

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 5

FINAL READING

Introduced by Christensen, 44.

Read first time January 8, 2009

Committee: Natural Resources

A BILL

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

1 Section 1. Section 37-513, Reissue Revised Statutes of
2 Nebraska, 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 shall be guilty of a
7 Class III misdemeanor and shall be fined at least fifty dollars.

8 (2) (a) ~~It shall be unlawful to trap any wildlife in~~
9 ~~the county road right-of-way, except that the commission may~~
10 ~~allow trapping of raptors within the county road right-of-way in~~
11 ~~accordance with sections 37-497 to 37-4,103. Any county may adopt~~
12 a resolution having the force and effect of law to prohibit the
13 trapping of wildlife in the county road right-of-way or in a
14 certain area of the right-of-way as designated by the county.

15 (b) A person trapping wildlife in a county road
16 right-of-way is not allowed to use traps in the county road
17 right-of-way that are larger than those allowed by the commission
18 as of February 1, 2009, on any land owned or controlled by the
19 commission.

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

23 Sec. 2. Section 37-614, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 37-614 (1) When a person pleads guilty to or is convicted

1 of any violation listed in this subsection, the court shall, in
2 addition to any other penalty, revoke and require the immediate
3 surrender of all permits to hunt, fish, and harvest fur held by
4 such person and suspend the privilege of such person to hunt,
5 fish, and harvest fur and to purchase such permits for a period
6 of not less than one nor more than three years. The court shall
7 consider the number and severity of the violations of the Game Law
8 in determining the length of the revocation and suspension. The
9 violations shall be:

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

12 (b) Purposely taking or having in his or her possession
13 a number of game animals, game fish, game birds, or fur-bearing
14 animals exceeding twice the limit established pursuant to section
15 37-314;

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

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

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

22 (2) When a person pleads guilty to or is convicted of any
23 violation listed in this subsection, the court may, in addition to
24 any other penalty, revoke and require the immediate surrender of
25 all permits to hunt, fish, and harvest fur held by such person and

1 suspend the privilege of such person to hunt, fish, and harvest
2 fur and to purchase such permits for a period of not less than
3 one nor more than three years. The court shall consider the number
4 and severity of the violations of the Game Law in determining the
5 length of the revocation and suspension. The violations shall be:

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

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

11 ~~(c) Trapping wildlife in the county right-of-way in~~
12 ~~violation of section 37-513; and~~

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

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

23 Sec. 3. Original sections 37-513 and 37-614, Reissue
24 Revised Statutes of Nebraska, are repealed.

25 Sec. 4. Since an emergency exists, this act takes effect

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1 when passed and approved according to law.