

HOUSE BILL 1113

By Reedy

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 9 and Title 70, relative to the powers of the wildlife resources agency.

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

SECTION 1. Tennessee Code Annotated, Section 70-1-305(1), is amended by deleting the subdivision and substituting the following:

(1) Enforce all laws relating to wildlife, and to go upon any public property in the performance of the executive director's duties.

SECTION 2 Tennessee Code Annotated, Section 70-1-305, is amended by designating the existing language as subsection (a) and adding the following as new subsections:

(b)

(1) Notwithstanding a law to the contrary, the executive director or an officer, agent, or duly authorized employee of the agency operating under their authority shall not enter onto private property without a valid search warrant issued by a judge or magistrate for the county or judicial district where the private property is located, unless such entry is based on a protected class of action that permits a law enforcement officer's entry onto private property without a warrant or search warrant pursuant to the peace officer standards and training (POST) commission standards and guidelines, or statutes governing emergency property entry by law enforcement officers, including:

(A) Exigent circumstances; or

(B) The officer having directly observed the occurrence of a criminal offense.

(2) If the executive director or an officer, agent, or duly authorized employee of the agency obtains a valid search warrant, or one (1) or more of the circumstances described in subdivisions (b)(1)(A) and (b)(1)(B) are present, the executive director or an officer, agent, or duly authorized employee of the agency shall, within a reasonable time under the particular circumstances but prior to entry on the private property for just cause, provide the owner of the private property with written or verbal notice of:

(A) The intent to enter the private property; and

(B) The basis for entry onto the private property.

(3) If an entry or incursion onto private property that meets the requirements of subdivisions (b)(1) and (b)(2) occurs, the property owner retains the right to:

(A) Require the presence of a law enforcement officer employed by a law enforcement agency for the municipality or county where the private property is located to serve as a witness; and

(B) Accompany, photograph, and make video and audio recordings of any state or federal law enforcement officer, agent, or duly authorized employee while such officer, agent, or employee is present on the owner's private property.

(c)

(1) Except as provided in subsection (b), entry onto private property by an officer, agent or employee of TWRA for the purposes of investigation, surveillance, scouting, property familiarization, or any other reason is prohibited without the written permission of the property owner or a valid, specific search

warrant issued by a judge or magistrate for the county or judicial district where the private property is located.

(2) At no time is a federal wildlife law enforcement officer, agent or employee, whether operating under federal authority or acting under a state agency or in liaison operations, permitted to enter private property without a valid search warrant issued by a judge or magistrate for the county or judicial district where the private property is located or pursuant to the circumstances described in subdivisions (b)(1)(A) and (b)(1)(B).

(3) When entering a private property in this state, all federal or federally-commissioned law enforcement officers, agents, and employees operating under their authority must be accompanied by either a law enforcement officer employed by a law enforcement agency for the municipality or county where the private property is located.

(4) For purposes of this subsection (c), a "federal wildlife law enforcement officer" includes:

(A) A current or former agency officer, agent, or employee who has a federal wildlife law enforcement commission in addition to their commission with this state; and

(B) An officer, agent, or employee of a wildlife law enforcement agency in another state.

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