

Game Warden Search Authority...

FACT OR FICTION

by Roy Griffith, CRPA Legislative Advocate

I feel the need to address the misinformation and inaccurate representation of several California Fish and Game Code (CFGC) statutes related to Game Warden inspection authority. “Should I not buy a hunting or Fishing license because Game Wardens can just come kick down my door?” or “Do I give up my fourth amendment rights when I buy a fishing license?” I have received these and many other versions of the question in the last week.

While Game Wardens in California have the broad authority to inspect for all fish, game, equipment and licenses thereof, it is not without limitations as set forth by existing law. And inspections related to your home would be limited by existing law and probable cause as well as requiring search warrants. Simply purchasing a hunting or fishing license has no bearing on whether Game Wardens can or will conduct an inspection of your home. It just is not true.

I for one am greatly insulted and angered at this attempt to mislead individuals regarding Game Wardens’ search authority. Throughout my career I had the honor of working with many highly dedicated wildlife officers—men and women who placed the protection of California’s fish, wildlife and the resources they depended on paramount to more lucrative law enforcement positions. But be assured, their dedication to the protection of the natural resources of this State would never outweigh the rights and protections afforded every citizen, sportsmen or not, guaranteed by the constitution.

True, Wardens have search authority that goes far beyond that of other state and municipal peace officers. Wardens protect your wildlife resources and the habitat they need to survive. Wardens are also highly trained on this topic receiving training above and beyond that required by the state. Wardens take a great amount of care and pride in their search authority and no one wants to be the one to lose that authority. There is a big difference between the search authority the department has for highly regulated falconry permit holders and the search authority granted in CFGC 1006 referenced by California Department of Fish and Wildlife (CDFW) personnel at the Commission meeting

last month in Folsom. The word “premises” is only listed in reference to falconry inspections as falconers by their choice routinely ‘house’ their permitted birds in their homes. CFGC section 1006 uses no such word. In fact, it clearly excepts “dwellings”.

CFGC 1006. The department may inspect the following:

- (a) All boats, markets, stores and other buildings, except dwellings, and all receptacles, except the clothing actually worn by a person at the time of inspection, where birds, mammals, fish, reptiles, or Amphibia may be stored, placed, or held for sale or storage.
- (b) All boxes and packages containing birds, mammals, fish, reptiles, or Amphibia which are held for transportation by any common carrier.

All licensed Falconers have been required for decades to allow inspections of their bird facilities as a requirement of their falconry license. Falconry is a voluntary activity that requires the participant to follow all of the regulations established by CDFW and the California Fish and Game Commission before they can participate. Additionally, CDFW and staff have to operate within the law and regulations as set forth by the US Fish and Wildlife Service. It is here specifically that the word, “premises” is written. It is specifically set to falconry only and has nothing to do with CFGC 1006. This is only specially related to permitted Falconers and not a fight our licensed hunters and fishermen should be concerned about.

Maybe the next time a falconer turns on their faucet and clean water comes out... they can thank a Game Warden, because in addition to everything else they are also their water police.

For more on this topic, specifically current and proposed falconry inspection authority under California Code of regulations Title 14 section 703 refer to the California Fish and Game Commission website: <http://www.fgc.ca.gov/regultions/>