

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

ENGROSSED

LLS NO. 26-0734.02 Kaylee Reiner x2739

HOUSE BILL 26-029

SENATE SPONSORSHIP

Sanchez, Guzman

HOUSE SPONSORSHIP

Medrano, Clark

House Committees

Public Safety & Homeland Security

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, consistent with the
10 Supremacy Clause of the United States Constitution. (g) It is
11 therefore the intent of the General Assembly to ensure uniform
12 constitutional enforcement standards across all law enforcement
13 agencies and to provide meaningful remedies for violations.

14 **SECTION 3. DEFINITIONS.** For the purposes of this act, unless
15 the context otherwise requires: (a) “Wildlife officer” or “game
16 warden” means any peace officer employed or commissioned by a
17 state department, agency, or division responsible for wildlife,
18 parks, natural resources, hunting, fishing, or environmental
19 enforcement, including any officer acting under interagency
20 agreement or cross-commission authority. (b) “Peace officer” has
21 the same meaning as defined under state law and includes any
22 officer authorized to enforce criminal laws. (c) “Federal officer”
23 means any officer, employee, or agent of the United States
24 government acting under color of federal authority. (d) ‘Search’
25 and ‘seizure’ shall have the same meaning as interpreted under
26 state and federal constitutional law. **SECTION 4. SEARCH AND**
27 **SEIZURE REQUIREMENTS FOR WILDLIFE OFFICERS.** (a)
28 A wildlife officer or game warden shall be subject to the same
29 constitutional and statutory requirements governing searches,
30 seizures, detentions, and inspections as apply to all other peace
31 officers in this state, including adherence to all judicially
32 recognized limitations on such authority, regardless of the location
33 of the enforcement activity, including public lands and waterways.

1 (b) No wildlife officer shall conduct a search, or administrative
2 inspection of a person, vehicle, residence, private land, container,
3 or other property unless: (I) A valid warrant has been issued by a
4 court upon probable cause, particularly describing the place to be
5 searched and the persons or things to be seized; or (II) A
6 recognized exception to the warrant requirement applies under
7 state or federal constitutional law, supported by specific and
8 articulable facts. (b.5) Consent to search must be freely and
9 voluntarily given and shall not be obtained through coercion,
10 intimidation, or misrepresentation of authority. (c) The existence
11 of hunting, fishing, or outdoor recreation activity, possession of
12 hunting or fishing equipment, or presence in a wildlife
13 management area, alone shall not constitute probable cause or
14 reasonable suspicion, standing alone, sufficient to justify a search
15 or seizure. (d) Any statutory or regulatory provision granting
16 wildlife officers broader authority to conduct suspicionless
17 searches or inspections inconsistent with constitutional search
18 standards is hereby repealed or superseded to the extent of the
19 conflict. **SECTION 5. EVIDENTIARY EXCLUSION.** (a)
20 Evidence obtained in violation of this act or in violation of the
21 constitutional protections against unreasonable searches and
22 seizures shall be suppressed upon timely motion by an aggrieved
23 party in any court of this state. (b) The exclusionary rule
24 established by this section shall apply in both criminal and civil
25 proceedings, including administrative hearings conducted by any
26 state agency. (c) Nothing in this section shall be construed to
27 prohibit the use of evidence for impeachment purposes where
28 otherwise permitted by law. (d) A court shall make written
29 findings when denying a motion to suppress under this section.
30 **SECTION 6. CIVIL ACTION FOR CONSTITUTIONAL**
31 **VIOLATIONS.** (a) Any person whose rights under the
32 constitution or laws of this state are violated by a wildlife officer
33 acting under color of law may bring a civil action for damages

1 and equitable relief, including but not limited to the expungement
2 of records or return of unlawfully seized property in a court of this
3 state. (b) In a successful action under this section, a court may
4 award: (I) Actual damages; (II) Statutory damages not less than
5 \$2,500 and not more than \$25,000 per violation; (III) Injunctive
6 relief; (IV) Declaratory relief; (V) Reasonable attorney fees and
7 court costs; and (VI) Costs associated with expert witnesses where
8 reasonably incurred. (c) Qualified immunity shall not be a defense
9 where the officer's conduct was willful, wanton, or in reckless
10 disregard of clearly established constitutional rights. (d) An action
11 brought under this section shall have a statute of limitations of
12 two years from the date the violation was discovered or
13 reasonably should have been discovered. **SECTION 7. STATE**
14 **COURT REMEDIES FOR FEDERAL OFFICERS.** (a) Any
15 federal officer who conducts or participates in a search or seizure
16 within this state that violates the constitution or laws of this state
17 may be subject to civil liability in the courts of this state to the
18 extent permitted under federal law. (b) A person aggrieved by
19 such conduct may bring an action in state court against the federal
20 officer in their individual capacity, except where federal law
21 provides an exclusive remedy. (c) In an action brought under this
22 section, the court may award: (I) Compensatory damages; (II)
23 Statutory damages not less than \$10,000 per violation; (III)
24 Punitive damages, where the conduct was malicious or showed
25 reckless indifference to constitutional rights; (IV) Injunctive
26 relief; and (V) Attorney fees and litigation costs. (d) Nothing in
27 this section shall be construed to waive sovereign immunity of the
28 United States or to create a cause of action preempted by federal
29 law. (e) Nothing in this section shall be construed to limit
30 remedies otherwise available under federal law. (f) Venue for
31 actions brought under this section shall lie in the county where the
32 alleged violation occurred or where the plaintiff resides.
33 **SECTION 8. TRAINING REQUIREMENTS.** (a) The state Peace

1 Officer Standards and Training (POST) authority, in consultation
2 with the state Attorney General, shall update training
3 requirements to ensure wildlife officers receive instruction
4 regarding constitutional search and seizure standards. (b) Such
5 training shall emphasize warrant requirements, probable cause
6 standards, and lawful investigative practices, including instruction
7 on recent case law developments and liability exposure. (c) The
8 training required by this section shall be completed within one
9 year after the effective date of this act and shall be included as
10 part of ongoing continuing education requirements. (d) Each
11 wildlife officer shall certify completion of such training annually.

12 **SECTION 9. SEVERABILITY.** If any provision of this act or its
13 application to any person or circumstance is held invalid, such
14 invalidity does not affect other provisions of the act that can be
15 given effect without the invalid provision or application, including
16 its application to federal officers. **SECTION 10. EFFECTIVE**
17 **DATE.** Act subject to petition – effective date. This act takes
18 effect on August 18, 2026, assuming the general assembly
19 adjourns sine die on May 18, 2026; except that, if a veto petition
20 is filed pursuant to Article II, Section 15 of the state constitution
21 against this act or an item, section, or part of this act within such
22 period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2026 and, in such case, will take effect on the date of
25 the official declaration of the vote thereon by the governor.