INTRODUCED BY BLOOD, 3.
READ FIRST TIME JANUARY 03, 2018

COMMITTEE: JUDICIARY

A BILL FOR AN ACT relating to unmanned aircraft; to amend sections
28-109, 28-311.08, 28-522, 28-1413, 37-201, 37-202, 37-514, 37-535,
and 37-564, Reissue Revised Statutes of Nebraska, sections 54-901,
54-905, and 54-906, Revised Statutes Cumulative Supplement, 2016,
and sections 28-101, 28-1201, and 37-614, Revised Statutes
Supplement, 2017; to provide immunity from civil liability for
damage to unmanned aircraft by emergency responders; to define and
redefine terms; to prohibit unlawful intrusion by electronic and
other means, peeping by electronic device, harassment with an
unmanned aircraft by a sex offender, trespass by unmanned aircraft
on real property, schools, critical infrastructure facilities, and
prisons, interference with a police cordon, and operation of an
unmanned aircraft with a weapon; to change provisions relating to
use of force to protect an aircraft, hunting with artificial light
or from an aircraft, and interference with hunting, trapping, or
fishing; to prohibit livestock harassment; to provide for
limitations on the usage of unmanned aircraft by law enforcement; to
provide penalties; to harmonize provisions; to provide severability;
and to repeal the original sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA,

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Section 1. (1) An emergency responder and his or her employer or employing agency shall be immune from civil liability for any damage caused to an unmanned aircraft or unmanned aircraft system, if:

(a) Such damage was caused while the emergency responder was engaged in providing emergency services; and

(b) The emergency responder reasonably believed that such unmanned aircraft was interfering with the provision of such emergency services.

(2) For purposes of this section:

(a) Emergency responder includes, but is not limited to, a law enforcement officer, a firefighter, an ambulance driver, and emergency medical personnel. Emergency responder includes any full-time or part-time paid, volunteer, or auxiliary employee of this state or another state, any political subdivision of this state or another state, the federal government, or of any agency or organization performing emergency management services at any place in this state subject to the order or control of or pursuant to a request of a state, a political subdivision, or the federal government;

(b) Emergency services includes, but is not limited to, firefighting services, police services, medical and health services, search and rescue services, emergency hazardous materials response, emergency evacuation of persons, emergency welfare services, emergency transportation services, restoration of public utility services, and other functions related to protection of the public;

(c) Unmanned aircraft has the same meaning as in section 28-109; and

(d) Unmanned aircraft system means an unmanned aircraft and associated elements, including communication links and the components that are used to control or operate the unmanned aircraft.

Sec. 2. Section 28-101, Revised Statutes Supplement, 2017, is amended to read:

28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and sections 5, 6, 7, 8, 9, 10, 12, 13, and 15 of this act shall be known and
may be cited as the Nebraska Criminal Code.

Sec. 3. Section 28-109, Reissue Revised Statutes of Nebraska, is amended to read:

28-109 For purposes of the Nebraska Criminal Code, unless the context otherwise requires:

(1) Act shall mean a bodily movement, and includes words and possession of property;

(2) Aid or assist shall mean knowingly to give or lend money or credit to be used for, or to make possible or available, or to further activity thus aided or assisted;

(3) Benefit shall mean any gain or advantage to the beneficiary including any gain or advantage to another person pursuant to the desire or consent of the beneficiary;

(4) Bodily injury shall mean physical pain, illness, or any impairment of physical condition;

(5) Commercial operator, when used in reference to the operation of an unmanned aircraft, shall mean an operator subject to 14 C.F.R. part 107, as such part existed on January 1, 2018;

(6) Conduct shall mean an action or omission and its accompanying state of mind, or, where relevant, a series of acts and omissions;

(7) Conveyance shall mean a mode of transportation that includes any vehicle, aircraft, unmanned aircraft, or watercraft;

(8) Deadly physical force shall mean force, the intended, natural, and probable consequence of which is to produce death, or which does, in fact, produce death;

(9) Deadly weapon shall mean any firearm, knife, bludgeon, or other device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury;

