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THE STATE SENATE
Thursday, February 21, 2008

Committee Substitute for
Senate Bill No. 2084

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2084 - By: RABON of the Senate and HARRISON of the House.

An Act relating to wildlife; 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 game wardens; expanding duties of game wardens; and providing an 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~~ the Oklahoma Wildlife Conservation Code and are authorized to:

1. Enforce all state laws on ~~Department-owned or Department-managed~~ lands owned or managed by the Department of Wildlife Conservation;

1 2. Enforce the provisions of the Oklahoma Wildlife Conservation
2 Code on the turnpikes of this state;
3 3. Enforce all other laws of this state;
4 ~~3.~~ 4. Make arrests for wildlife conservation violations and
5 nonconservation-related crimes with the same power and authority ~~as~~
6 with which sheriffs are vested ~~with~~ and in cooperation with other
7 law enforcement officers and agencies;
8 ~~4.~~ 5. Take into possession any and all protected wildlife, or
9 any part thereof, killed, taken, shipped or in any possession
10 contrary to the law, and the wildlife or parts thereof may be
11 disposed of as determined by the Director or any court of competent
12 jurisdiction;
13 ~~5.~~ 6. Make a complaint and cause proceedings to be commenced
14 against any person for violation of any of the laws for the
15 protection and propagation of wildlife, with the sanction of the
16 prosecuting or district attorney of the county in which the
17 proceedings are brought, and shall not be required to give security
18 for costs;
19 ~~6.~~ 7. Be an authorized agent of the Commission or Department
20 under Section 3-202 of this title in addition to duties as a game
21 warden; and

1 ~~7.~~ 8. Assist in enforcement of the state fire laws, ~~upon~~
2 ~~request of the Oklahoma Department of Agriculture, Food, and~~
3 ~~Forestry.~~

4 C. 1. Pursuant to the provisions of this subsection, a game
5 warden may operate a vehicle owned or leased by the Department upon
6 a roadway during the hours of darkness without lighted headlamps,
7 clearance lamps, or other illuminating devices. As used in this
8 paragraph, "roadway" shall include any street or highway in this
9 state except an interstate highway, a limited access highway, a
10 state trunk highway, or any street or highway within the limits of
11 an incorporated area.

12 2. Pursuant to the provisions of this subsection, a game warden
13 may operate a vessel upon any waters of this state during the hours
14 of darkness without the illuminating devices required by Section
15 4207 of Title 63 of the Oklahoma Statutes.

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

- 19 a. is made in the performance of the duties of the game
20 warden pursuant to the provisions of the Code, and
21 b. (1) will aid in the accomplishment of a lawful arrest
22 for any violation of the Oklahoma Wildlife Code
23 or any rule or regulation promulgated thereto, or

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 2-21-08
18 - DO PASS, As Amended and Coauthored.