prior to forcible entry of the vehicle;

19 (d) The person places a written notice securely on the windshield or
20 driver's side door of the vehicle if a motor vehicle, or on the door or
21 window where it will reasonably be found if any other vehicle, with the
22 person's name, telephone number, or other contact information along with
23 an explanation of why forcible entry was made, the location of the
24 animal, and the fact that authorities have been notified;

25 (e) The person remains with the animal in a safe location and
26 protected from the elements, but reasonably close to the location of the
27 vehicle until such time as law enforcement, the fire department, animal
28 control, or other emergency responder arrives; and

29 (f) No more force than reasonably necessary was used to enter the
30 vehicle under the circumstances.

31 (2) No person who attempts to administer further aid to an animal

1 rescued in conformance with this section shall be subject to any criminal
2 or civil liability for harm or death to the animal.

3 (3) Nothing in this section shall be construed to limit the
4 liability of any person for death or injury caused to another person.

5 Sec. 3. The Revisor of Statutes shall assign section 2 of this act
6 to Chapter 28, article 10.

7 Sec. 4. Original section 28-101, Reissue Revised Statutes of
8 Nebraska, is repealed.