

2014 -- H 7839

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO FISH AND WILDLIFE - GENERAL PROVISIONS

Introduced By: Representative Arthur Handy

Date Introduced: March 04, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 20-1-8 of the General Laws in Chapter 20-1 entitled "General
2 Provisions" is hereby amended to read as follows:

3 **20-1-8. Enforcement powers of director and conservation officers.** -- (a) The director,
4 and each conservation officer, shall have the power:

5 (1) To enforce all laws, rules, and regulations of this state pertaining to:

6 (i) Fish, wildlife, and all vertebrates, invertebrates, and plants;

7 (ii) Fresh water wetlands, dams, and resources;

8 (iii) Areas and activities subject to the jurisdiction of the coastal resources management
9 council;

10 (iv) State parks, reservations, management areas, hatcheries, ~~and~~ game preserves, ~~and~~
11 any law of the state within state parks, ~~reservations, management areas, and game preserves~~ lands
12 cooperatively managed, facilities that host official department events, and properties leased by the
13 department;

14 (v) Solid and hazardous waste transportation, storage, and disposal and any other laws of
15 the state regarding solid and/or hazardous wastes;

16 (vi) Boating safety, water safety, and drowning prevention;

17 (vii) Water and air pollution and open burning;

18 (viii) Firearms;

19 (ix) Littering;

- 1 (x) Trees and forests, forestry, and protection of forests from fire hazards and trespass;
2 and
- 3 (xi) Agriculture, farmland, and pest control;
- 4 (xii) All-terrain vehicles, as defined in ~~subsection~~ §31-3.2-1(8).
- 5 (2) To issue summonses and to execute all warrants and search warrants for the violation
6 of the laws, rules, and regulations enumerated in ~~subdivision~~ §(a)(1) or (a)(9);
- 7 (3) To serve subpoenas issued for the trial or hearing of all offenses against the law,
8 rules, and regulations enumerated in subdivision (a)(1) or (a)(9);
- 9 (4) To arrest, without a warrant, any person found violating any law, rule, or regulation
10 enumerated in subdivision (a)(1), take that person before a court of competent jurisdiction, and
11 detain that person in custody at the expense of the state until arraignment, except when a
12 summons can be issued in accordance with ~~section~~ §12-7-11;
- 13 (5) To seize and take possession of all fish, shellfish, crustaceans, marine mammals,
14 amphibians, reptiles, birds, and mammals in possession, or under control of, any person or ~~which~~
15 that have been shipped, or are about to be shipped, at any time, in any manner, or for any purpose
16 contrary to the laws of this state, and dispose of them at the discretion of the director;
- 17 (6) To seize all fishing tackle, firearms, shooting and hunting paraphernalia, hunting,
18 fishing, or trapping licenses, traps, decoys, tongs, bullrakes, dredges, or other implements or
19 appliances used in violation of any law, rule, or regulation relating to fish, shellfish, crustaceans,
20 marine mammals, amphibians, reptiles, birds, and mammals; or any equipment, materials, tools,
21 implements, samples of substances, or any other item used in the violation of any other law, rule,
22 or regulation enumerated in subdivision (a)(9), when making an arrest as found in the execution
23 of a search warrant, and hold the seized item or items at the owner's expense until the fine and
24 costs imposed for the violation have been paid in full;
- 25 (7) (i) To go on board any boat or vessel engaged, or believed to be engaged, in fishing
26 and examine any fishing, shellfish, scallop, lobster, multipurpose, or other license issued under
27 this title;
- 28 (ii) To go on board any boat or vessel engaged, or believed to be engaged, in fishing and
29 to inspect that boat or vessel for compliance with the provisions of this title and any rules relative
30 to the taking of fish, shellfish, crustaceans, marine mammals, amphibians, and reptiles. In the
31 absence of probable cause to believe that a crime relative to the taking of these marine species has
32 been, or is being, committed, any evidence obtained as the result of a boarding (other than for the
33 purpose of examining a license) or of an inspection may not be used in a criminal prosecution;
- 34 (8) To carry firearms or other weapons, concealed or otherwise, in the course of, and in

1 performance of, the duties of office; and

2 (9) To arrest without a warrant, to execute all warrants and search warrants, and to make
3 and execute complaints within any district to the justice or clerk of the district court without
4 recognizance or surety against any person for the following criminal offenses:

5 (i) Assault;

6 (ii) Assault with a dangerous weapon;

7 (iii) Larceny;

8 (iv) Vandalism;

9 (v) Obstructing officer in execution of duty.

10 (b) Conservation officers shall be deemed "officer" within the meaning of ~~section~~ [§11-](#)
11 32-1.

12 (c) It shall be a misdemeanor punishable by a fine of not more than five hundred dollars
13 (\$500) or imprisonment for not more than thirty (30) days, or both, for any person to refuse to
14 move or to stop on an oral command or order of a conservation officer, when the officer is acting
15 in the performance of the officer's duties.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO FISH AND WILDLIFE - GENERAL PROVISIONS

1 This act would provide that the director of the department of environmental management
2 and conservation officers appointed thereby would have certain enforcement powers over lands
3 cooperatively managed, facilities that host official department events, and properties leased by the
4 department.

5 This act would take effect upon passage.

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