

**HB 1091 - AS INTRODUCED**

2022 SESSION

22-2071

04/08

HOUSE BILL **1091**

AN ACT relative to search warrants for individuals engaged in fish and game activities.

SPONSORS: Rep. Spillane, Rock. 2; Rep. Nunez, Hills. 37; Rep. Binford, Graf. 15; Rep. Edwards, Rock. 4

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill requires conservation officers to obtain a search warrant for conducting certain enforcement operations, unless the person is engaged in the act of taking.

Explanation: Matter added to current law appears in **bold italics**.

Matter removed from current law appears ~~[in brackets and struck through]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

22-2071

04/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to search warrants for individuals engaged in fish and game activities.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Conservation Officers; Powers. Amend RSA 206:26, VI to read as follows:

VI. To stop and to search ~~[without]~~, **with a warrant, and** to examine in the field, in the highway, at an airbase or on the stream, any person, or any boat, conveyance, aircraft, vehicle, gamebag, game coat, creel, crate, box, locker, or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob-house, in the presence of the occupant, for all wildlife, when ~~[there is reasonable and articulable suspicion]~~ **the conservation officer has probable cause** to believe that any wildlife, or any illegal apparatus subject to forfeiture, is concealed thereon or therein; **provided that no warrant shall be required to stop or search a person who is in the act of taking, or to stop or search such person's boat, conveyance, aircraft, vehicle, gamebag, game coat, creel, crate, box, locker, or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob-house, in the presence of the occupant;**

2 Marine Species; Search and Seizure. Amend RSA 211:75, I to read as follows:

I. To search ~~[without]~~ **with** a warrant and examine any person or any boat, conveyance, vehicle, box, bag, locker, traps, crate or other receptacle or container for marine species, when the conservation officer has ~~[reasonable and articulable suspicion]~~ **probable cause** to believe that marine species taken contrary to the provisions of this chapter are concealed thereon or therein. ***No warrant shall be required to stop or search a person who is in the act of taking, or to stop or search such person's boat, conveyance, aircraft, vehicle, gamebag, game coat, creel, crate, box, locker, or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob-house, in the presence of the occupant.***

3 Marine Species; Search and Seizure. Amend RSA 211:75, V to read as follows:

V. To board any boat which is on public waters under the jurisdiction of this state with ~~[or without]~~ a warrant, if the conservation officer has ~~[reasonable and articulable suspicion]~~ **probable cause** to believe that any provisions of the statutes, rules, and regulations relating to the taking of marine species as defined in RSA 207:1 or 211:62 are being or have been violated thereon, for the purpose of enforcing such statutes, rules, and regulations. ***No warrant shall be required to stop or search a person who is in the act of taking, or to stop or search such person's boat, conveyance, aircraft, vehicle, gamebag, game coat, creel, crate, box, locker, or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob-house, in the presence of the occupant.***

4 Effective Date. This act shall take effect 60 days after its passage.