

LEGISLATIVE BILL 208

Approved by the Governor March 1, 1989

Introduced by Wesely, 26

AN ACT relating to dogs; to define terms; to provide duties for owners of certain dogs; to provide powers for animal control authorities and courts; to provide penalties; and to permit local regulation as prescribed.

Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of this act:

(1) Animal control authority shall mean an entity authorized to enforce the animal control laws of a county, city, or village or this state;

(2) Animal control officer shall mean any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and shall include any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal;

(3) Dangerous dog shall mean any dog that, according to the records of an animal control authority: (a) Has killed or inflicted severe injury on a human being on public or private property; (b) has killed a domestic animal without provocation while the dog was off the owner's property; or (c) has been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass as defined in section 20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog, who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime;

(4) Domestic animal shall mean a cat, a dog,

or livestock;

(5) Owner shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog;

(6) Potentially dangerous dog shall mean (a) any dog that when unprovoked (i) inflicts a nonsevere injury on a human or injures a domestic animal either on public or private property or (ii) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack or (b) any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals; and

(7) Severe injury shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.

Sec. 2. No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.

Sec. 3. While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property.

Sec. 4. Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this act. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this act.

Sec. 5. In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner.

Sec. 6. Any person who violates sections 1 to 5 of this act shall be guilty of a Class IV misdemeanor.

Sec. 7. If a dangerous dog of an owner with a prior conviction under this act attacks or bites a person or another domestic animal, the owner shall be guilty of a Class IV misdemeanor. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

Sec. 8. Nothing in sections 1 to 7 of this act shall be construed to restrict or prohibit any governing board of any county, city, or village from establishing and enforcing laws or ordinances at least as stringent as the provisions of sections 1 to 7 of this act.