

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 743

Introduced by Christensen, 44; Wallman, 30.

Read first time January 09, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game Law; to amend sections 37-513 and
2 37-614, Revised Statutes Supplement, 2007; to eliminate a
3 restriction and a penalty on trapping wildlife in county
4 road rights-of-way; to harmonize provisions; to repeal
5 the original sections; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-513, Revised Statutes Supplement,
2 2007, is amended to read:

3 37-513 ~~(1)~~ It shall be unlawful to shoot at any wildlife
4 from any highway or roadway, which includes that area of land from
5 the center of the traveled surface to the right-of-way on either
6 side. Any person violating this ~~subsection~~ section shall be guilty
7 of a Class III misdemeanor and shall be fined at least fifty
8 dollars.

9 ~~(2)(a) It shall be unlawful to trap any wildlife in the~~
10 ~~county road right-of-way.~~

11 ~~(b) For purposes of this subsection, county road~~
12 ~~right-of-way means the area which has been designated a part of the~~
13 ~~county road system and which has not been vacated pursuant to law.~~

14 Sec. 2. Section 37-614, Revised Statutes Supplement,
15 2007, is amended to read:

16 37-614 (1) When a person pleads guilty to or is convicted
17 of any violation listed in this subsection, the court shall, in
18 addition to any other penalty, revoke and require the immediate
19 surrender of all permits to hunt, fish, and harvest fur held by
20 such person and suspend the privilege of such person to hunt,
21 fish, and harvest fur and to purchase such permits for a period
22 of not less than one nor more than three years. The court shall
23 consider the number and severity of the violations of the Game Law
24 in determining the length of the revocation and suspension. The
25 violations shall be:

1 (a) Carelessly or purposely killing or causing injury to
2 livestock with a firearm or bow and arrow;

3 (b) Purposely taking or having in his or her possession
4 a number of game animals, game fish, game birds, or fur-bearing
5 animals exceeding twice the limit established pursuant to section
6 37-314;

7 (c) Taking any species of wildlife protected by the Game
8 Law during a closed season in violation of section 37-502;

9 (d) Resisting or obstructing any officer or any employee
10 of the commission in the discharge of his or her lawful duties in
11 violation of section 37-609; and

12 (e) Being a habitual offender of the Game Law.

13 (2) When a person pleads guilty to or is convicted of any
14 violation listed in this subsection, the court may, in addition to
15 any other penalty, revoke and require the immediate surrender of
16 all permits to hunt, fish, and harvest fur held by such person and
17 suspend the privilege of such person to hunt, fish, and harvest
18 fur and to purchase such permits for a period of not less than
19 one nor more than three years. The court shall consider the number
20 and severity of the violations of the Game Law in determining the
21 length of the revocation and suspension. The violations shall be:

22 (a) Hunting, fishing, or fur harvesting without a permit
23 in violation of section 37-411;

24 (b) Hunting from a vehicle, aircraft, or boat in
25 violation of section 37-513, 37-514, 37-515, 37-535, or 37-538;

1 and

2 ~~(c) Trapping wildlife in the county right-of-way in~~
3 ~~violation of section 37-513, and~~

4 ~~(d) (c) Knowingly taking any wildlife on private land~~
5 ~~without permission in violation of section 37-722.~~

6 (3) When a person pleads guilty to or is convicted of
7 any violation of the Game Law or the rules and regulations of the
8 commission not listed in subsection (1) or (2) of this section, the
9 court may, in addition to any other penalty, revoke and require
10 the immediate surrender of all permits to hunt, fish, and harvest
11 fur held by such person and suspend the privilege of such person
12 to hunt, fish, and harvest fur and to purchase such permits for a
13 period of one year.

14 Sec. 3. Original sections 37-513 and 37-614, Revised
15 Statutes Supplement, 2007, are repealed.

16 Sec. 4. Since an emergency exists, this act takes effect
17 when passed and approved according to law.