

LEGISLATIVE BILL 315

Approved by the Governor April 28, 1971

Introduced by Richard F. Proud, 12th District

AN ACT to amend section 37-603, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to provide additional powers and duties for conservation peace officers, deputy conservation peace officers, sheriffs, deputy sheriffs, constables and other police officers as prescribed; to provide for conditions for persons to appear after an arrest as prescribed; to provide penalties; and to repeal the original section.

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

Section 1. That section 37-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-603. It shall be the duty of all conservation peace officers, deputy conservation peace officers, sheriffs, deputy sheriffs, constables, and other police officers to make prompt investigation of and arrests for any violations of the provisions of this act, and of all conservation peace officers and deputy conservation peace officers to make prompt investigations of and arrests for any violations of the provisions of Chapter 81, article 8, respecting the Game and Parks Commission, reported by any person, and to cause a complaint to be filed before a court having jurisdiction thereof in case there seems just ground for such complaint, and evidence procurable to support the same. Upon the filing of such a complaint it shall be the duty of such officer to render assistance in the prosecution of the party complained against, sheriffs, deputy sheriffs, constables and other police officers making arrests and serving warrants under the provisions hereof shall receive the same fees and mileage as constables are entitled to in similar cases, under the provisions of the statutes of the state. All full-time conservation peace officers and full-time deputy conservation peace officers are hereby made officers of the state with the powers of sheriffs and constables, with authority to make arrests, ~~to carry out the duties enumerated in section 39-7, 424, but such power to make arrests or to carry out the duties enumerated in section 39-7, 424 shall be exercised only when requested in a specific emergency by any other law enforcement~~

officer, and It shall be the duty of all conservation peace officers, deputy conservation peace officers, sheriffs, deputy sheriffs, constables, and other police officers to make prompt investigations of any violations of Chapter 37, or of sections 81-801 to 81-815.39, observed or reported by any person, and of any crime observed or encountered as set forth in section 29-829, and to make arrests or issue a summons, or both, to or otherwise notify any resident of this state to appear at a place specified in such summons or notice and at a time likewise specified at least five days after such arrest, unless the person arrested shall demand an earlier hearing or, if such person so desires, at an immediate hearing or a hearing within twenty-four hours thereafter at a convenient hour before a magistrate within the township or county wherein such offense was committed. Any resident refusing to give written promise to appear or any nonresident refusing to give a guaranteed arrest bond or similar written instrument shall be taken immediately by such officer before the nearest or most accessible magistrate. Any person who willfully violates his written promise to appear shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested and shall, upon conviction thereof, be fined in an amount not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding thirty days. Conservation peace officers and deputy conservation peace officers shall serve writs and processes, civil and criminal, when such writs and processes pertain to enforcement of duties imposed by law on the Game and Parks Commission. It shall be the duty of every officer, as well as of the sheriffs and constables in their respective counties, to arrest any person whom he has reason to believe guilty of a violation of the provisions of this act; and, with or without a warrant, to open, enter and examine all camps, wagons, cars, stages, tents, packs, warehouses, stores, outhouses, stables, barns and other places, boxes, barrels and packages where he has reason to believe any fish or game, song, insectivorous or other birds, or raw furs, taken or held in violation of this act, are to be found, and to seize the same; Provided, a dwelling house actually occupied can be entered only upon authority of a search warrant. Any officer, or person purporting to enforce the laws of this state, or regulations adopted pursuant thereto, shall on the demand of any person apprehended by him exhibit to such person his written commission of authority as such enforcement officer.

Sec. 2. That original section 37-603, Reissue

Revised Statutes of Nebraska, 1943, is repealed.