



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR
235 Promenade Street, Room 425
Providence, Rhode Island 02908

February 26, 2026

The Honorable Carol Hagan McEntee
Chairwoman
House Committee on Judiciary
82 Smith Street
Providence, Rhode Island 02903

RE: H 7433 An Act Relating to Criminal Procedure – Search Warrants

Dear Chairwoman Hagan McEntee,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on H 7433, which would require that law enforcement officers or peace officers obtain a permit before placing audio or video recording equipment on private property. DEM has concerns that this legislation would hinder our ability to enforce state law.

The DEM Division of Law Enforcement, which is responsible for enforcing Rhode Island's hunting, trapping, and related laws and regulations, will sometimes place trail cameras on private property to identify poachers. This is legal under the "open fields doctrine" articulated by the United States Supreme Court in *Hester v. United States* and reaffirmed in *Oliver v. United States*. Under this precedent, law enforcement is not required to obtain a warrant to search private property outside a home's curtilage because there is no reasonable expectation of privacy in these areas.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. Please feel free to contact Ryan Mulcahey, DEM Director of Legislative Affairs, at ryan.mulcahey@dem.ri.gov should you have any additional questions or wish to discuss this matter further.

Sincerely,

Terrence Gray, P.E.
Director

cc: Members of the House Committee on Judiciary
The Honorable David Place
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House
Lynne Urbani, House Policy Director