

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1009 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Bob Cleveland

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1009

By: Cleveland

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2011, Section 5-202, as amended by Section 1, Chapter 200, O.S.L. 2012 (29 O.S. Supp. 2016, Section 5-202), which relates to consent of landowner to hunt or fish; prohibiting game warden from entering private property under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 5-202, as amended by Section 1, Chapter 200, O.S.L. 2012 (29 O.S. Supp. 2016, Section 5-202), is amended to read as follows:

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

B. For purposes of this section, consent shall be presumed to be valid for not more than one (1) year, unless the owner, lessee,

1 or occupant specifically grants consent for a specified period of  
2 time.

3 C. Excluding land primarily devoted to farming, ranching, or  
4 forestry purposes as set forth in Section 1835.2 of Title 21 of the  
5 Oklahoma Statutes, areas exempt from the provisions of subsection A  
6 of this section are lands belonging to this state which are not  
7 leased and 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 or take on the  
11 particular property. Prosecution for violations of the provisions  
12 of this section may be commenced only upon written complaint of such  
13 owner, lessee or occupant filed before any court authorized to  
14 punish such violation, or upon written complaint to any game warden  
15 or officer authorized to make arrest for such offenses. A game  
16 warden shall not enter private property without consent of the  
17 owner, lessee or occupant of the land for the purpose of enforcing  
18 the provisions of the Oklahoma Wildlife Conservation Code or  
19 regulations promulgated by the Oklahoma Wildlife Conservation  
20 Commission based solely on the discharge of a firearm.

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

1 F. The consent of any owner, lessee or occupant of land  
2 authorizing a person to hunt, take, 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, take, 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. 1. It shall be an affirmative defense to prosecution under  
15 subsection A of this section that the accused had express or implied  
16 permission or legal authority to be on the property.

17 2. If an accused reasonably believed he or she was upon  
18 property ~~for~~ which ~~they~~ he or she had permission to be upon, it  
19 shall be an affirmative defense to prosecution under subsection A of  
20 this section that the accused had with him or her, on his or her  
21 person, written permission from the surface owner, surface lessee,  
22 hunting lessee, or lawful occupant to be upon such person's land  
23 while the accused was upon any adjoining property. This defense  
24 shall not be available to the accused if:

1           a.    the accused has previously pled guilty~~r~~ or nolo  
2                    contendere to, or has been convicted of, any act of  
3                    trespass or has been found civilly liable of any act  
4                    of trespass, or

5           b.    the accused, while the accused was upon the adjoining  
6                    property, does not have with him or her, on his or her  
7                    person, the written permission specified in this  
8                    paragraph.

9           I.    Any person convicted for the first time of violating any  
10               provisions of this section shall be guilty of a misdemeanor and  
11               punished by the imposition of a fine of not less than Five Hundred  
12               Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars  
13               (\$1,500.00), or by imprisonment in the county jail for thirty (30)  
14               days, or by both fine and imprisonment.

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

22           SECTION 2.   This act shall become effective November 1, 2017.  
23

24           56-1-6756           AMM           02/02/17

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24