

SENATE BILL NO. 454—COMMITTEE ON NATURAL RESOURCES

MARCH 25, 2019

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to the unlawful harassment of wildlife. (BDR 45-753)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to wildlife; making it unlawful to harass any game mammal or game bird or to engage in certain other activities relating to wildlife using a manned or unmanned aircraft; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law makes it unlawful for a person to harass any game mammals or game birds using an aircraft. (NRS 503.010) Similarly, existing law: (1) prohibits a person from intentionally killing or aiding and abetting another person in killing a big game mammal through the use of an aircraft; and (2) provides that any gun, ammunition, trap, snare, vessel, vehicle, aircraft or other device or equipment used or intended for use to hunt or kill a big game mammal by using information obtained by any aircraft is subject to forfeiture. (NRS 501.376, 501.3857) **Sections 1-3** of this bill clarify that, as used in those provisions of existing law, the word “aircraft” includes a manned or unmanned aircraft, such as an unmanned aerial vehicle.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.376 is hereby amended to read as follows:
501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear:



(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of ~~land~~ **a manned or unmanned** aircraft or helicopter in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) Except as otherwise provided by the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181, other than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.



5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

Sec. 2. NRS 501.3857 is hereby amended to read as follows:

501.3857 Any gun, ammunition, trap, snare, vessel, vehicle, aircraft or other device or equipment used, or intended for use:

1. To facilitate the unlawful and intentional killing or possession of any big game mammal;

2. To hunt or kill a big game mammal by using information obtained as a result of the commission of an act prohibited by NRS 503.010 or a regulation of the Commission which prohibits the location of big game mammals for the purpose of hunting or killing by the use of:

(a) ~~A~~ **A manned or unmanned** aircraft, including, without limitation, any **unmanned aerial vehicle, as defined in NRS 493.020, or any other** device that is used for navigation of, or flight in, the air;

(b) A hot air balloon or any other device that is lighter than air; or

(c) A satellite or any other device that orbits the earth and is equipped to produce images, or other similar devices; or

3. Knowingly to transport, sell, receive, acquire or purchase any big game mammal which is unlawfully killed or possessed, ➤ is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive.

Sec. 3. NRS 503.010 is hereby amended to read as follows:

503.010 1. Except as otherwise provided in this section or subsection 2 of NRS 503.005, it is unlawful to harass any game mammals or game birds with ~~a~~ **a manned or unmanned** aircraft, helicopter or motor-driven vehicle, including a motorboat or sailboat.

2. Except as otherwise provided in this subsection, it is unlawful to shoot at any game mammals or game birds with a weapon from an aircraft, helicopter or motor-driven vehicle. A person who is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking may shoot from a stopped motor vehicle which is not parked on the traveled portion of a public highway, but the person may not shoot from, over or across a highway or road specified in NRS 503.175.

3. It is unlawful to spot or locate game mammals or game birds with any kind of aircraft or helicopter and communicate that information, within 24 hours after the aircraft or helicopter has landed or in violation of a regulation of the Commission, by any means to a person on the ground for the purpose of hunting or



trapping. The provisions of this subsection do not prohibit an employee or agent of the Department from providing general information to the public concerning the location of game birds or game mammals.

4. It is unlawful to use any information obtained in violation of the provisions of subsection 3 to hunt or kill game mammals or game birds.

5. It is unlawful to use a helicopter to transport game, hunters or hunting equipment, except when:

(a) The cargo or passengers, or both, are loaded and unloaded at airports, airplane landing fields or heliports, which have been established by a department or agency of the Federal or State Government or by a county or municipal government and which are accessible by a public road; or

(b) The loading or unloading is done in the course of an emergency or search and rescue operation.

6. It is unlawful to:

(a) Use any information obtained from a radio signal or other transmission received from any transmitting device;

(b) Make use of equipment designed to receive a radio signal or other transmission from a transmitting device; or

(c) Use any location information obtained from records maintained by the Department within 1 year after the date on which the information was collected, including, without limitation, records of information received from a transmitting device,

↳ to harass or take any game mammal, game bird or other wildlife.

7. It is unlawful to make use of equipment designed to receive a radio signal or other transmission from a transmitting device for any purpose without written authorization of the Department.

8. The provisions of subsection 1 do not apply to an employee or agent of the Department who, while carrying out his or her duties, conducts a survey of wildlife with the use of an aircraft.

9. As used in this section:

(a) "Aircraft" includes, without limitation, any **unmanned aerial vehicle, as defined in NRS 493.020, or any other** device that is used for navigation of, or flight in, the air.

(b) "Game bird" does not include a raven, even if classified as a game bird pursuant to NRS 501.110.

(c) "Harass" means to molest, chase, rally, concentrate, herd, intercept, torment or drive.

(d) "Transmitting device" means any collar or other device which is attached to any game mammal, game bird or other wildlife or which is placed for the express purpose of detecting any game mammal, game bird or other wildlife and emits an electronic signal



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- 1 or uses radio telemetry or a satellite transmission to determine the
- 2 location of the game mammal, game bird or other wildlife.

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