

1 ENGROSSED SENATE
2 BILL NO. 839

By: Dahm and Hamilton of the
Senate

3 and

4 Roberts (Sean) of the House

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6
7 An Act relating to game wardens; amending 29 O.S.
8 2011, Section 3-201, which relates to authority of
9 game wardens; prohibiting cameras on private property
10 without permission; and providing an effective date.

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

12 SECTION 1. AMENDATORY 29 O.S. 2011, Section 3-201, is
13 amended to read as follows:

14 Section 3-201. A. All things being equal, veterans of World
15 War II, the Korean, the Vietnam and Persian Gulf Wars shall be
16 appointed as game wardens when vacancies occur.

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

21 1. Enforce all state laws on Department-owned or Department-
22 managed lands;

23 2. Enforce all other laws of this state;

1 3. Make arrests for wildlife conservation violations and
2 nonconservation-related crimes with the same power and authority as
3 sheriffs are vested with and in cooperation with other law
4 enforcement officers and agencies;

5 4. Take into possession any and all protected wildlife, or any
6 part thereof, killed, taken, shipped or in any possession contrary
7 to the law, and the wildlife or parts thereof may be disposed of as
8 determined by the Director or any court of competent jurisdiction;

9 5. Make a complaint and cause proceedings to be commenced
10 against any person for violation of any of the laws for the
11 protection and propagation of wildlife, with the sanction of the
12 prosecuting or district attorney of the county in which the
13 proceedings are brought, and shall not be required to give security
14 for costs;

15 6. Be an authorized agent of the Commission or Department under
16 Section 3-202 of this title in addition to duties as a game warden;
17 and

18 7. Assist in enforcement of the state fire laws, upon request
19 of the Oklahoma Department of Agriculture, Food, and Forestry.

20 C. 1. Pursuant to the provisions of this subsection, a game
21 warden may operate a vehicle owned or leased by the Department upon
22 a roadway during the hours of darkness without lighted headlamps,
23 clearance lamps, or other illuminating devices. As used in this
24 paragraph, "roadway" shall include any street or highway in this

1 state except an interstate highway, a limited access highway, a
2 state trunk highway, or any street or highway within the limits of
3 an incorporated area.

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

8 3. A game warden may operate a vehicle or vessel without the
9 illuminating devices specified in this subsection only if the
10 operation:

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

13 b. (1) will aid in the accomplishment of a lawful arrest
14 for any violation of the ~~Oklahoma Wildlife~~ Code
15 or any rule or regulation promulgated thereto, or

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

20 D. Any person who refuses to stop a vehicle or boat when
21 requested to do so by a game warden in the performance of the duties
22 of the game warden is guilty of a misdemeanor and upon conviction is
23 punishable by a fine of not less than One Hundred Dollars (\$100.00)
24 nor more than Five Hundred Dollars (\$500.00).

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

7 F. Pursuant to the provisions of subsection B of this section
8 and the Oklahoma Wildlife Conservation Code, a game warden shall not
9 have authority to use or place a game or wildlife camera on private
10 property without the permission of the owner or controller of the
11 property or pursuant to a warrant issued by a court of competent
12 jurisdiction.

13 SECTION 2. This act shall become effective November 1, 2021.

14 Passed the Senate the 3rd day of March, 2021.

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17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2021.

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21 _____
22 Presiding Officer of the House
23 of Representatives
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