

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1429

By: Lamons

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5  
6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.  
8 2001, Section 5-202, as last amended by Section 1,  
9 Chapter 48, O.S.L. 2007 (29 O.S. Supp. 2008, Section  
10 5-202), which relates to hunting and fishing upon  
11 lands of another; increasing penalties; and providing  
12 an effective date.

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

14 SECTION 1. AMENDATORY 29 O.S. 2001, Section 5-202, as  
15 last amended by Section 1, Chapter 48, O.S.L. 2007 (29 O.S. Supp.  
16 2008, Section 5-202), is amended to read as follows:

17 Section 5-202. A. Except as otherwise provided, no person may  
18 hunt upon the land of another without the consent of the owner,  
19 lessee or occupant of such land.

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

24 C. Excluding land primarily devoted to farming, ranching, or  
forestry purposes as set forth in Section 1835.2 of Title 21 of the

1 Oklahoma Statutes, areas exempt from the provisions of subsection A  
2 of this section are:

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

6 2. Land belonging to this state which is not leased and  
7 occupied by a resident, excluding school land.

8 D. Any game warden investigating a hunter in the field has the  
9 duty to inform the hunter that it is necessary to obtain the consent  
10 of the landowner, lessee or occupant to hunt on the particular  
11 property. Prosecution for violations of the provisions of this  
12 section may be commenced only upon written complaint of such owner,  
13 lessee or occupant filed before any court authorized to punish such  
14 violation, or upon written complaint to any game warden or officer  
15 authorized to make arrest for such offenses.

16 E. No person shall operate a motor-driven conveyance on lands  
17 that are fenced and posted or are in cultivation without permission  
18 of the landowner, lessee or occupant.

19 F. The consent of any owner, lessee or occupant of land  
20 authorizing a person to hunt, fish or engage in any recreational  
21 activity upon the land of any such owner, lessee or occupant shall  
22 not be construed to create any additional duty of care or impose any  
23 additional liability other than specified by Sections 16-71.2 and  
24 16-71.3 of Title 2 of the Oklahoma Statutes.

1 G. The obtaining of consent from any owner, lessee or occupant  
2 of land authorizing a person to hunt, fish or engage in any  
3 recreational activity shall not relieve the authorized person using  
4 the land from any obligation which the person may have in the  
5 absence of obtaining such consent to exercise care in the use of  
6 such land and in activities thereon, or from the legal consequences  
7 of failure to employ such care.

8 H. Any person convicted of violating any ~~provisions~~ provision  
9 of this section shall be guilty of a felony and shall be punished by  
10 the imposition of a fine of not less than ~~Fifty Dollars (\$50.00)~~  
11 Five Hundred Dollars (\$500.00) nor more than ~~Five Hundred Dollars~~  
12 ~~(\$500.00)~~ Five Thousand Dollars (\$5,000.00), or by imprisonment in  
13 the ~~county jail~~ custody of the Department of Corrections for ~~thirty~~  
14 ~~(30) days~~ a term of not less than two (2) years, or by both said  
15 fine and imprisonment.

16 SECTION 2. This act shall become effective November 1, 2009.

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