

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2573

By: Ownbey

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6 AS INTRODUCED

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

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

21 Section 5-202. A. Except as otherwise provided, no person may
22 hunt or catch by any means or method upon the land of another
23 without the consent of the owner, lessee or occupant of such land.
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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 belonging to this state which is not leased and
13 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)~~ One Hundred Dollars (\$100.00) nor more than Five Hundred
18 Dollars (\$500.00), or by imprisonment in the county jail for thirty
19 (30) days, or by both ~~said~~ fine and imprisonment.

20 I. Any person convicted for the second or subsequent time of
21 violating any provisions of this section shall be guilty of a
22 misdemeanor and punished by the imposition of a fine of not less
23 than Five Hundred Dollars (\$500.00) nor more than One Thousand
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1 Dollars (\$1,000.00), or by imprisonment in the county jail for not
2 less than six (6) months, or by both fine and imprisonment.

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

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

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

1 conviction becomes final. During this period of revocation, the
2 Department shall not issue that person a hunting or fishing license.
3 If the court does not set a period, the Department shall not issue
4 that person a license before the first anniversary of the date the
5 conviction becomes final.

6 C. A person who has a license or permit revoked or suspended
7 under this section shall surrender the revoked or suspended license
8 or permit to the court. The court shall send the Department of
9 Wildlife Conservation the revoked or suspended license and a copy of
10 the judgment of conviction.

11 D. For purposes of this section, "final conviction" shall
12 include a plea of guilty or nolo contendere to or the imposition of
13 deferred adjudication for an offense.

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

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