

OPINION 32

OFFICIAL OPINION NO. 32

October 27, 1969

Mr. John R. Lloyd, Director
Department of Natural Resources
Room 608, State Office Building
Indianapolis, Indiana

Dear Mr. Lloyd:

This is in reply to a request by your predecessor, Mr. Perley Provost, for an Official Opinion concerning the authority of the Enforcement Division of the Department of Natural Resources to enforce Acts of 1969, Chapter 202, which amends Acts of 1943, Chapter 228, Sec. 1 as amended, and found in Burns' (1969 Supp.), Section 10-4303.

The Act prohibits the hunting, shooting, or killing on Sunday of any wild birds, wild animals, and furbearers now protected by law, except on fish and game areas owned by or leased to the State and private preserves, national forest lands, and licensed preserves, subject to the same fish and game laws, rules and regulations which govern such activity on other days of the week. But note that this Act makes it *unlawful* to hunt or shoot on Sunday into or on those portions of State-owned fish and game areas and national forest lands principally used for camping, picnicking or general recreation. The Department of Natural Resources will have to enforce the game laws and rules and regulations.

The Act has a dual purpose, being not only a Sunday law but also a conservation law for the protection of wild birds, animals, and furbearers. Acts of 1957, Ch. 49, Sec. 8, as amended, and found in Burns' (1969 Supp.), Section 60-762, vests the officer employees of the Law Enforcement Division with all *necessary* police powers to *enforce* the *conservation* laws and regulations.

It is my opinion that the foregoing powers authorize the Law Enforcement Division to enforce the provisions of the subject Sunday no-hunting law, which is a conservation act, and that the jurisdiction of the Division is not limited to State owned, leased or managed lands and/or water areas, but extends to any violations of the subject Act committed in

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the presence of officers of the Division, or for which the officers have a valid warrant.