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AS AMENDED

By: Bergstrom

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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
10 arrest for such offenses.

11 E. Unless otherwise requested by a property owner, lessee, or
12 tenant, a game warden shall not be authorized to enter private
13 property on the suspicion of the possible possession or discharge of
14 a firearm or bow.

15 F. Suspicion of the possible possession or discharge of a
16 firearm or bow shall not itself constitute sufficient probable cause
17 for authorizing a game warden to enter private property.

18 G. No person shall operate a motor-driven conveyance on lands
19 that are fenced and posted or are in cultivation without permission
20 of the landowner, lessee, or occupant.

21 ~~F.~~ H. The consent of any owner, lessee, or occupant of land
22 authorizing a person to hunt, take, fish or engage in any
23 recreational activity upon the land of any such owner, lessee, or
24 occupant shall not be construed to create any additional duty of

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

3 ~~G.~~ I. The obtaining of consent from any owner, lessee, or
4 occupant of land authorizing a person to hunt, take, fish or engage
5 in any recreational activity shall not relieve the authorized person
6 using the land from any obligation which the person may have in the
7 absence of obtaining such consent to exercise care in the use of
8 such land and in activities thereon, or from the legal consequences
9 of failure to employ such care.

10 ~~H.~~ J. 1. It shall be an affirmative defense to prosecution
11 under subsection A of this section that the accused had express or
12 implied permission or legal authority to be on the property.

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

- 21 a. the accused has previously pled guilty, nolo
22 contendere, or has been convicted of any act of
23 trespass or has been found civilly liable of any act
24 of trespass, or

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

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

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

SECTION 2. This act shall become effective November 1, 2023.

COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE
February 8, 2023 - DO PASS AS AMENDED