

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 693

Introduced by Blood, 3.

Read first time January 03, 2018

Committee: Judiciary

1 A BILL FOR AN ACT relating to unmanned aircraft; to amend sections
2 28-109, 28-311.08, 28-522, 28-1413, 37-201, 37-202, 37-514, 37-535,
3 and 37-564, Reissue Revised Statutes of Nebraska, sections 54-901,
4 54-905, and 54-906, Revised Statutes Cumulative Supplement, 2016,
5 and sections 28-101, 28-1201, and 37-614, Revised Statutes
6 Supplement, 2017; to provide immunity from civil liability for
7 damage to unmanned aircraft by emergency responders; to define and
8 redefine terms; to prohibit unlawful intrusion by electronic and
9 other means, peeping by electronic device, harassment with an
10 unmanned aircraft by a sex offender, trespass by unmanned aircraft
11 on real property, schools, critical infrastructure facilities, and
12 prisons, interference with a police cordon, and operation of an
13 unmanned aircraft with a weapon; to change provisions relating to
14 use of force to protect an aircraft, hunting with artificial light
15 or from an aircraft, and interference with hunting, trapping, or
16 fishing; to prohibit livestock harassment; to provide for
17 limitations on the usage of unmanned aircraft by law enforcement; to
18 provide penalties; to harmonize provisions; to provide severability;
19 and to repeal the original sections.
20 Be it enacted by the people of the State of Nebraska,

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

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

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

8 (2) For purposes of this section:

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

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

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

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

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

30 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
31 sections 5, 6, 7, 8, 9, 10, 12, 13, and 15 of this act shall be known and

1 may be cited as the Nebraska Criminal Code.

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

4 28-109 For purposes of the Nebraska Criminal Code, unless the
5 context otherwise requires:

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

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

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

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

16 (5) Commercial operator, when used in reference to the operation of
17 an unmanned aircraft, shall mean an operator subject to 14 C.F.R. part
18 107, as such part existed on January 1, 2018;

19 (6) (5) Conduct shall mean an action or omission and its
20 accompanying state of mind, or, where relevant, a series of acts and
21 omissions;

22 (7) (6) Conveyance shall mean a mode of transportation that includes
23 any vehicle, aircraft, unmanned aircraft, or watercraft;

24 (8) (7) Deadly physical force shall mean force, the intended,
25 natural, and probable consequence of which is to produce death, or which
26 does, in fact, produce death;

27 (9) (8) Deadly weapon shall mean any firearm, knife, bludgeon, or
28 other device, instrument, material, or substance, whether animate or
29 inanimate, which in the manner it is used or intended to be used is
30 capable of producing death or serious bodily injury;

31 (10) (9) Deface shall mean to alter the appearance of something by

1 removing, distorting, adding to, or covering all or a part of the thing;

2 (11) ~~(10)~~ Dwelling shall mean a building or other thing which is
3 used, intended to be used, or usually used by a person for habitation;

4 (12) ~~(11)~~ Government shall mean the United States, any state,
5 county, municipality, or other political unit, any branch, department,
6 agency, or subdivision of any of the foregoing, and any corporation or
7 other entity established by law to carry out any governmental function;

8 (13) ~~(12)~~ Governmental function shall mean any activity which a
9 public servant is legally authorized to undertake on behalf of
10 government;

11 (14) ~~(13)~~ Motor vehicle shall mean every self-propelled land
12 vehicle, not operated upon rails, except self-propelled chairs used by
13 persons who are disabled, electric personal assistive mobility devices as
14 defined in section 60-618.02, and bicycles as defined in section 60-611;

15 (15) ~~(14)~~ Omission shall mean a failure to perform an act as to
16 which a duty of performance is imposed by law;

17 (16) ~~(15)~~ Peace officer shall mean any officer or employee of the
18 state or a political subdivision authorized by law to make arrests, and
19 shall include members of the National Guard on active service by
20 direction of the Governor during periods of emergency or civil disorder;

21 (17) ~~(16)~~ Pecuniary benefit shall mean benefit in the form of money,
22 property, commercial interest, or anything else, the primary significance
23 of which is economic gain;

24 (18) ~~(17)~~ Person shall mean any natural person and where relevant a
25 corporation or an unincorporated association;

