

## LEGISLATIVE BILL 551

Approved by the Governor May 27, 1997

Introduced by Dierks, 40; Schimek, 27

AN ACT relating to crimes and offenses; to amend sections 28-1006, 28-1011, and 28-1012, Reissue Revised Statutes of Nebraska; to provide for reimbursement for costs and disposition relating to animal offenses; and to repeal the original sections.

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

Section 1. Section 28-1006, Reissue Revised Statutes of Nebraska, is amended to read:

28-1006. (1) It shall be the duty of the sheriff, a police officer, or the Nebraska State Patrol to make prompt investigation of and arrest for any violation of section 28-1005.

(2) Any animal, equipment, device, or other property or things involved in any violation of section 28-1005 shall be subject to seizure, and disposition may be made in accordance with the method of disposition directed for contraband in section 29-820.

(3) In addition to any other sentence given for a violation of section 28-1005, the sentencing court may order the defendant to reimburse a public or private agency for expenses incurred in conjunction with the care, impoundment, or disposal of an animal involved in the violation of such section. Whenever the court believes that such reimbursement may be a proper sentence or the prosecuting attorney requests, the court shall order that the presentence investigation report include documentation regarding the nature and amount of the expenses incurred. The court may order that reimbursement be made immediately, in specified installments, or within a specified period of time, not to exceed five years after the date of judgment.

Sec. 2. Section 28-1011, Reissue Revised Statutes of Nebraska, is amended to read:

28-1011. Any person who violates section 28-1009 or 28-1010 (1) in addition to any other sentence given for a violation of section 28-1009 or 28-1010, the sentencing court may order the defendant to reimburse a public or private agency for expenses incurred in conjunction with the care, impoundment, or disposal of an animal involved in the violation of such section. Whenever the court believes that such reimbursement may be a proper sentence or the prosecuting attorney requests, the court shall order that the presentence investigation report include documentation regarding the nature and amount of the expenses incurred. The court may order that reimbursement be made immediately, in specified installments, or within a specified period of time, not to exceed five years after the date of judgment.

(2) Even if reimbursement for expenses is not ordered under subsection (1) of this section, the defendant shall be liable for all expenses incurred by a governmental subdivision public or private agency in conjunction with the care, impoundment, or disposal of an animal. The expenses shall be a lien upon the animal.

Sec. 3. Section 28-1012, Reissue Revised Statutes of Nebraska, is amended to read:

28-1012. (1) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.

(2) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed in sections 29-422 to 29-429.

(3) Any animal, equipment, device, or other property or things involved in a violation of section 28-1009 or 28-1010 shall be subject to seizure and distribution or disposition may be made in such manner as the court may direct.

(4) Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.

Sec. 4. Original sections 28-1006, 28-1011, and 28-1012, Reissue Revised Statutes of Nebraska, are repealed.