

SENATE BILL 2292

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 20; Title 29; Title 38; Title 39; Title 40 and Title 70, relative to law enforcement activities by the Tennessee wildlife resources agency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Protection of Private Property and Sporting Rights Act."

SECTION 2. Tennessee Code Annotated, Title 70, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding § 70-1-305(1), § 70-8-108(c), or any other provision of law to the contrary, a wildlife resources officer shall not, in the course of performing the wildlife resources officer's duties regarding the enforcement of local, state, and federal wildlife, conservation, and environmental protection laws, enter any privately owned property except:

(1) Pursuant to a valid search warrant;

(2) With the written permission of the landowner or the lessee of the property. In order to be valid under this subdivision (a)(2), written permission to enter upon property must have been manually executed or reauthorized by the landowner or lessee within the three hundred sixty-four (364) days immediately preceding the date of the wildlife resources officer's entry onto the property;

(3) Upon a wildlife resources officer observing, recording, documenting, and corroborating the commission of an illegal act that the wildlife resources officer is authorized to enforce from outside the private property;

(4) To dispatch crippled or distressed wildlife; or

(5) To respond to a report of an emergency or another overt threat to public safety.

(b) The mere suspicion of the possession, discharge, or use of one (1) or more items that are legal to possess, including, but not limited to, a firearm, bow, spotlight, flashlight, firearm flash hider, muzzle device, silencer, weapon optic, grain, feed, animal attractant, mineral lick, automatic feeder, or motion-activated camera, does not constitute reasonable suspicion or probable cause for a wildlife resources officer to enter private property.

(c)

(1) If a wildlife resources officer enters private property under subdivision (a)(1) – (5), the wildlife resources officer shall immediately notify the landowner or lessee. A landowner or lessee has the right to involve local law enforcement personnel and other citizens of the landowner's or lessee's choosing to act as witnesses to the officer's presence. If a wildlife resources officer is equipped with a body-mounted camera while on private property under subdivision (a)(1) – (5), the camera must be activated, unobscured, and recording the entire time that the wildlife resources officer is on the private property.

(2) If a wildlife resources officer enters private property under subdivision (a)(1), the wildlife resources officer shall show the search warrant to the landowner or lessee and the wildlife resources officer must permit the landowner or lessee and any witnesses to observe and follow the wildlife resources officer while the wildlife resources officer is on the property.

(3) If a wildlife resources officer enters private property under subdivision (a)(4), the wildlife resources officer shall, prior to dispatching the wildlife, show the wildlife to the landowner or lessee, if the landowner or lessee requests to see the wildlife.

(d) A wildlife resources officer shall not confiscate, take into possession, or hold any private property, including, but not limited to, cash, vehicles, weapons, tools, or wild game, without:

(1) Documenting and corroborating the commission of a felony offense;

and

(2) Having a local law enforcement officer, such as a county sheriff or deputy or city police officer, physically present to protect the owner from an illegal search and seizure.

(e) Any evidence that is obtained pursuant to a search or seizure conducted in violation of this section is inadmissible in any judicial proceeding.

(f) Any arrest made pursuant to a search or seizure conducted in violation of this section is invalid.

(g) If a wildlife resources officer enters private property in violation of this section, the officer may be prosecuted for any offense applicable to the wildlife resources officer's illegal entry and may be held personally civilly liable for any damages that the wildlife resources officer causes while making such entry.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.