(10) Deface shall mean to alter the appearance of something by
removing, distorting, adding to, or covering all or a part of the thing;
(11) (10) Dwelling shall mean a building or other thing which is
used, intended to be used, or usually used by a person for habitation;
(12) (11) Government shall mean the United States, any state,
county, municipality, or other political unit, any branch, department,
agency, or subdivision of any of the foregoing, and any corporation or
other entity established by law to carry out any governmental function;
(13) (12) Governmental function shall mean any activity which a
public servant is legally authorized to undertake on behalf of
government;
(14) (13) Motor vehicle shall mean every self-propelled land
vehicle, not operated upon rails, except self-propelled chairs used by
persons who are disabled, electric personal assistive mobility devices as
defined in section 60-618.02, and bicycles as defined in section 60-611;
(15) (14) Omission shall mean a failure to perform an act as to
which a duty of performance is imposed by law;
(16) (15) Peace officer shall mean any officer or employee of the
state or a political subdivision authorized by law to make arrests, and
shall include members of the National Guard on active service by
direction of the Governor during periods of emergency or civil disorder;
(17) (16) Pecuniary benefit shall mean benefit in the form of money,
property, commercial interest, or anything else, the primary significance
of which is economic gain;
(18) (17) Person shall mean any natural person and where relevant a
corporation or an unincorporated association;
(19) (18) Public place shall mean a place to which the public or a
substantial number of the public has access, and includes but is not
limited to highways, transportation facilities, schools, places of
amusement, parks, playgrounds, and the common areas of public and private
buildings and facilities;
(20) (19) Public servant shall mean any officer or employee of
government, whether elected or appointed, and any person participating as an advisor, consultant, process server, or otherwise in performing a governmental function, but the term does not include witnesses;

(21) (20) Recklessly shall mean acting with respect to a material element of an offense when any person disregards a substantial and unjustifiable risk that the material element exists or will result from his or her conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to the actor, its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the actor's situation;

(22) (21) Serious bodily injury shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body;

(23) (22) Tamper shall mean to interfere with something improperly or to make unwarranted alterations in its condition;

(24) (23) Thing of value shall mean real property, tangible and intangible personal property, contract rights, choses in action, services, and any rights of use or enjoyment connected therewith; and

(25) Unmanned aircraft shall mean an aircraft that operates without the possibility of direct human intervention from within or on the aircraft;

(26) Utility shall mean any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas; and

(27) (24) Voluntary act shall mean an act performed as a result of effort or determination, and includes the possession of property if the actor was aware of his or her physical possession or control thereof for
a sufficient period to have been able to terminate it.

Sec. 4. Section 28-311.08, Reissue Revised Statutes of Nebraska, is amended to read:

28-311.08 (1) It shall be unlawful for any person to knowingly intrude upon any other person without his or her consent or knowledge in a place of solitude or seclusion.

(2) It shall be unlawful for any person to knowingly photograph, film, record, or live broadcast an image of the intimate area of any other person without his or her knowledge and consent when his or her intimate area would not be generally visible to the public regardless of whether such other person is located in a public or private place.

(3) For purposes of this section:

(a) Intimate area means the naked or undergarment-clad genitalia, pubic area, buttocks, or female breast of an individual;

(b) Intrude means either the:

(i) Viewing of another person in a state of undress as it is occurring, whether directly or through electronic or other means; or

(ii) Recording by video, photographic, digital, or other electronic means of another person in a state of undress; and

(c) Place of solitude or seclusion means a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, any facility, public or private, used as a restroom, tanning booth, locker room, shower room, fitting room, or dressing room.

(4)(a) Violation of this section involving an intrusion as defined in subdivision (3)(b)(i) of this section or violation under subsection (2) of this section is a Class I misdemeanor.

(b) Subsequent violation of this section involving an intrusion as defined in subdivision (3)(b)(i) of this section, subsequent violation under subsection (2) of this section, or violation of this section involving an intrusion as defined in subdivision (3)(b)(ii) of this
section is a Class IV felony.

(c) Violation of this section is a Class IIA felony if video or an image recorded in violation of this section is distributed to another person or otherwise made public in any manner which would enable it to be viewed by another person.

(5) As part of sentencing following a conviction for a violation of this section, the court shall make a finding as to the ages of the defendant and the victim at the time the offense occurred. If the defendant is found to have been nineteen years of age or older and the victim is found to have been less than eighteen years of age at such time, then the defendant shall be required to register under the Sex Offender Registration Act.

