1	SENATE FLOOR VERSION
2	February 8, 2023 AS AMENDED
3	SENATE BILL NO. 197 By: Bergstrom
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6	[Oklahoma Wildlife Conservation Code - recreational
7	activity upon the land of another - game warden - firearm - effective date]
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10	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
11	SECTION 1. AMENDATORY 29 O.S. 2021, Section 5-202, is
12	amended to read as follows:
13	Section 5-202. A. Except as otherwise provided, no person may
14	hunt or take by any means or method upon the land of another without
15	the consent of the owner, lessee, or occupant of such land.
16	B. For purposes of this section, consent shall be presumed to
17	be valid for not more than one (1) year, unless the owner, lessee,
18	or occupant specifically grants consent for a specified period of
19	time.
20	C. Excluding land primarily devoted to farming, ranching, or
21	forestry purposes as set forth in Section 1835.2 of Title 21 of the
22	Oklahoma Statutes, areas exempt from the provisions of subsection A
23	of this section are lands belonging to this state which are not

leased and occupied by a resident, excluding school land.

1	D. Any game warden investigating a hunter in the field has the
2	does not have a duty, unless the landowner, lessee, or occupant has
3	requested a game warden to do so, to inform the hunter that it is
4	necessary to obtain the consent of the landowner, lessee, or
5	occupant to hunt or take on the particular property. Prosecution
6	for violations of the provisions of this section may be commenced
7	only upon written complaint of such owner, lessee, or occupant filed
8	before any court authorized to punish such violation, or upon
9	written complaint to any game warden or officer authorized to make
\cap	arrest for such offenses

- E. Unless otherwise requested by a property owner, lessee, or tenant, a game warden shall not be authorized to enter private property on the suspicion of the possible possession or discharge of a firearm or bow.
- F. Suspicion of the possible possession or discharge of a firearm or bow shall not itself constitute sufficient probable cause for authorizing a game warden to enter private property.
- G. No person shall operate a motor-driven conveyance on lands that are fenced and posted or are in cultivation without permission of the landowner, lessee, or occupant.
- F. H. The consent of any owner, lessee, or occupant of land authorizing a person to hunt, take, fish or engage in any recreational activity upon the land of any such owner, lessee, or occupant shall not be construed to create any additional duty of

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care or impose any additional liability other than specified by Sections 16-71.2 and 16-71.3 of Title 2 of the Oklahoma Statutes.

- G. I. The obtaining of consent from any owner, lessee, or occupant of land authorizing a person to hunt, take, fish or engage in any recreational activity shall not relieve the authorized person using the land from any obligation which the person may have in the absence of obtaining such consent to exercise care in the use of such land and in activities thereon, or from the legal consequences of failure to employ such care.
- H. J. 1. It shall be an affirmative defense to prosecution under subsection A of this section that the accused had express or implied permission or legal authority to be on the property.
- 2. If an accused reasonably believed he or she was upon property for which they had permission to be upon, it shall be an affirmative defense to prosecution under subsection A of this section that the accused had with him or her, on his or her person, written permission from the surface owner, surface lessee, hunting lessee, or lawful occupant to be upon such person's land while the accused was upon any adjoining property. This defense shall not be available to the accused if:
 - a. the accused has previously pled guilty, nolo contendere, or has been convicted of any act of trespass or has been found civilly liable of any act of trespass, or

1	b. the accused, while the accused was upon the adjoining
2	property, does not have with him or her, on his or her
3	person, the written permission specified in this
4	paragraph.
5	$rac{ extsf{H.}}{ extsf{K.}}$ Any person convicted for the first time of violating any
6	provisions of this section shall be guilty of a misdemeanor and
7	punished by the imposition of a fine of not less than Five Hundred
8	Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
9	(\$1,500.00), or by imprisonment in the county jail for thirty (30)
10	days, or by both fine and imprisonment.
11	$rac{J_{ullet}}{L_{ullet}}$ Any person convicted for the second or subsequent time of
12	violating any provisions of this section shall be guilty of a
13	misdemeanor and punished by the imposition of a fine of not less
14	than One Thousand Five Hundred Dollars (\$1,500.00) nor more than Two
15	Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the
16	county jail for not less than six (6) months, or by both fine and
17	imprisonment.
18	SECTION 2. This act shall become effective November 1, 2023.
19	COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE February 8, 2023 - DO PASS AS AMENDED
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