

THE HOUSE OF REPRESENTATIVES
Monday, February 25, 2008

House Bill No. 3268

HOUSE BILL NO. 3268 - By: HARRISON of the House and RABON of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 3-201, as last amended by Section 12, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2007, Section 3-201), which relates to the Oklahoma Wildlife Conservation Code; extending jurisdiction of game wardens to turnpikes; and providing an effective date.

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

- 1 SECTION 1. AMENDATORY 29 O.S. 2001, Section 3-201, as last amended by
2 Section 12, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2007, Section 3-201), is amended to
3 read as follows:
- 4 Section 3-201. A. All things being equal, veterans of World War II, the Korean, the
5 Vietnam and Persian Gulf Wars shall be appointed as game wardens when vacancies
6 occur.
- 7 B. All persons appointed game wardens shall be peace officers and have the full
8 powers of peace officers of the State of Oklahoma in the enforcement of the provisions of
9 this Code and are authorized to:
- 10 1. Enforce all state laws on Department-owned or Department-managed lands, and
11 on all Oklahoma turnpikes maintained and operated by the Oklahoma Turnpike
12 Authority;

- 1 2. Enforce all other laws of this state;
- 2 3. Make arrests for wildlife conservation violations and nonconservation-related
3 crimes with the same power and authority as sheriffs are vested with and in cooperation
4 with other law enforcement officers and agencies;
- 5 4. Take into possession any and all protected wildlife, or any part thereof, killed,
6 taken, shipped or in any possession contrary to the law, and the wildlife or parts thereof
7 may be disposed of as determined by the Director or any court of competent jurisdiction;
- 8 5. Make a complaint and cause proceedings to be commenced against any person
9 for violation of any of the laws for the protection and propagation of wildlife, with the
10 sanction of the prosecuting or district attorney of the county in which the proceedings are
11 brought, and shall not be required to give security for costs;
- 12 6. Be an authorized agent of the Commission or Department under Section 3-202 of
13 this title in addition to duties as a game warden; and
- 14 7. Assist in enforcement of the state fire laws, upon request of the Oklahoma
15 Department of Agriculture, Food, and Forestry.
- 16 C. 1. Pursuant to the provisions of this subsection, a game warden may operate a
17 vehicle owned or leased by the Department upon a roadway during the hours of darkness
18 without lighted headlamps, clearance lamps, or other illuminating devices. As used in
19 this paragraph, "roadway" shall include any street or highway in this state except an
20 interstate highway, a limited access highway, a state trunk highway, or any street or
21 highway within the limits of an incorporated area.

1 2. Pursuant to the provisions of this subsection, a game warden may operate a
2 vessel upon any waters of this state during the hours of darkness without the
3 illuminating devices required by Section 4207 of Title 63 of the Oklahoma Statutes.

4 3. A game warden may operate a vehicle or vessel without the illuminating devices
5 specified in this subsection only if the operation:

6 a. is made in the performance of the duties of the game warden pursuant
7 to the provisions of the Code, and

8 b. (1) will aid in the accomplishment of a lawful arrest for any
9 violation of the Oklahoma Wildlife Code or any rule or
10 regulation promulgated thereto, or

11 (2) will aid in ascertaining whether a violation of the Oklahoma
12 Wildlife Conservation Code or any rule or regulation
13 promulgated thereto has been or is about to be committed.

14 D. Any person who refuses to stop a vehicle or boat when requested to do so by a
15 game warden in the performance of the duties of the game warden is guilty of a
16 misdemeanor and upon conviction is punishable by a fine of not less than One Hundred
17 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

18 E. Any game warden who solicits or accepts any bribe or money or other thing of
19 value in connection with the performance of duty as a game warden shall be guilty of a
20 felony and, upon conviction, shall be sentenced to a term not less than two (2) years nor
21 more than seven (7) years in the custody of the Department of Corrections and shall be
22 summarily removed from office.

1 SECTION 2. This act shall become effective November 1, 2008.
2 COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES, dated 02-21-
3 08 - DO PASS, As Coauthored.