

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3189

By: Duncan

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5
6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.
8 2001, Section 3-201, as last amended by Section 12,
9 Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2009, Section
10 3-201), which relates to duties and authority of game
11 wardens; adding certain veteran groups to list of
12 preferred applicants for certain game warden
13 positions; and providing an effective date.

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

15 SECTION 1. AMENDATORY 29 O.S. 2001, Section 3-201, as
16 last amended by Section 12, Chapter 138, O.S.L. 2006 (29 O.S. Supp.
17 2009, Section 3-201), is amended to read as follows:

18 Section 3-201. A. All things being equal, veterans of World
19 War II, the Korean, the Vietnam, and the Persian Gulf Wars, to
20 include Operation Enduring Freedom and Operation Iraqi Freedom,
21 shall be appointed as game wardens when vacancies occur.

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

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

1 a roadway during the hours of darkness without lighted headlamps,
2 clearance lamps, or other illuminating devices. As used in this
3 paragraph, "roadway" shall include any street or highway in this
4 state except an interstate highway, a limited access highway, a
5 state trunk highway, or any street or highway within the limits of
6 an incorporated area.

7 2. Pursuant to the provisions of this subsection, a game warden
8 may operate a vessel upon any waters of this state during the hours
9 of darkness without the illuminating devices required by Section
10 4207 of Title 63 of the Oklahoma Statutes.

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

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

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

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

23 D. Any person who refuses to stop a vehicle or boat when
24 requested to do so by a game warden in the performance of the duties

1 of the game warden is guilty of a misdemeanor and upon conviction is
2 punishable by a fine of not less than One Hundred Dollars (\$100.00)
3 nor more than Five Hundred Dollars (\$500.00).

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

10 SECTION 2. This act shall become effective November 1, 2010.

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