(6) No person shall be prosecuted pursuant to subdivision (4)(b) or (c) of this section unless the indictment for such offense is found by a grand jury or a complaint filed before a magistrate within three years after the later of:

(a) The commission of the crime;

(b) Law enforcement's or a victim's receipt of actual or constructive notice of either the existence of a video or other electronic recording made in violation of this section or the distribution of images, video, or other electronic recording made in violation of this section; or

(c) The youngest victim of a violation of this section reaching the age of twenty-one years.

Sec. 5. (1) It shall be unlawful for any person to intentionally cause an electronic device, including an unmanned aircraft, to enter into, upon, or above the property of another in order to secretly or furtively peep or spy into or through a window, door, or other aperture of any dwelling of any other person.

(2) It shall be unlawful for any person to intentionally use an electronic device, including an unmanned aircraft, to secretly or
furtively peep or spy into or through a window, door, or other aperture of any dwelling on property owned by such person and leased or rented to another, if such peeping or spying would violate the occupant's reasonable expectation of privacy.

(3) The provisions of this section shall not apply to a lawful criminal investigation.

(4) A violation of this section is a Class I misdemeanor.

Sec. 6. (1) A person who is required to register under the Sex Offender Registration Act commits the offense of unmanned aircraft harassment by a sex offender if he or she:

(a) Operates an unmanned aircraft for the purpose of following, contacting, or capturing images or recordings of an individual; and

(b) Is subject to a protection order or a condition of probation, parole, or supervised release that prohibits such following, contacting, or capturing of images. The order or condition need not specifically prohibit such conduct by means of an unmanned aircraft.

(2) For purposes of this section, protection order means a harassment protection order, domestic violence protection order, or sexual assault protection order, as those terms are defined in section 28-1206.

(3) A violation of this section is a Class I misdemeanor for a first offense and a Class IV felony for any second or subsequent offense.

Sec. 7. (1) A person commits first degree criminal trespass by unmanned aircraft if an unmanned aircraft operated by such person enters or secretly remains in any building or occupied structure, or any separately secured or occupied portion thereof, and such person knows that he or she is not licensed or privileged to do so.

(2) A violation of this section is a Class I misdemeanor.

Sec. 8. (1) Except as provided in subsection (2) of this section, a person commits second degree criminal trespass by unmanned aircraft if:

(a) Such person flies an unmanned aircraft at a height of less than
three hundred feet above ground level over real property lawfully owned
or occupied by another person;

(b) Such person knew that he or she was not licensed or privileged
to do so; and

(c) Notice against such trespass had been given by actual
communication to such person.

(2) Subsection (1) of this section does not prohibit the flying of
an unmanned aircraft by:

(a) A law enforcement agency, fire department, or emergency medical
service;

(b) A government official or employee in the exercise of his or her
official duties;

(c) A utility for the purpose of inspecting, repairing, or
maintaining utility transmission or distribution lines or other utility
equipment or infrastructure; or

(d) A commercial operator if the unmanned aircraft is used for a
purpose directly related to the operator's business and the unmanned
aircraft is operated in compliance with federal law and Federal Aviation
Administration rules and regulations.

(3) A violation of this section is a Class III misdemeanor for a
first offense and a Class II misdemeanor for a second or subsequent
offense involving the same real property.

Sec. 9. (1) Except as provided in subsection (2) of this section,
it shall be unlawful for a person to fly an unmanned aircraft at a height
of less than three hundred feet above ground level above a critical
infrastructure facility knowing that he or she is not licensed or
privileged to do so.

(2) Subsection (1) of this section does not prohibit the flying of
an unmanned aircraft by:

(a) An owner or operator of the critical infrastructure facility;

(b) A law enforcement agency, fire department, or emergency medical
service;

(c) A government official or employee in the exercise of his or her official duties;

(d) A utility for the purpose of inspecting, repairing, or maintaining utility transmission or distribution lines or other utility equipment or infrastructure; or

(e) A commercial operator if the unmanned aircraft:

(i) Remains at least 200 feet above ground level or the highest point of the facility, whichever is higher;

(ii) Is used for a purpose directly related to the operator's business; and

(iii) Is operated in compliance with federal law and Federal Aviation Administration rules and regulations.

