HB 498-FN - AS INTRODUCED

2023 SESSION

23-0596
04/05

HOUSE BILL ***498-FN***

AN ACT requiring fish and game officers to obtain a warrant to conduct a search and seizure.

SPONSORS: Rep. Hoell, Merr. 27; Rep. Kofalt, Hills. 32; Rep. Mazur, Hills. 44; Rep. Hynes, Hills. 2; Rep. Cushman, Hills. 28

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires conservation officers to obtain a search warrant for conducting certain enforcement operations.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT requiring fish and game officers to obtain a warrant to conduct a search and seizure.

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;

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.

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.

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

LBA
23-0596
1/4/23

HB 498-FN- FISCAL NOTE
AS INTRODUCED

AN ACT requiring fish and game officers to obtain a warrant to conduct a search and seizure.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[ ] General [ ] Education [ ] Highway [X] Other - Fish and Game Fund			

METHODOLOGY:

This bill would require conservation officers of the Fish and Game Department to obtain a search warrant each time they needed to check a hunter, fisherman, or trapper for bag limits or illegally possessed wildlife unless they were actively engaged in the act of taking. The Department states that if a subject was going to be held each time an application for a search warrant was created there would be a requirement for multiple officers to participate. This added cost would vary depending on locations of the encounter based on equipment necessary to use during the seizure and if overtime hours are required (if incidents carried on beyond normal work shifts). For these reasons, the Department states this bill's impact on Fish and Game Fund expenditures is indeterminable.

It is assumed the fiscal impact of this bill would not occur until FY 2024.

AGENCIES CONTACTED:

Fish and Game Department