26 (19) ~~(18)~~ Public place shall mean a place to which the public or a
27 substantial number of the public has access, and includes but is not
28 limited to highways, transportation facilities, schools, places of
29 amusement, parks, playgrounds, and the common areas of public and private
30 buildings and facilities;

31 (20) ~~(19)~~ Public servant shall mean any officer or employee of

1 government, whether elected or appointed, and any person participating as
2 an advisor, consultant, process server, or otherwise in performing a
3 governmental function, but the term does not include witnesses;

4 (21) ~~(20)~~ Recklessly shall mean acting with respect to a material
5 element of an offense when any person disregards a substantial and
6 unjustifiable risk that the material element exists or will result from
7 his or her conduct. The risk must be of such a nature and degree that,
8 considering the nature and purpose of the actor's conduct and the
9 circumstances known to the actor, its disregard involves a gross
10 deviation from the standard of conduct that a law-abiding person would
11 observe in the actor's situation;

12 (22) ~~(21)~~ Serious bodily injury shall mean bodily injury which
13 involves a substantial risk of death, or which involves substantial risk
14 of serious permanent disfigurement, or protracted loss or impairment of
15 the function of any part or organ of the body;

16 (23) ~~(22)~~ Tamper shall mean to interfere with something improperly
17 or to make unwarranted alterations in its condition;

18 (24) ~~(23)~~ Thing of value shall mean real property, tangible and
19 intangible personal property, contract rights, choses in action,
20 services, and any rights of use or enjoyment connected therewith;~~and~~

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

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

29 (27) ~~(24)~~ Voluntary act shall mean an act performed as a result of
30 effort or determination, and includes the possession of property if the
31 actor was aware of his or her physical possession or control thereof for

1 a sufficient period to have been able to terminate it.

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

4 28-311.08 (1) It shall be unlawful for any person to knowingly
5 intrude upon any other person without his or her consent or knowledge in
6 a place of solitude or seclusion.

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

12 (3) For purposes of this section:

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

15 (b) Intrude means either the:

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

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

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

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

28 (b) Subsequent violation of this section involving an intrusion as
29 defined in subdivision (3)(b)(i) of this section, subsequent violation
30 under subsection (2) of this section, or violation of this section
31 involving an intrusion as defined in subdivision (3)(b)(ii) of this

1 section is a Class IV felony.

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

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

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

17 (a) The commission of the crime;

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

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

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

30 (2) It shall be unlawful for any person to intentionally use an
31 electronic device, including an unmanned aircraft, to secretly or

1 furtively peep or spy into or through a window, door, or other aperture
2 of any dwelling on property owned by such person and leased or rented to
3 another, if such peeping or spying would violate the occupant's
4 reasonable expectation of privacy.

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

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

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

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

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

17 (2) For purposes of this section, protection order means a
18 harassment protection order, domestic violence protection order, or
19 sexual assault protection order, as those terms are defined in section
20 28-1206.

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

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

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

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

31 (a) Such person flies an unmanned aircraft at a height of less than

1 three hundred feet above ground level over real property lawfully owned
2 or occupied by another person;

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

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

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

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

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

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

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

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

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

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

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

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

1 service;

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

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

7 (e) A commercial operator of the unmanned aircraft:

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

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

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

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

16 (a) A public power infrastructure facility as defined in section
17 28-520;

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

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

21 (d) A natural gas compressor station;

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

23 (f) A telecommunications central switching office;

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

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

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

30 (j) A steelmaking facility that uses an electric arc furnace to make
31 steel; or

1 (k) A dam classified as a high hazard potential dam under the Safety
2 of Dams and Reservoirs Act.

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

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

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

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

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

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

17 (d) A commercial operator if the unmanned aircraft:

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

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

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

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

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

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

31 28-522 It is an affirmative defense to prosecution under sections

1 28-520 and 28-521 and sections 7, 8, 9, and 10 of this act that:

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

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

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

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

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

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

25 (2) For purposes of this section:

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

30 (b) Cordoned area includes the area within the cordon and the
31 airspace up to three hundred feet above the cordoned area; and

1 (c) Impediment or structure includes, but is not limited to, crime
2 scene tape, rope, cable, wire or metal barricades, or the posting of
3 uniformed peace officers or other personnel otherwise identifiable as
4 peace officers.

