

2014 -- S 2951

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LC005145  
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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: Senator William A. Walaska

Date Introduced: May 01, 2014

Referred To: Senate Environment & Agriculture

(Environmental Management)

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,  
12 lands cooperatively managed, facilities that host official department events, and properties leased  
13 by the 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 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 11-32-  
11 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  
A N A C T  
RELATING TO FISH AND WILDLIFE - GENERAL PROVISIONS

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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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