(3) For purposes of this section, critical infrastructure facility means:

(a) A public power infrastructure facility as defined in section 28-520;

(b) A chemical, polymer, or rubber manufacturing facility;

(c) A water intake structure, water treatment facility, wastewater treatment plant or pump station;

(d) A natural gas compressor station;

(e) A liquid natural gas terminal or storage facility;

(f) A telecommunications central switching office;

(g) A port, railroad switching yard, trucking terminal, or other freight transportation facility;

(h) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;

(i) A transmission facility used by a federally licensed radio or television station;

(j) A steelmaking facility that uses an electric arc furnace to make steel; or
(k) A dam classified as a high hazard potential dam under the Safety of Dams and Reservoirs Act.

(4) A violation of this section is a Class I misdemeanor.

Sec. 10. (1) Except as provided in subsection (2) of this section, it shall be unlawful for a person to fly an unmanned aircraft at a height of less than three hundred feet above ground level over a school knowing that he or she is not licensed or privileged to do so.

(2) Subsection (1) of this section does not prohibit the flying of an unmanned aircraft by:

(a) A law enforcement agency, fire department, or emergency medical service;

(b) A government official or employee in the exercise of his or her official duties;

(c) A utility for the purpose of inspecting, repairing, or maintaining utility transmission or distribution lines or other utility equipment or infrastructure; or

(d) A commercial operator if the unmanned aircraft:

(i) Remains at least 200 feet above ground level;

(ii) Is used for a purpose directly related to the operator's business; and

(iii) Is operated in compliance with federal law and Federal Aviation Administration rules and regulations.

(3) For purposes of this section, school means public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, a public or private college, a junior college, or a university.

(4) A violation of this section is a Class I misdemeanor.

Sec. 11. Section 28-522, Reissue Revised Statutes of Nebraska, is amended to read:

28-522 It is an affirmative defense to prosecution under sections
28-520 and 28-521 and sections 7, 8, 9, and 10 of this act that:

(1) A building or occupied structure involved in an offense under section 28-520 or section 7 of this act was abandoned; or

(2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(3) The actor reasonably believed that the owner of the premises or other person empowered to license access thereto would have licensed the actor, or his or her unmanned aircraft, him to enter or remain; or

(4) The actor was in the process of navigating or attempting to navigate with a nonpowered vessel any stream or river in this state and found it necessary to portage or otherwise transport the vessel around any fence or obstructions in such stream or river; or

(5) In an offense under section 8, 9, or 10 of this act, the actor was in the process of lawfully operating an unmanned aircraft and found it necessary to land the unmanned aircraft in or fly through an otherwise prohibited area in order to land the aircraft safely. This subdivision is not an affirmative defense to the actor personally trespassing into or onto an otherwise prohibited area to retrieve such unmanned aircraft.

Sec. 12. (1) A person commits the offense of interference with a police cordon when such person, or an unmanned aircraft operated by such person, intentionally and knowingly crosses a cordon or traverses a cordoned area, unless such person is authorized to enter into or operate an unmanned aircraft within the cordoned area.

(2) For purposes of this section:

(a) Cordon means any impediment or structure erected or established by a peace officer for purposes of crowd or traffic control or to prevent or obstruct the passage of persons at the scene of a crime or investigation;

(b) Cordoned area includes the area within the cordon and the airspace up to three hundred feet above the cordoned area; and
(c) Impediment or structure includes, but is not limited to, crime scene tape, rope, cable, wire or metal barricades, or the posting of uniformed peace officers or other personnel otherwise identifiable as peace officers.

(3) A violation of this section is a Class II misdemeanor.

Sec. 13. (1) Except as provided in subsection (2) of this section, no person shall knowingly fly an unmanned aircraft within a horizontal distance of five hundred feet or a vertical distance of three hundred feet above any penal institution.

(2) This section does not prohibit the flying of an unmanned aircraft by:
   (a) The entity operating the penal institution;
   (b) A person who has obtained the written consent of the penal institution;
   (c) A law enforcement agency, fire department, or emergency medical service;
   (d) A government official or employee in the exercise of his or her official duties;
   (e) A utility if:
      (i) The unmanned aircraft is used for the purpose of inspecting, repairing, or maintaining utility transmission or distribution lines or other utility equipment or infrastructure;
      (ii) The utility notifies the penal institution at least twenty-four hours prior to flying the unmanned aircraft; and
      (iii) The person operating the unmanned aircraft does not physically enter the prohibited space without an escort provided by the penal institution; or
   (f) A commercial operator if:
      (i) The unmanned aircraft remains outside a horizontal distance of one hundred fifty feet or a vertical distance of one hundred fifty feet from the penal institution;
(ii) The commercial operator notifies the penal institution at least twenty-four hours prior to flying the unmanned aircraft;

(iii) The unmanned aircraft is used for a purpose directly related to the operator's business;

(iv) The unmanned aircraft is operated in compliance with federal law and Federal Aviation Administration rules and regulations; and

(v) The person operating the unmanned aircraft does not physically enter the prohibited space without an escort provided by the facility.