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

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

10 (2) This section does not prohibit the flying of an unmanned
11 aircraft by:

12 (a) The entity operating the penal institution;

13 (b) A person who has obtained the written consent of the penal
14 institution;

15 (c) A law enforcement agency, fire department, or emergency medical
16 service;

17 (d) A government official or employee in the exercise of his or her
18 official duties;

19 (e) A utility if:

20 (i) The unmanned aircraft is used for the purpose of inspecting,
21 repairing, or maintaining utility transmission or distribution lines or
22 other utility equipment or infrastructure;

23 (ii) The utility notifies the penal institution at least twenty-four
24 hours prior to flying the unmanned aircraft; and

25 (iii) The person operating the unmanned aircraft does not physically
26 enter the prohibited space without an escort provided by the penal
27 institution; or

28 (f) A commercial operator if:

29 (i) The unmanned aircraft remains outside a horizontal distance of
30 one hundred fifty feet or a vertical distance of one hundred fifty feet
31 from the penal institution;

1 (ii) The commercial operator notifies the penal institution at least
2 twenty-four hours prior to flying the unmanned aircraft;

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

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

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

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

11 (4) For the purpose of this section:

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

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

18 (c) Vertical distance extends from ground level.

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

21 28-1201 For purposes of sections 28-1201 to 28-1212.04 and section
22 15 of this act, unless the context otherwise requires:

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

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

29 (3) Handgun means any firearm with a barrel less than sixteen inches
30 in length or any firearm designed to be held and fired by the use of a
31 single hand;

1 (4) Juvenile means any person under the age of eighteen years;

2 (5) Knife means:

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

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

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

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

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

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

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

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

1 felony for a second or subsequent offense.

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

4 28-1413 The use of force upon or toward the person of another is
5 justifiable if:

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

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

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

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

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

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

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

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

31 (b) Such treatment is administered with the consent of the patient

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

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

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

16 (b) The nature or degree of force used is not forbidden by section
17 28-1408 or 28-1409; and

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

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

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

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

30 (6) The actor is a person who is authorized or required by law to
31 maintain order or decorum in a vehicle, train, or other carrier or in a

1 place where others are assembled, and:

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

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

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

9 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section
10 19 of this act shall be known and may be cited as the Game Law.

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

13 37-202 For purposes of the Game Law, unless the context otherwise
14 requires, the definitions found in sections 37-203 to 37-247 and section
15 19 of this act are used.

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

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

21 37-514 (1) Except as provided in sections 37-458 and section
22 37-4,107, it shall be unlawful to hunt any wildlife by projecting or
23 casting the rays of a spotlight, headlight, or other artificial light
24 attached to or used from a vehicle, ~~or~~ boat, or aircraft in any field,
25 pasture, woodland, forest, prairie, water area, or other area which may
26 be inhabited by wildlife while having in possession or control, either
27 singly or as one of a group of persons, any firearm or bow and arrow.

28 (2) Nothing in this section shall prohibit (a) the hunting on foot
29 of raccoon with the aid of a handlight, (b) the hunting of species of
30 wildlife not protected by the Game Law in the protection of property by
31 landowners or operators or their regular employees on land under their

1 control on foot or from a motor vehicle with the aid of artificial light,
2 or (c) the taking of nongame fish by means of bow and arrow from a vessel
3 with the aid of artificial light.

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

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

9 37-535 It shall be unlawful to hunt any game from any boat or
10 watercraft while being propelled by sails or electric, gas, or steam
11 power or with or from any aircraft or hydroplane. Any person violating
12 this section shall be guilty of a Class III misdemeanor and shall be
13 fined at least fifty dollars.

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

16 37-564 (1) No person shall knowingly and intentionally interfere or
17 attempt to interfere with another person who is not trespassing and who
18 is lawfully hunting or trapping any game bird, game animal, fur-bearing
19 animal, or other wild mammal or bird or engaged in activity associated
20 with hunting or trapping.

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

24 (3) For purposes of this section: τ

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

31 (b) Interfere means: ~~interfere shall mean~~

1 (i) ~~Disturbing~~ disturbing, scaring, chasing, or otherwise driving
2 away by any means any game bird, game animal, fur-bearing animal, other
3 wild mammal or bird, or game fish, but shall not include releasing a non-
4 fur-bearing animal, except a coyote, from a trap; ~~τ~~

5 (ii) ~~Impeding~~ impeding or obstructing a person who is hunting,
6 trapping, or fishing; ~~τ~~

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

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

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

15 (B) Approaching or confronting the person; or

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

18 (v) Affecting ~~(iv) affecting~~ the condition or location of personal
19 property intended for use in hunting, trapping, or fishing; ~~or, τ and~~

20 (vi) Intentionally ~~(v) intentionally~~ placing himself or herself into
21 the line of fire for the purpose of interfering with lawful hunting or
22 trapping.

