

# No Government Trespassing Act—Model Policy

**Summary:** This protection of private property policy bill prohibits conservation officers from accessing private land without having the landowner's permission or a warrant, excluding certain situations including emergencies. It also addresses evidence, arrests, and damages resulting from the trespass and excludes the officers who violate this policy from qualified immunity.

**ENTITLED An Act to prohibit conservation officer trespass onto private land.**

Be it enacted by the Legislature of the State of \_\_\_\_\_:

**Section 1: That a NEW SECTION be added:**

**X-X-X. Conservation officers--Entering private land--Prohibition--Exceptions.**

Notwithstanding any provision of state or federal law, no conservation officer may, in the course of performing the duties of a conservation officer, enter any private land unless the conservation officer has a warrant or has the explicit or implied permission of the landowner or lessee.

However, any conservation officer may enter any private land without permission if probable cause exists that there is a legitimate need to respond to crippled or distressed wildlife, emergency situations, accidents, or other imminent threats to public safety occurring on the private land that require immediate intervention.

**Section 2: That a NEW SECTION be added:**

**X-X-XX. Conservation officers--Entering private land—Penalties and Liability.**

Any evidence obtained pursuant to a search or seizure conducted in violation of this Act is inadmissible in any administrative or judicial proceeding. Any arrest or property seizure made pursuant to a search or seizure conducted in violation of this Act is invalid. Conservation officers shall not enjoy immunity from suit for any violation of this Act.

**Section 3: That a NEW SECTION be added:**

**X-X-XX. Conservation officers--Entering private land—Civil Relief.**

Any person who is injured in connection with a violation of Section 1 of this act may bring an action under the state's civil rights act for declaratory relief, injunctive relief, compensatory damages, nominal damages, and reasonable attorney's fees.