(3) A violation of this section is a Class I misdemeanor for a first offense and a Class IV felony for a second or subsequent offense.

(4) For the purpose of this section:

(a) Horizontal distance extends outward from the furthest exterior building walls, perimeter fences, or permanent fixed perimeter, or from another boundary clearly marked with posted notices;

(b) Penal institution includes a facility operated by the Department of Correctional Services or a city or county correctional or jail facility; and

(c) Vertical distance extends from ground level.

Sec. 14. Section 28-1201, Revised Statutes Supplement, 2017, is amended to read:

28-1201 For purposes of sections 28-1201 to 28-1212.04 and section 15 of this act, unless the context otherwise requires:

(1) Firearm means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon;

(2) Fugitive from justice means any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

(3) Handgun means any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand;
(4) Juvenile means any person under the age of eighteen years;

(5) Knife means:

(a) Any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length and which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury; or

(b) Any other dangerous instrument which is capable of inflicting cutting, stabbing, or tearing wounds and which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury;

(6) Knuckles and brass or iron knuckles means any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;

(7) Machine gun means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(8) School means a public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, a public or private college, a junior college, or a university;

(9) Short rifle means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and

(10) Short shotgun means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

Sec. 15. It shall be unlawful for any person to operate an unmanned aircraft that is carrying, or to which is attached, a firearm, knife, or deadly weapon. This section shall not apply to unmanned aircraft acting pursuant to authorization of the United States military. A violation of this section is a Class I misdemeanor for a first offense and a Class IV
felony for a second or subsequent offense.

Sec. 16. Section 28-1413, Reissue Revised Statutes of Nebraska, is amended to read:

28-1413 The use of force upon or toward the person of another is justifiable if:

(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian, or other responsible person and:

(a) Such force is used for the purpose of safeguarding or promoting the welfare of the minor, including the prevention or punishment of his or her misconduct; and

(b) Such force used is not designed to cause or known to create a substantial risk of causing death, serious bodily harm, disfigurement, extreme pain or mental distress, or gross degradation;

(2) The actor is the guardian or other person similarly responsible for the general care and supervision of an incompetent person and:

(a) Such force is used for the purpose of safeguarding or promoting the welfare of the incompetent person, including the prevention of his or her misconduct, or, when such incompetent person is in a hospital or other institution for his or her care and custody, for the maintenance of reasonable discipline in such institution; and

(b) Such force used is not designed to cause or known to create a substantial risk of causing death, serious bodily harm, disfigurement, extreme or unnecessary pain, mental distress, or humiliation;

(3) The actor is a doctor or other therapist or a person assisting him or her at his or her direction and:

(a) Such force is used for the purpose of administering a recognized form of treatment which the actor believes to be adapted to promoting the physical or mental health of the patient; and

(b) Such treatment is administered with the consent of the patient
or, if the patient is a minor or an incompetent person, with the consent
of his or her parent or guardian or other person legally competent to
consent in his or her behalf or the treatment is administered in an
emergency when the actor believes that no one competent to consent can be
consulted and that a reasonable person, wishing to safeguard the welfare
of the patient, would consent;

(4) The actor is a warden or other authorized official of a
correctional institution and:

(a) He or she believes that the force used is necessary for the
purpose of enforcing the lawful rules or procedures of the institution,
unless his or her belief in the lawfulness of the rule or procedure
sought to be enforced is erroneous and his or her error is the result of
ignorance or mistake as to the provisions of sections 28-1406 to 28-1416,
any other provision of the criminal law, or the law governing the
administration of the institution;

(b) The nature or degree of force used is not forbidden by section
28-1408 or 28-1409; and

(c) If deadly force is used, its use is otherwise justifiable under
sections 28-1406 to 28-1416;

(5) The actor is a person responsible for the safety of a vessel or
an aircraft, not including an unmanned aircraft, or a person acting at
his or her direction and:

