

SENATE BILL 2783

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 69,  
Chapter 9 and Title 70, relative to powers of the  
wildlife resources agency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-1-305(1), is amended by deleting the subdivision and substituting the following:

(1) Enforce all laws relating to wildlife, and to go upon any public property in the performance of the executive director's duties.

SECTION 2. Tennessee Code Annotated, Section 70-1-305, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b)

(1) Notwithstanding a law to the contrary, the executive director or an officer, agent, or duly authorized employee of the agency operating under their authority shall not enter onto private property without a valid search warrant issued by a judge or magistrate for the county or judicial district where the private property is located, unless such entry is based on a protected class of action that permits a law enforcement officer's entry onto private property without a warrant or search warrant pursuant to the peace officer standards and training (POST) commission standards and guidelines, or statutes governing emergency property entry by law enforcement officers, including:

(A) Exigent circumstances; or

(B) The officer having directly observed the occurrence of a criminal offense.

(2) If one (1) or more of the circumstances described in subdivisions (b)(1)(A) and (b)(1)(B) are present, the executive director or an officer, agent, or duly authorized employee of the agency shall, within a reasonable time under the particular circumstances but prior to entry on the private property for just cause, provide the owner of the private property with written or verbal notice of:

(A) The intent to enter the private property; and

(B) The basis for entry onto the private property.

(3) If an entry or incursion onto private property that meets the requirements of subdivisions (b)(1) and (b)(2) occurs, the property owner retains the right to accompany, photograph, and make video and audio recordings of the director, officer, agent, or duly authorized employee while such director, officer, agent, or employee is present on the owner's private property.

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it.