

House Bill 1185

By: Representatives Shaw of the 143<sup>rd</sup>, Floyd of the 132<sup>nd</sup>, Boggs of the 145<sup>th</sup>, Rogers of the 20<sup>th</sup>, and Channell of the 77<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to game and fish, so as to change certain provisions relating to  
3 additional powers of conservation rangers and functions of other agencies assigned to the  
4 Department of Natural Resources; to change certain provisions relating to inspection of  
5 vessels and boats; to amend Code Section 52-7-25 of the Official Code of Georgia Annotated,  
6 relating to enforcement of general provisions relative to registration, operation, and sale of  
7 watercraft, so as to change certain provisions relating to powers of enforcement officers; to  
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general  
11 provisions relative to game and fish, is amended by striking paragraph (6) of subsection (a)  
12 of Code Section 27-1-20, relating to additional powers of conservation rangers and functions  
13 of other agencies assigned to the Department of Natural Resources, and inserting in lieu  
14 thereof the following:  
15

16 "(6) To go upon property outside of buildings, posted or otherwise, in the performance  
17 of their duties, but only if the owner has given express consent thereto or if the ranger has  
18 probable cause to believe a violation of a law, rule, or regulation which the ranger is  
19 authorized to enforce has been committed on such property;"

**SECTION 2.**

20 Said chapter is further amended by striking Code Section 27-1-24, relating to inspection of  
21 vessels and boats, and inserting in lieu thereof the following:

22 "27-1-24.

23 The provisions of this title or any rule or regulation adopted pursuant to this title pertaining  
24 to the operation of vessels or boats upon the waters of this state shall be enforceable by, in  
25

1 addition to conservation rangers, agents of the Georgia Bureau of Investigation and other  
 2 persons having responsibility to preserve the peace and enforce the laws of this state. Such  
 3 persons shall have the authority to order any vessel or boat within the boundaries of this  
 4 state to stop and lay to and shall have the authority to board, inspect, and examine the  
 5 vessel or boat, its equipment, the wildlife on board, if any, and such documents, licenses,  
 6 or other records which the vessel or boat is required to possess under this title and Code  
 7 Sections 52-7-1 through 52-7-25 for the purpose of determining compliance with the  
 8 provisions of such laws; but the ranger, agent, or other authorized person shall have such  
 9 authority to board, inspect, and examine only if the owner or operator has given express  
 10 consent thereto or if the ranger, agent, or other authorized person has probable cause to  
 11 believe a violation of a law, rule, or regulation which he or she is authorized to enforce has  
 12 been committed by the owner or operator of or passenger in such vessel or boat."

### 13 SECTION 3.

14 Code Section 52-7-25 of the Official Code of Georgia Annotated, relating to enforcement of  
 15 general provisions relative to registration, operation, and sale of watercraft, is amended by  
 16 striking subsection (b) and inserting in lieu thereof the following:

17 "(b) An officer empowered to enforce this article shall have the power:

18 (1) To arrest on view for any violation relating to boating and all rules and regulations  
 19 prescribed by the board under this article;

20 (2) To execute all warrants and search warrants for violations of the boat laws and  
 21 regulations;

22 (3) To serve subpoenas issued for the examination, investigation, and trial of all offenses  
 23 against the laws and regulations relating to boats;

24 (4) To board vessels in use, for purposes of examining any documents and safety  
 25 equipment, and to search without warrant any vessel which is not at its regular mooring  
 26 or berth when ~~he believes~~ the officer has the express consent of the owner or operator or  
 27 probable cause to believe that any law of this state or any rule or regulation of the Board  
 28 of Natural Resources relating to boating has been violated;

29 (4.1) To board vessels in use or floating, whether moored or not, for purposes of  
 30 examining any marine toilets, holding tanks, and documents related to them, including  
 31 records of pump-out and certificates of compliance, and to search without warrant any  
 32 such vessel to determine compliance with the provisions of this article related to marine  
 33 toilets when the officer ~~believes~~ has the express consent of the owner or operator or  
 34 probable cause to believe that any of said provisions of this article relating to marine  
 35 toilets have been violated;

36 (5) To detain the vessel and arrest the operator of a suspected stolen vessel;

- 1 (6) To enter upon any land or water in the performance of his or her duty, but in the case  
2 of private property only if the owner has given express consent thereto or if the officer  
3 has probable cause to believe a violation of a law, rule, or regulation which the officer is  
4 authorized to enforce has been committed on such property;  
5 (7) To demand and secure proper assistance in case of emergency;  
6 (8) To exercise the powers and duties of peace officers; and  
7 (9) To investigate any boating accident which occurs on the waters of this state."

8 **SECTION 4.**

9 All laws and parts of laws in conflict with this Act are repealed.