(a) He or she believes that the force used is necessary to prevent
interference with the operation of the vessel or aircraft or obstruction
of the execution of a lawful order unless such belief in the lawfulness
of the order is erroneous and such error is the result of ignorance or
mistake as to the law defining such authority; and

(b) If deadly force is used, its use is otherwise justifiable under
sections 28-1406 to 28-1416; and

(6) The actor is a person who is authorized or required by law to
maintain order or decorum in a vehicle, train, or other carrier or in a
place where others are assembled, and:

(a) He or she believes that the force used is necessary for such purpose; and

(b) Such force used is not designed to cause or known to create a substantial risk of causing death, bodily harm, or extreme mental distress.

Sec. 17. Section 37-201, Reissue Revised Statutes of Nebraska, is amended to read:

37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section 19 of this act shall be known and may be cited as the Game Law.

Sec. 18. Section 37-202, Reissue Revised Statutes of Nebraska, is amended to read:

37-202 For purposes of the Game Law, unless the context otherwise requires, the definitions found in sections 37-203 to 37-247 and section 19 of this act are used.

Sec. 19. Aircraft means any contrivance now known, hereafter invented, used, or designed for navigation of or flight in the air and includes unmanned aircraft as defined in section 28-109.

Sec. 20. Section 37-514, Reissue Revised Statutes of Nebraska, is amended to read:

37-514 (1) Except as provided in sections 37-458 and section 37-4,107, it shall be unlawful to hunt any wildlife by projecting or casting the rays of a spotlight, headlight, or other artificial light attached to or used from a vehicle, or boat, or aircraft in any field, pasture, woodland, forest, prairie, water area, or other area which may be inhabited by wildlife while having in possession or control, either singly or as one of a group of persons, any firearm or bow and arrow.

(2) Nothing in this section shall prohibit (a) the hunting on foot of raccoon with the aid of a handlight, (b) the hunting of species of wildlife not protected by the Game Law in the protection of property by landowners or operators or their regular employees on land under their
control on foot or from a motor vehicle with the aid of artificial light, or (c) the taking of nongame fish by means of bow and arrow from a vessel with the aid of artificial light.

(3) Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least two hundred fifty dollars upon conviction.

Sec. 21. Section 37-535, Reissue Revised Statutes of Nebraska, is amended to read:

37-535 It shall be unlawful to hunt any game from any boat or watercraft while being propelled by sails or electric, gas, or steam power or with or from any aircraft or hydroplane. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 22. Section 37-564, Reissue Revised Statutes of Nebraska, is amended to read:

37-564 (1) No person shall knowingly and intentionally interfere or attempt to interfere with another person who is not trespassing and who is lawfully hunting or trapping any game bird, game animal, fur-bearing animal, or other wild mammal or bird or engaged in activity associated with hunting or trapping.

(2) No person shall knowingly and intentionally interfere or attempt to interfere with another person who is not trespassing and who is lawfully fishing or engaged in activity associated with fishing.

(3) For purposes of this section:

(a) Activity associated with hunting, trapping, or fishing shall mean travel, camping, or other acts that are preparatory to or in conjunction with hunting, trapping, or fishing on lands or waters upon which hunting, trapping, or fishing may lawfully occur and that are done by a hunter, a trapper, or an angler or by a member of a hunting, trapping, or fishing party and

(b) Interfere means: interfere shall mean
(i) Disturbing, scaring, chasing, or otherwise driving away by any means any game bird, game animal, fur-bearing animal, other wild mammal or bird, or game fish, but shall not include releasing a non-fur-bearing animal, except a coyote, from a trap;

(ii) Impeding or obstructing a person who is hunting, trapping, or fishing;

(iii) Impeding or obstructing a person who is engaged in an activity associated with hunting, trapping, or fishing;

(iv) Engaging in a series of two or more acts using an unmanned aircraft carried out over time, however short or long, that show a continuity of purpose and that are intended to impede or obstruct a person who is engaged in hunting, trapping, or fishing or an activity associated with hunting, trapping, or fishing, including:

(A) Maintaining a visual or physical proximity to the person;

(B) Approaching or confronting the person; or

(C) Photographing, videotaping, audiotaping, or monitoring or recording the activities of the person through other electronic means;

(v) Affecting the condition or location of personal property intended for use in hunting, trapping, or fishing; and

(vi) Intentionally placing himself or herself into the line of fire for the purpose of interfering with lawful hunting or trapping.

