

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2573

By: Ownbey of the House

and

Simpson of the Senate

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10                                   COMMITTEE SUBSTITUTE

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

19 D. Any game warden investigating a hunter in the field has the  
20 duty to inform the hunter that it is necessary to obtain the consent  
21 of the landowner, lessee or occupant to hunt or catch on the  
22 particular property. Prosecution for violations of the provisions  
23 of this section may be commenced only upon written complaint of such

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1 owner, lessee or occupant filed before any court authorized to  
2 punish such violation, or upon written complaint to any game warden  
3 or officer authorized to make arrest for such offenses.

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

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

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

20 H. Any person convicted for the first time of violating any  
21 provisions of this section shall be guilty of a misdemeanor and  
22 punished by the imposition of a fine of not less than ~~Fifty Dollars~~  
23 ~~(\$50.00)~~ Five Hundred Dollars (\$500.00) nor more than ~~Five Hundred~~

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1 ~~Dollars (\$500.00)~~ One Thousand Five Hundred Dollars (\$1,500.00), or  
2 by imprisonment in the county jail for thirty (30) days, or by both  
3 ~~said~~ fine and imprisonment.

4 I. Any person convicted for the second or subsequent time of  
5 violating any provisions of this section shall be guilty of a  
6 misdemeanor and punished by the imposition of a fine of not less  
7 than One Thousand Five Hundred Dollars (\$1,500.00) nor more than Two  
8 Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the  
9 county jail for not less than six (6) months, or by both fine and  
10 imprisonment.

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

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

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1 that person a license before the first anniversary of the date the  
2 conviction becomes final.

3 B. A person who has a license or permit revoked under this  
4 section shall surrender the revoked license or permit to the court.  
5 The court shall send the Department of Wildlife Conservation the  
6 revoked license and a copy of the judgment of conviction.

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

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

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12 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE AND  
13 ENVIRONMENT, dated 02/15/2012 - DO PASS, As Amended and Coauthored.

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