

ENROLLED SENATE
BILL NO. 1735

By: Sparks and Schulz of the
Senate

and

Richardson, DeWitt,
Luttrell and McMullen of
the House

An Act relating to game and fish; amending 29 O.S. 2001, Section 6-304, as last amended by Section 2, Chapter 48, O.S.L. 2007 (29 O.S. Supp. 2007, Section 6-304), which relates to permission to fish upon the land of another; making certain person responsible for certain damages; modifying penalty for certain offense; and providing effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 29 O.S. 2001, Section 6-304, as last amended by Section 2, Chapter 48, O.S.L. 2007 (29 O.S. Supp. 2007, Section 6-304), is amended to read as follows:

Section 6-304. A. Except as otherwise provided, no person may fish upon the land of another without the consent of the owner, lessee or occupant of such land.

B. For purposes of this section, consent shall be presumed to be valid for not more than one (1) year, unless the owner, lessee, or occupant specifically grants consent for a specified period of time.

C. Excluding land primarily devoted to farming, ranching, or forestry purposes as set forth in Section 1835.2 of Title 21 of the Oklahoma Statutes, areas exempt from the above provision are:

1. Lands not occupied by a resident thereon, unless notice of objection is conspicuously posted upon the premises by the owner or an agent of the owner; and

2. Land of the state which is not leased and occupied by a resident, excluding school land.

D. Any ranger investigating a fisherman in the field has a duty to inform the fisherman that it is necessary to obtain the landowner's or occupier's consent to fish on the particular property provided that prosecution for violations of this section can be commenced only upon written complaint of such owner or occupant filed before any court authorized to punish such violation, or upon written complaint to any game ranger, or officer authorized to make arrest for such offenses.

E. Trespassing on lands which are fenced and exhibit posted signs at all entrances is hereby prohibited. Trespassing on land primarily devoted to farming, ranching, or forestry purposes as set forth in Section 1835.2 of Title 21 of the Oklahoma Statutes is hereby prohibited. Hunters and fishermen in violation of this provision of this Code shall be subject to fines as outlined in subsection F of this section.

F. Any person convicted of violating provisions of this section shall be responsible for any actual damages incurred and shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for thirty (30) days, or by both such fine and imprisonment for a first violation of this section. Persons convicted of a second or subsequent violation of this section shall be deemed guilty of a misdemeanor and shall be responsible for any actual damages incurred and shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

SECTION 2. This act shall become effective November 1, 2008.

Passed the Senate the 13th day of March, 2008.

Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2008.

Presiding Officer of the House
of Representatives