Sec. 23. Section 37-614, Revised Statutes Supplement, 2017, is amended to read:

37-614 (1) When a person pleads guilty to or is convicted of any violation listed in this subsection, the court shall, in addition to any other penalty, revoke and require the immediate surrender of all permits to hunt, fish, and harvest fur held by such person and suspend the privilege of such person to hunt, fish, and harvest fur and to purchase such permits for a period of not less than three years. The court shall consider the number and severity of the violations of the Game Law in
determining the length of the revocation and suspension. The violations shall be:

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

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

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

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

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

(2) When a person pleads guilty to or is convicted of any violation listed in this subsection, the court may, in addition to any other penalty, revoke and require the immediate surrender of all permits to hunt, fish, and harvest fur held by such person and suspend the privilege of such person to hunt, fish, and harvest fur and to purchase such permits for a period of not less than one year. The court shall consider the number and severity of the violations of the Game Law in determining the length of the revocation and suspension. The violations shall be:

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

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

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

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

Sec. 24. Section 54-901, Revised Statutes Cumulative Supplement,
2016, is amended to read:

54-901 Sections 54-901 to 54-913 and section 25 of this act shall be
known and may be cited as the Livestock Animal Welfare Act.

Sec. 25. (1) A person commits the offense of livestock harassment
if the person chases the livestock animal of another, with the intent of
causing distress or harm to the livestock, through the use of a motor
vehicle, a dog, or an unmanned aircraft. A violation of this section is a
Class II misdemeanor, unless the harassment results in serious illness or
injury or death of a livestock animal, in which case it is a Class I
misdemeanor.

(2) For purposes of this section:

(a) Motor vehicle means every self-propelled land vehicle, not
operated upon rails, except self-propelled chairs used by persons who are
disabled and electric personal assistive mobility devices as defined in
section 60-618.02; and

(b) Unmanned aircraft has the same meaning as in section 28-109.

Sec. 26. Section 54-905, Revised Statutes Cumulative Supplement,
2016, is amended to read:

54-905 (1) In addition to any other sentence given for a violation
of section 54-903 or 54-904 or section 25 of this act, the sentencing
court may order the defendant to reimburse a public or private agency for
any unreimbursed expenses incurred in conjunction with the care, seizure,
or disposal of a livestock animal involved in the violation of such
section. Whenever the court believes that such reimbursement is a proper
sentence or at the prosecuting attorney's request, 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 public or private agency in conjunction with the care, seizure, or disposal of a livestock animal. The expenses shall be a lien upon the livestock animal.

Sec. 27. Section 54-906, Revised Statutes Cumulative Supplement, 2016, is amended to read:

54-906 (1) A law enforcement officer who has reason to believe that a livestock 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 livestock animal.

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

(3) A law enforcement officer may specify in a custody agreement the terms and conditions by which the owner or custodian may maintain custody of the livestock animal to provide care for such animal at the expense of the owner or custodian. The custody agreement shall be signed by the owner or custodian of the livestock animal. A copy of the signed agreement shall be provided to the owner or custodian of the livestock animal. A violation of the custody agreement may result in the seizure of the livestock animal.

(4) Any equipment, device, or other property or things involved in a violation of section 54-903 or 54-904 or section 25 of this act shall be subject to seizure, and distribution or disposition may be made in such manner as the court may direct. Any livestock animal involved in a
violation of section 54-903 or 54-904 shall be subject to seizure. Distribution or disposition shall be made under section 54-913 as the court may direct. Any livestock animal seized under this subsection may be kept by the law enforcement officer on the property of the owner or custodian of such livestock animal.

(5) A law enforcement officer may euthanize or cause a livestock animal seized or kept pursuant to this section to be euthanized if the animal is severely emaciated, injured, disabled, or diseased past recovery for any useful purpose. The law enforcement officer shall notify the owner or custodian prior to the euthanasia if practicable under the circumstances. An owner or custodian may request that a veterinarian of the owner's or custodian's choosing view the livestock animal and be present upon examination of the livestock animal, and no livestock animal shall be euthanized without reasonable accommodation to provide for the presence of the owner's or custodian's veterinarian when requested. However, attempted notification of the owner or custodian or the presence of the owner's or custodian's veterinarian shall not unduly delay euthanasia when necessary. The law enforcement officer may forgo euthanasia if the care of the livestock animal is placed with the owner's or custodian's veterinarian.

