

EHB 3268

THE STATE SENATE
Monday, April 7, 2008

ENGROSSED

House Bill No. 3268

As Amended

ENGROSSED HOUSE BILL NO. 3268 - By: Harrison of the House and Rabon of the Senate.

[game and fish - game wardens - effective date]

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 3-201. A. All things being equal, veterans of World War II, the Korean, the Vietnam and Persian Gulf Wars shall be appointed as game wardens when vacancies occur.

B. All persons appointed game wardens shall be peace officers and have the full powers of peace officers of the State of Oklahoma in the enforcement of the provisions of this Code and are authorized to:

1. Enforce all state laws on Department-owned or Department-managed lands, and on all Oklahoma turnpikes maintained and operated by the Oklahoma Turnpike Authority;

2. Enforce all other laws of this state;

1 3. Make arrests for wildlife conservation violations and
2 nonconservation-related crimes with the same power and authority as
3 sheriffs are vested with and in cooperation with other law
4 enforcement officers and agencies;

5 4. Take into possession any and all protected wildlife, or any
6 part thereof, killed, taken, shipped or in any possession contrary
7 to the law, and the wildlife or parts thereof may be disposed of as
8 determined by the Director or any court of competent jurisdiction;

9 5. Make a complaint and cause proceedings to be commenced
10 against any person for violation of any of the laws for the
11 protection and propagation of wildlife, with the sanction of the
12 prosecuting or district attorney of the county in which the
13 proceedings are brought, and shall not be required to give security
14 for costs;

15 6. Be an authorized agent of the Commission or Department under
16 Section 3-202 of this title in addition to duties as a game warden;
17 and

18 7. Assist in enforcement of the state fire laws, upon request
19 of the Oklahoma Department of Agriculture, Food, and Forestry.

20 C. 1. Pursuant to the provisions of this subsection, a game
21 warden may operate a vehicle owned or leased by the Department upon
22 a roadway during the hours of darkness without lighted headlamps,
23 clearance lamps, or other illuminating devices. As used in this

1 paragraph, "roadway" shall include any street or highway in this
2 state except an interstate highway, a limited access highway, a
3 state trunk highway, or any street or highway within the limits of
4 an incorporated area.

5 2. Pursuant to the provisions of this subsection, a game warden
6 may operate a vessel upon any waters of this state during the hours
7 of darkness without the illuminating devices required by Section
8 4207 of Title 63 of the Oklahoma Statutes.

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

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

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

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

21 D. Any person who refuses to stop a vehicle or boat when
22 requested to do so by a game warden in the performance of the duties
23 of the game warden is guilty of a misdemeanor and upon conviction is

1 punishable by a fine of not less than One Hundred Dollars (\$100.00)
2 nor more than Five Hundred Dollars (\$500.00).

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE, dated 4-3-08
11 - DO PASS, As Amended.