

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 2573

By: Ownbey

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8 COMMITTEE SUBSTITUTE

9 An Act relating to game and fish; amending 29 O.S.
10 2011, Section 5-202, which relates to the Oklahoma
11 Wildlife Conservation Code; prohibiting catching upon
12 land of another; classifying offense for certain
13 violations as a misdemeanor; providing penalties;
14 mandating revocation of hunting or fishing license
15 after certain poaching convictions; permitting court
16 to set period of revocation within certain time;
17 providing default revocation period; prohibiting
18 Department of Wildlife Conservation from issuing
19 license during revocation; requiring surrender of
20 license to court upon conviction; directing court to
21 send Department surrendered license and copy of
22 judgment of conviction; defining term; providing for
23 codification; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 5-202, is
amended to read as follows:

Section 5-202. A. Except as otherwise provided, no person may
hunt or catch by any means or method upon the land of another
without the consent of the owner, lessee or occupant of such land.

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

5 C. Excluding land primarily devoted to farming, ranching, or
6 forestry purposes as set forth in Section 1835.2 of Title 21 of the
7 Oklahoma Statutes, areas exempt from the provisions of subsection A
8 of this section are:

9 ~~1. Lands not occupied by a resident thereon, unless notice of~~
10 ~~objection is conspicuously posted upon the premises by the owner or~~
11 ~~an agent of the owner; and~~

12 ~~2. Land~~ lands belonging to this state which ~~is~~ are not leased
13 and occupied by a resident, excluding school land.

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

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

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

7 G. The obtaining of consent from any owner, lessee or occupant
8 of land authorizing a person to hunt, catch, fish or engage in any
9 recreational activity shall not relieve the authorized person using
10 the land from any obligation which the person may have in the
11 absence of obtaining such consent to exercise care in the use of
12 such land and in activities thereon, or from the legal consequences
13 of failure to employ such care.

14 H. Any person convicted for the first time of violating any
15 provisions of this section shall be guilty of a misdemeanor and
16 punished by the imposition of a fine of not less than ~~Fifty Dollars~~
17 ~~(\$50.00)~~ Five Hundred Dollars (\$500.00) nor more than ~~Five Hundred~~
18 ~~Dollars (\$500.00)~~ One Thousand Five Hundred Dollars (\$1,500.00), or
19 by imprisonment in the county jail for thirty (30) days, or by both
20 ~~said~~ fine and imprisonment.

21 I. Any person convicted for the second or subsequent time of
22 violating any provisions of this section shall be guilty of a
23 misdemeanor and punished by the imposition of a fine of not less
24 than One Thousand Five Hundred Dollars (\$1,500.00) nor more than Two

1 Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the
2 county jail for not less than six (6) months, or by both fine and
3 imprisonment.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 5-202.1 of Title 29, unless
6 there is created a duplication in numbering, reads as follows:

7 A. Any hunting or fishing license issued by the Department of
8 Wildlife Conservation to a person shall be automatically revoked on
9 final conviction of the person of an offense under subsection I of
10 Section 5-202 of Title 29 of the Oklahoma Statutes. The revocation
11 shall be for a period set by the court of not less than one (1) year
12 or more than ten (10) years. If the court does not set a period,
13 the revocation shall be for one (1) year from the date the
14 conviction becomes final. During this period of revocation, the
15 Department shall not issue that person a hunting or fishing license.
16 If the court does not set a period, the Department shall not issue
17 that person a license before the first anniversary of the date the
18 conviction becomes final.

19 B. A person who has a license or permit revoked under this
20 section shall surrender the revoked license or permit to the court.
21 The court shall send the Department of Wildlife Conservation the
22 revoked license and a copy of the judgment of conviction.

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1 C. For purposes of this section, "final conviction" shall
2 include a plea of guilty or nolo contendere to or the imposition of
3 deferred adjudication for an offense.

4 SECTION 3. This act shall become effective November 1, 2012.

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