(6) A 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. 28. (1) A law enforcement agency may disclose and use information acquired through operation of an unmanned aircraft if:

(a) A warrant is issued authorizing operation of an unmanned aircraft;

(b) The law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime, or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing operation
of an unmanned aircraft;

    (c) The law enforcement agency reasonably believes that there is an imminent threat to the life or safety of an individual. The operation of an unmanned aircraft under this subdivision is limited to a period of forty-eight hours after the emergency operation begins. Not more than forty-eight hours after the emergency operation begins, an official of the law enforcement agency shall file a sworn statement with a court that describes the nature of the emergency and the need for the operation of an unmanned aircraft. The statement shall be filed with the court from which the law enforcement agency would otherwise seek a warrant;

    (d) For the purpose of acquiring information about a person or the person's real property, if such person has given written consent for the operation of an unmanned aircraft;

    (e) The operation is necessary to counter a high risk of a terrorist attack by a specific individual or organization and there is credible intelligence that such high risk exists;

    (f) The operation is conducted for search and rescue activities;

    (g) The operation is conducted to respond to or mitigate natural disasters or any other disaster or public emergency;

    (h) The operation is conducted to obtain information regarding a specific motor vehicle accident site on a public street or public highway;

    (i) The operation is conducted to reconstruct a specific crime scene, or similar physical assessment, relating to a specific criminal investigation and such operation does not exceed five days;

    (j) The operation is conducted to perform a geographical, an environmental, or any other survey necessary to protect public safety if:

        (i) Such operation is not for criminal justice purposes; and

        (ii) The unmanned aircraft is operated only in the necessary geographic area; or

    (k) The operation is conducted for training law enforcement
personnel in matters relating to unmanned aircraft.

(2) A law enforcement agency legitimately operating an unmanned aircraft for a bona fide purpose under subsection (1) of this section may acquire and disclose information incidentally gathered through such operation, even if such information does not relate to the scope of such purpose.

(3) A search warrant authorizing the operation of an unmanned aircraft must specify the period for which operation of the unmanned aircraft is authorized. In no event may a search warrant provide for the operation of an unmanned aircraft for a period of more than thirty days. Upon motion and good cause shown, a court may renew a search warrant after the expiration of the thirty-day period.

(4) In any judicial, administrative, arbitration, or other adjudicatory proceeding in which a law enforcement agency or prosecutor seeks admission or disclosure of information acquired through the operation of an unmanned aircraft by a law enforcement agency, the party seeking admission or disclosure bears the burden of proving compliance with this section by a preponderance of the evidence.

(5) Except as provided in subsection (6) of this section, any information that is acquired through the operation of an unmanned aircraft by a law enforcement agency, other than operation permitted by subsection (1), (2), or (3) of this section, and any evidence derived from that information:

(a) Is not admissible in a judicial proceeding, administrative proceeding, arbitration proceeding, or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

(6) This section does not prohibit the usage of information acquired through the use of an unmanned aircraft by a law enforcement agency:

(a) For impeachment purposes;

(b) For use in preliminary hearings in criminal cases and hearings
regarding bail; or

(c) If the law enforcement agency or prosecutor can prove, by a
preponderance of the evidence, that the information should be admitted
under the Fourth Amendment doctrines of inevitable discovery, independent
source, attenuation, or the good faith exception.

(7) For purposes of this section:

(a) Operation of an unmanned aircraft by a law enforcement agency
includes operation by a third party that is requested or directed by the
law enforcement agency; and

(b) Unmanned aircraft has the same meaning as in section 28-109.

Sec. 29. If any section in this act or any part of any section is
declared invalid or unconstitutional, the declaration shall not affect
the validity or constitutionality of the remaining portions.

Sec. 30. Original sections 28-109, 28-311.08, 28-522, 28-1413,
37-201, 37-202, 37-514, 37-535, and 37-564, Reissue Revised Statutes of
Nebraska, sections 54-901, 54-905, and 54-906, Revised Statutes
Cumulative Supplement, 2016, and sections 28-101, 28-1201, and 37-614,
Revised Statutes Supplement, 2017, are repealed.