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

25 37-614 (1) When a person pleads guilty to or is convicted of any
26 violation listed in this subsection, the court shall, in addition to any
27 other penalty, revoke and require the immediate surrender of all permits
28 to hunt, fish, and harvest fur held by such person and suspend the
29 privilege of such person to hunt, fish, and harvest fur and to purchase
30 such permits for a period of not less than three years. The court shall
31 consider the number and severity of the violations of the Game Law in

1 determining the length of the revocation and suspension. The violations
2 shall be:

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

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

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

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

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

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

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

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

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

28 (3) When a person pleads guilty to or is convicted of any violation
29 of the Game Law, the rules and regulations of the commission, or
30 commission orders not listed in subsection (1) or (2) of this section,
31 the court may, in addition to any other penalty, revoke and require the

1 immediate surrender of all permits to hunt, fish, and harvest fur held by
2 such person and suspend the privilege of such person to hunt, fish, and
3 harvest fur and to purchase such permits for a period of not less than
4 one year.

5 Sec. 24. Section 54-901, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 54-901 Sections 54-901 to 54-913 and section 25 of this act shall be
8 known and may be cited as the Livestock Animal Welfare Act.

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

16 (2) For purposes of this section:

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

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

22 Sec. 26. Section 54-905, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 54-905 (1) In addition to any other sentence given for a violation
25 of section 54-903 or 54-904 or section 25 of this act, the sentencing
26 court may order the defendant to reimburse a public or private agency for
27 any unreimbursed expenses incurred in conjunction with the care, seizure,
28 or disposal of a livestock animal involved in the violation of such
29 section. Whenever the court believes that such reimbursement is a proper
30 sentence or at the prosecuting attorney's request, the court shall order
31 that the presentence investigation report include documentation regarding

1 the nature and amount of the expenses incurred. The court may order that
2 reimbursement be made immediately, in specified installments, or within a
3 specified period of time, not to exceed five years after the date of
4 judgment.

5 (2) Even if reimbursement for expenses is not ordered under
6 subsection (1) of this section, the defendant shall be liable for all
7 expenses incurred by a public or private agency in conjunction with the
8 care, seizure, or disposal of a livestock animal. The expenses shall be a
9 lien upon the livestock animal.

10 Sec. 27. Section 54-906, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 54-906 (1) A law enforcement officer who has reason to believe that
13 a livestock animal has been abandoned or is being cruelly neglected or
14 cruelly mistreated may seek a warrant authorizing entry upon private
15 property to inspect, care for, or impound the livestock animal.

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

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

28 (4) Any equipment, device, or other property or things involved in a
29 violation of section 54-903 or 54-904 or section 25 of this act shall be
30 subject to seizure, and distribution or disposition may be made in such
31 manner as the court may direct. Any livestock animal involved in a

1 violation of section 54-903 or 54-904 shall be subject to seizure.
2 Distribution or disposition shall be made under section 54-913 as the
3 court may direct. Any livestock animal seized under this subsection may
4 be kept by the law enforcement officer on the property of the owner or
5 custodian of such livestock animal.

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

21 (6) A law enforcement officer acting under this section shall not be
22 liable for damage to property if such damage is not the result of the
23 officer's negligence.

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

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

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

1 of an unmanned aircraft;

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

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

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

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

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

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

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

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

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

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

31 (k) The operation is conducted for training law enforcement

1 personnel in matters relating to unmanned aircraft.

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

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

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

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

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

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

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

30 (a) For impeachment purposes;

31 (b) For use in preliminary hearings in criminal cases and hearings

1 regarding bail; or

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

6 (7) For purposes of this section:

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

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

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

14 Sec. 30. Original sections 28-109, 28-311.08, 28-522, 28-1413,
15 37-201, 37-202, 37-514, 37-535, and 37-564, Reissue Revised Statutes of
16 Nebraska, sections 54-901, 54-905, and 54-906, Revised Statutes
17 Cumulative Supplement, 2016, and sections 28-101, 28-1201, and 37-614,
18 Revised Statutes Supplement, 2017, are repealed.