

January 17, 1992 LB 191

the introduction to that section it says that a person willfully interferes with sport hunting when, with intent to harass, obstruct, or prevent sport hunting, he or she does any one of these things, and I guess to pick up on Senator Landis's example, the person that was having a picnic and that was playing the radio loud, they would have to be doing that with intent to harass, obstruct or prevent sport hunting in order for that to be an offense. Is that correct?

SENATOR CHIZEK: Yes.

SENATOR WILL: So if they were simply having a picnic, if they were playing the radio, if coincidentally they were in an area that was open to hunting, then unless they were having that picnic with the sole purpose or with one of the purposes being to harass or obstruct or prevent sport hunting, then they would not be in violation. Is that right?

SENATOR CHIZEK: That is my understanding, yes.

SENATOR WILL: Thank you. Senator Landis has...wants to elaborate on this point, I would give him some of my time.

SENATOR LANDIS: I think that Senator Will raises a good point in Section 3 and I want to go back to my hypothetical one more time because, in fact, I think the line of questioning needs to go a little further to make this clear. In the event, and let me repeat it because Senator Chizek's back was turned to me and I wasn't sure that I had communicated the message. I'm there, I have my radio on, sport hunters come later and say would you turn it down, please. This is going to interfere with our hunting and I say, no, I won't. I'm now on notice, am I not, that it will interfere with hunting? If I continue to leave it up, I have notice now from the hunters that it's going to interfere with their hunting and my action to continue to leave it up is what? Willfully done, is it not? And isn't Section 3 met in that standard? If I just leave it up when I've been told by a hunter that it is going to bad for their hunting, I'm willfully interfering and I'm choosing to interfere with their hunting when I don't abide by their request to turn it down and then remove the potential interference to sport hunting. In that case I think you've probably got a willful refusal to, I'm sorry, a willful obstruction of hunting because I have knowledge now that I'm interfering and I continue to do it and that's what willful is in the law.