

LEGISLATIVE BILL 43

Approved by the Governor February 16, 1989

Introduced by Bernard-Stevens, 42

AN ACT relating to hunting and fishing; to amend section 37-614, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to liquidated damages as prescribed; and to repeal the original section.

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

Section 1. That section 37-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-614. ~~Every Any~~ person who kills, destroys, takes, or ~~possesses has in possession~~; contrary to the provisions of this act, any animal, fowl, bird, or fish shall be liable to the State of Nebraska for the damages caused thereby. Such damages shall be: (1) Six ~~which are hereby declared to be three hundred dollars for each buffalo, elk, deer, big horn sheep, antelope, whooping crane, or swan; (2) fifty~~ ~~twenty-five~~ dollars for each wild turkey, wild goose, ~~or for each other game bird, game animal, or fur-bearing animal or the raw pelts thereof, or nongame wildlife in need of conservation as designated by the commission pursuant to section 37-433; and five (3) twenty~~ dollars for each insectivorous bird or game fish, ~~so unlawfully killed, destroyed, taken, or had in possession; PROVIDED, that a return uninjured of any such animal, fowl, or bird to the place where captured, or such other place as the Game and Parks Commission may direct, shall discharge such damages-~~ Said Such damages may be collected by the commission by civil suit. In every case of conviction for any of said such offenses, it is hereby made the duty of the court or magistrate before whom such conviction is obtained shall to further enter judgment in favor of the State of Nebraska and against the defendant for liquidated damages in the amount a sum as hereinbefore set forth, in this section and to collect the same such damages by execution or otherwise. Failure to obtain conviction on a criminal charge shall not be a bar to a separate civil action for such liquidated damages. Damages collected pursuant to this section shall be remitted it shall be the duty of all magistrates collecting such damages to forthwith remit the same to the secretary of the

commissioner, who shall forthwith deposit the same with remit them to the State Treasurer for credit to, and ~~the treasurer shall place the same in~~ the State Game Fund.

Sec. 2. That original section 37-614, Reissue Revised Statutes of Nebraska, 1943, is repealed.