

## LEGISLATIVE BILL 170

Approved by the Governor February 10, 1988

Introduced by Wesely, 26; Barrett, 39; McFarland, 28;  
Marsh, 29; Lynch, 13; Pirsch, 10;  
Chambers, 11

AN ACT relating to animals; to amend section 28-101, Revised Statutes Supplement, 1987; to prohibit certain acts relating to pitting an animal against another as prescribed; to define terms; to provide for duties of certain peace officers; to provide penalties; to harmonize provisions; to repeal the original section; and to declare an emergency.

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

Section 1. That section 28-101, Revised Statutes Supplement, 1987, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and sections 2 to 5 of this act shall be known as the Nebraska Criminal Code.

Sec. 2. As used in this section and section 3 of this act, unless the context otherwise requires:

(1) Bearbaiting shall mean the pitting of any animal against a bear;

(2) Cockfighting shall mean the pitting of a fowl against another fowl;

(3) Dogfighting shall mean the pitting of a dog against another dog; and

(4) Pitting shall mean bringing animals together in combat.

Sec. 3. (1) No person shall knowingly:

(a) Promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting an animal against another;

(b) Receive money for the admission of another person to a place kept for such purpose;

(c) Own, use, train, sell, or possess an animal for such purpose; or

(d) Permit any act as described in this subsection to occur on any premises owned or controlled by him or her.

(2) Any person violating subsection (1) of this section shall be guilty of a Class I misdemeanor for the first conviction. A person convicted of

violating any provision of subsection (1) of this section for a second or subsequent time shall be guilty of a Class IV felony.

(3) No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another as prohibited in subsection (1) of this section. Any person who violates any provision of this subsection shall be guilty of a Class I misdemeanor.

Sec. 4. (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 3 of this act.

(2) Any animal, equipment, device, or other property or things involved in any violation of section 3 of this act shall be subject to seizure, and disposition may be made in accordance with the method of disposition directed for contraband in section 29-820.

Sec. 5. Sections 2 to 4 of this act shall not be construed to amend or in any manner change the authority of the Game and Parks Commission under Chapter 37, to prohibit any conduct authorized or permitted in Chapter 37, or to prohibit the training of dogs for any purpose not prohibited by law.

Sec. 6. That original section 28-101, Revised Statutes Supplement, 1987, is repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.