

**Introduction of H.766 to House Judiciary Committee, 3/13/14**  
***Representative Kate Webb, for the Fish, Wildlife and Water Resources Committee***

The impetus for this bill comes from an incident in 2011 in which a game warden was allegedly harassed and retaliated against for investigation he was doing in his district. The Commissioner of Fish and Wildlife described the retaliation as:

- A bullet shot into the warden's house;
- Attempt to run a witness off the road and
- Paying 2 friends to slit the throats of the warden's two family goats, killing one.

There was plenty of evidence, including the subject's own testimony that made it clear he had developed an intense personal dislike toward the warden over the years. During his investigation, the warden was confronted on the phone and in person by the subject, saying, "You're throwing my name around about jacking deer ... I know where you live (expletive)."

The friend who killed the goat faced animal cruelty charges and ultimately ended up spending 1 month in prison and 2 months in home confinement.

But what happened to the subject? Nothing. He was brought to trial, (facing a trial by jury at his request) on 2 counts of obstructing justice and 3 counts of acting as an accessory to the killing of the goat. He was acquitted on all counts.

This came as quite a sting to the game warden community, if not the law enforcement community. Not only was this a fellow game warden, he had been the "Game Warden of the Year." They feared that anyone under investigation could retaliate and nothing could be done, even in a significant case. In a separate case, we heard that a resident had told a game warden, "this bullet is for you." As this game warden told us, "no game warden signed up and swore oath to have his life threatened." He said there was inherent danger given that most people they deal with are carrying a gun or a knife, but they are trained to handle these situations. "When we are home at night," he said, "we like to put our feet up like everybody else." The question to the wardens became, "should this come to trial, what am I going to need to prove?"

This bill was initially developed to fill a gap in law, making it a crime to retaliate against a game warden. It was our intention to fill this gap by prohibiting lower types of threats and criminalizing less severe behaviors.

We heard from:

- Legislative Counsel
- Commissioner of Fish and Wildlife
- NE District Chief Game Warden
- Commissioner of Public Safety

The bill underwent a few revisions, in particular, expanding protection to all law enforcement officers. Our legislative counsel worked with general counsel for the Fish and Wildlife Department, the Commissioner of Public Safety and the Office of the Attorney General to come up with the final draft.

Our vote out of committee was 9-0-0.