

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 635**

Introduced by Bostelman, 23.

Read first time January 18, 2017

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to the Game Law; to amend sections 37-504 and
- 2 37-513, Reissue Revised Statutes of Nebraska; to change violations
- 3 and penalties as prescribed; and to repeal the original sections.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-504, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 37-504 (1) Any person who at any time, except during an open season  
4 ordered by the commission as authorized in the Game Law, unlawfully  
5 hunts, traps, or has in his or her possession:

6 (a) Any ~~any elk,~~ deer, antelope, swan, or wild turkey shall be  
7 guilty of a Class III misdemeanor and, upon conviction, shall be fined at  
8 least five hundred dollars ~~per for a violation; or involving elk and at~~  
9 ~~least two hundred dollars for a violation involving deer, antelope, swan,~~  
10 ~~or wild turkey.~~

11 (b) Any elk shall be guilty of a Class II misdemeanor and, upon  
12 conviction, shall be fined at least one thousand dollars per violation.

13 (2) Any person who at any time, except during an open season ordered  
14 by the commission as authorized in the Game Law, unlawfully hunts, traps,  
15 or has in his or her possession any mountain sheep shall be guilty of a  
16 Class I ~~II~~ misdemeanor and shall be fined at least one thousand dollars  
17 upon conviction.

18 (3) Any person who at any time, except during an open season ordered  
19 by the commission as authorized in the Game Law, unlawfully hunts, traps,  
20 or has in his or her possession any quail, pheasant, partridge, Hungarian  
21 partridge, curlew, grouse, mourning dove, sandhill crane, or waterfowl  
22 shall be guilty of a Class III misdemeanor and shall be fined at least  
23 five ~~one~~ hundred dollars upon conviction.

24 (4) Any person who unlawfully takes any game or unlawfully has in  
25 his or her possession any such game shall be guilty of a Class III  
26 misdemeanor and, except as otherwise provided in this section and section  
27 37-501, shall be fined at least fifty dollars per animal up to the  
28 maximum fine authorized by law upon conviction.

29 (5) Any person who, in violation of the Game Law, takes any mourning  
30 dove that is not flying shall be guilty of a Class V misdemeanor.

31 (6) Any person who, in violation of the Game Law, has in his or her

1 possession any protected bird, or destroys or takes the eggs or nest of  
2 any such bird, shall be guilty of a Class V misdemeanor.

3 (7) The provisions of this section shall not render it unlawful for  
4 anyone operating a captive wildlife facility or an aquaculture facility,  
5 pursuant to the laws of this state, to at any time kill game or fish  
6 actually raised thereon or lawfully placed thereon by such person.

7 (8) A person holding a special permit pursuant to the Game Law for  
8 the taking of any game or any birds not included in the definition of  
9 game shall not be liable under this section while acting under the  
10 authority of such permit.

11 Sec. 2. Section 37-513, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 37-513 (1) It shall be unlawful to shoot at any wildlife from any  
14 highway or roadway, which includes that area of land from the center of  
15 the traveled surface to the right-of-way on either side. Any person  
16 violating this subsection shall be guilty of a Class III misdemeanor and  
17 shall be fined at least five ~~one~~ hundred dollars.

18 (2)(a) Any county may adopt a resolution having the force and effect  
19 of law to prohibit the trapping of wildlife in the county road right-of-  
20 way or in a certain area of the right-of-way as designated by the county.

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

25 (c) For purposes of this subsection, county road right-of-way means  
26 the area which has been designated a part of the county road system and  
27 which has not been vacated pursuant to law.

28 Sec. 3. Original sections 37-504 and 37-513, Reissue Revised  
29 Statutes of Nebraska, are repealed.