



Jill Rowland

*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 540**

126th General Assembly  
(As Introduced)

**Reps. Latta, J. McGregor, Willamowski, Bocchieri, Healy, Gilb, Ujvagi, Chandler, Brown, Buehrer, Wagoner, Combs, Seitz, Harwood, C. Evans, Hartnett, Perry, Collier**

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### **BILL SUMMARY**

- Authorizes the Chief of the Division of Wildlife in the Department of Natural Resources to enter into agreements with law enforcement agencies for joint law enforcement operations.
- Requires wildlife officers serving under such agreements to be considered as performing services within their regular employment for purposes of compensation and benefits, and specifies that they retain personal immunity from civil liability that is conferred under current law.
- Requires the Chief to adopt rules to enter into the Wildlife Violators Compact, a reciprocal agreement with participating states for the enhancement of compliance with hunting, fishing, and other wildlife laws.

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### **CONTENT AND OPERATION**

#### **Authority to enter into agreements regarding law enforcement**

The bill authorizes the Chief of the Division of Wildlife, with the approval of the Director of Natural Resources, to enter into memoranda of understanding, agreements, or mutual aid compacts with the head of any entity that employs or appoints a peace officer, as defined in current law,<sup>1</sup> or with the head of any state,

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<sup>1</sup> Current law generally defines "peace officer" to include a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation; member of a police force employed by a metropolitan housing authority, a regional transit authority, or a state university; certain law enforcement officers of the Department of Natural Resources, including wildlife officers; and other specified law enforcement personnel (sec. 2935.01, not in the bill).

federal, or foreign entity that employs or appoints a person who has substantially the same duties as a peace officer to enable wildlife officers and the specified peace officers to assist each other in the provision of law enforcement services within the jurisdictions that are subject to the memoranda of understanding, agreement, or mutual aid compact (sec. 1531.06(M)(1)).

The bill specifies that Division employees who are serving under the terms of such a memoranda of understanding, agreement, or mutual aid compact must be considered as performing services within their regular employment for purposes of compensation, pension or indemnity fund rights, workers' compensation, and other rights or benefits to which they may be entitled as incidents of their regular employment (sec. 1531.06(M)(2)). In addition, the bill specifies that such employees retain personal immunity from civil liability that is conferred under current law<sup>2</sup> and all rights of indemnification and representation incident to regular employment (sec. 1531.06(M)(3)).

### **Wildlife Violators Compact**

The bill requires the Chief to adopt rules to enter into a reciprocal agreement with participating states for the enhancement of compliance with hunting, fishing, and other wildlife laws. It states that, currently, this agreement is named the Wildlife Violators Compact. The agreement and rules must provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's due process rights. (Sec. 1531.06(N).)

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	03-21-06

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<sup>2</sup> *Current law generally specifies that except for civil actions that arise out of the operation of a motor vehicle and civil actions in which the state is the plaintiff, no officer or employee is liable in a civil action that arises under the law of this state for damage or injury caused in the performance of his duties unless the officer's or employee's actions were manifestly outside the scope of his employment or official responsibilities or unless the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner (sec. 9.86, not in the bill).*