

LEGISLATIVE BILL 274

Approved by the Governor April 12, 1995

Introduced by Elmer, 44; Avery, 3; Bernard-Stevens, 42; Bohlke, 33; Brashear, 4; Bromm, 23; Brown, 6; Coordsen, 32; Dierks, 40; Engel, 17; Fisher, 35; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Kristensen, 37; Matzke, 47; Maurstad, 30; McKenzie, 34; Robak, 22; Robinson, 16; Schellpeper, 18; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Witek, 31

AN ACT relating to the Game Law; to amend sections 37-530, 37-532, and 37-533, Reissue Revised Statutes of Nebraska, and section 37-102, Revised Statutes Supplement, 1994; to prohibit interference with a person engaged in hunting, trapping, or fishing as prescribed; to provide an affirmative defense; to prohibit setting traps as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 37-102, Revised Statutes Supplement, 1994, is amended to read:

37-102. Sections 37-101 to 37-726 and 37-1401 to 37-1408 and sections 2, 3, 4, and 8 of this act shall be known and may be cited as the Game Law.

Sec. 2. (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 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) affecting the condition or location of personal property intended for use in hunting, trapping, or fishing, and (v) intentionally placing himself or herself into the line of fire for the purpose of interfering with lawful hunting or trapping.

Sec. 3. A court may enjoin conduct described in section 2 of this act upon petition by a person affected or by a person who may reasonably be affected by such conduct upon a showing that such conduct is threatened or that it has occurred on a particular premises in the past and that it is not unreasonable to expect such conduct will be repeated.

Sec. 4. It shall be an affirmative defense in any action brought for violation of section 2 of this act that the person against whom such action is brought was not trespassing at the time of the alleged intentional interference or attempted interference and was engaged in a lawful activity in conflict with hunting, trapping, or fishing or activity associated with hunting, trapping, or fishing described in such section.

Sec. 5. Section 37-530, Reissue Revised Statutes of Nebraska, is amended to read:

37-530. It shall be unlawful for any person to aid, assist, or accompany or assist a person who is in violation of section 37-528 or 37-529 or section 2 of this act.

Sec. 6. Section 37-532, Reissue Revised Statutes of Nebraska, is amended to read:

37-532. Nothing in sections 37-528 to 37-534 or section 2 of this act shall prohibit authorized personnel of the Game and Parks Commission or the United States Department of the Interior in the administration and

management of wildlife resources.

Sec. 7. Section 37-533, Reissue Revised Statutes of Nebraska, is amended to read:

37-533. Any person violating the provisions of sections 37-528 to 37-531 or section 2 of this act shall be guilty of a Class III misdemeanor.

Sec. 8. It shall be unlawful for any person to set any trap in this state unless the trap is marked in accordance with rules and regulations adopted and promulgated by the commission. Violation of this section shall be a Class III misdemeanor.

Sec. 9. Original sections 37-530, 37-532, and 37-533, Reissue Revised Statutes of Nebraska, and section 37-102, Revised Statutes Supplement, 1994, are repealed.