

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

INTRODUCED

LLS NO. 26-0734.01 Kaylee Reiner x2739

HOUSE BILL 26-029

SENATE SPONSORSHIP

Sanchez, Guzman

HOUSE SPONSORSHIP

Medrano, Clark

House Committees

Not assigned

Senate Committees

Not assigned

A BILL FOR AN ACT

CONCERNING THE APPLICATION OF STANDARD SEARCH AND SEIZURE

**REQUIREMENTS TO WILDLIFE AND NATURAL RESOURCE ENFORCEMENT
OFFICERS, AND ESTABLISHING REMEDIES FOR UNLAWFUL SEARCHES
CONDUCTED BY FEDERAL OFFICERS WITHIN THE STATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill clarifies that wildlife officers and game wardens must follow the same constitutional search and seizure standards that apply to all other peace officers. The bill requires that searches of persons, vehicles, property, or land be conducted only with a

**Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.**

valid warrant issued upon probable cause or under a recognized exception to the warrant requirement. The measure also establishes that participation in hunting, fishing, or other outdoor recreation alone does not create probable cause or reasonable suspicion for a search.

This bill further provides that evidence obtained in violation of constitutional search protections is inadmissible in state courts and creates a civil cause of action for individuals whose rights are violated by wildlife officers acting under color of law. Courts may award damages, injunctive relief, and attorney fees in successful cases.

Finally, the bill establishes state court remedies when federal officers conduct unlawful searches or seizures within the state. Individuals may bring civil actions in state court against federal officers in their individual capacity and seek compensatory, statutory, or punitive damages when constitutional rights are violated.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This act shall be known and may
4 be cited as the “Wildlife Constitutional Compliance Act.”
5 **SECTION 2. LEGISLATIVE DECLARATION.** The General
6 Assembly hereby finds and declares that: (a) The constitutional
7 protections against unreasonable searches and seizures apply
8 equally to all persons and must be respected by every government
9 officer exercising law enforcement authority. (b) In certain
10 jurisdictions, wildlife officers, game wardens, or other natural
11 resource enforcement personnel have historically exercised search
12 and seizure authority under statutory provisions that do not clearly
13 require compliance with the same constitutional standards
14 imposed upon other peace officers. (c) While wildlife
15 conservation and enforcement of hunting and fishing laws are
16 important state interests, those interests must be pursued in a
17 manner consistent with constitutional protections and civil
18 liberties. (d) The people of this state possess the right to be secure

1 in their persons, homes, property, vehicles, and effects against
2 unreasonable governmental intrusion. (e) The General Assembly
3 therefore finds it necessary to clarify that wildlife officers and
4 game wardens must comply with the same search and seizure
5 requirements as all other peace officers of this state. (f) The
6 General Assembly further finds that residents of this state must
7 have access to effective judicial remedies when constitutional
8 rights are violated, including when such violations are committed
9 by federal officers acting within the state. (g) It is therefore the
10 intent of the General Assembly to ensure uniform constitutional
11 enforcement standards across all law enforcement agencies and to
12 provide meaningful remedies for violations. **SECTION 3.**
13 **DEFINITIONS.** For the purposes of this act, unless the context
14 otherwise requires: (a) “Wildlife officer” or “game warden”
15 means any peace officer employed or commissioned by a state
16 department, agency, or division responsible for wildlife, parks,
17 natural resources, hunting, fishing, or environmental enforcement.
18 (b) “Peace officer” has the same meaning as defined under state
19 law and includes any officer authorized to enforce criminal laws.
20 (c) “Federal officer” means any officer, employee, or agent of the
21 United States government acting under color of federal authority.
22 **SECTION 4. SEARCH AND SEIZURE REQUIREMENTS**
23 **FOR WILDLIFE OFFICERS.** (a) A wildlife officer or game
24 warden shall be subject to the same constitutional and statutory
25 requirements governing searches, seizures, detentions, and
26 inspections as apply to all other peace officers in this state. (b) No
27 wildlife officer shall conduct a search of a person, vehicle,
28 residence, private land, container, or other property unless: (I) A
29 valid warrant has been issued by a court upon probable cause; or
30 (II) A recognized exception to the warrant requirement applies
31 under state or federal constitutional law. (c) The existence of
32 hunting, fishing, or outdoor recreation activity alone shall not
33 constitute probable cause or reasonable suspicion sufficient to

1 justify a search or seizure. (d) Any statutory or regulatory
2 provision granting wildlife officers broader authority to conduct
3 suspicionless searches or inspections inconsistent with
4 constitutional search standards is hereby repealed or superseded to
5 the extent of the conflict. **SECTION 5. EVIDENTIARY**
6 **EXCLUSION.** (a) Evidence obtained in violation of this act or in
7 violation of the constitutional protections against unreasonable
8 searches and seizures shall be inadmissible in any court of this
9 state. (b) The exclusionary rule established by this section shall
10 apply in both criminal and civil proceedings. **SECTION 6. CIVIL**
11 **ACTION FOR CONSTITUTIONAL VIOLATIONS.** (a) Any
12 person whose rights under the constitution or laws of this state are
13 violated by a wildlife officer acting under color of law may bring
14 a civil action for damages and equitable relief in a court of this
15 state. (b) In a successful action under this section, a court may
16 award: (I) Actual damages; (II) Statutory damages not less than
17 \$5,000 per violation; (III) Injunctive relief; (IV) Declaratory
18 relief; and (V) Reasonable attorney fees and court costs. (c)
19 Qualified immunity shall not be a defense to liability under this
20 section where the violation of constitutional rights is clearly
21 established. **SECTION 7. STATE COURT REMEDIES FOR**
22 **FEDERAL OFFICERS.** (a) Any federal officer who conducts or
23 participates in a search or seizure within this state that violates the
24 constitution or laws of this state shall be subject to civil liability in
25 the courts of this state. (b) A person aggrieved by such conduct
26 may bring an action in state court against the federal officer in
27 their individual capacity. (c) In an action brought under this
28 section, the court may award: (I) Compensatory damages; (II)
29 Statutory damages not less than \$10,000 per violation; (III)
30 Punitive damages where appropriate; (IV) Injunctive relief; and
31 (V) Attorney fees and litigation costs. (d) No claim of federal
32 immunity shall bar a court of this state from hearing a claim
33 arising from violations of rights secured by the constitution of this

1 state. (e) Nothing in this section shall be construed to limit
2 remedies otherwise available under federal law. **SECTION 8.**
3 **TRAINING REQUIREMENTS.** (a) The state peace officer
4 standards and training authority shall update training requirements
5 to ensure wildlife officers receive instruction regarding
6 constitutional search and seizure standards. (b) Such training shall
7 emphasize warrant requirements, probable cause standards, and
8 lawful investigative practices. **SECTION 9. SEVERABILITY.** If
9 any provision of this act or its application to any person or
10 circumstance is held invalid, such invalidity does not affect other
11 provisions of the act that can be given effect without the invalid
12 provision or application. **SECTION 10. EFFECTIVE DATE.**
13 This Act shall take effect after the 90-day period after final
14 adjournment of the Seventy-Seventh general assembly.