

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 2114

By: Guthrie

6 AS INTRODUCED

7 An Act relating to game and fish; amending 21 O.S.
8 2021, Section 1835.2, which relates to trespass upon
9 private land primarily devoted to farming, ranching
10 or forestry; defining terms; amending 29 O.S. 2021,
11 Section 3-201, as amended by Section 265, Chapter
12 486, O.S.L. 2025 (29 O.S. Supp. 2025, Section 3-201),
13 which relates to game wardens; authorizing game
wardens to provide certain enforcement; updating
statutory language; prohibiting dogs from harassing
wildlife on trespassed land; providing certain
exemptions; authorizing game wardens to coordinate
with proper law enforcement; providing for
codification; and providing an effective date.

14
15
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1835.2, is
18 amended to read as follows:

19 Section 1835.2. A. Notwithstanding the provisions of Section
20 1835 of this title, the following provisions apply to private land
21 that is primarily devoted to farming, ranching, or forestry
22 purposes:

1 1. For the purposes of this section, the term "owner" or
2 "occupant" includes a person in lawful control of the land as
3 provided in Section 2 of this act;

4 2. Except as provided in this section, whoever willfully enters
5 private land of another that is primarily devoted to farming,
6 ranching, or forestry purposes without permission by the surface
7 owner, surface lessee, hunting lessee, or lawful occupant thereof
8 shall be deemed guilty of trespass and, upon conviction thereof,
9 shall be ~~fined~~ punished by a fine in any sum not less than Seven
10 Hundred Fifty Dollars (\$750.00) nor more than Two Thousand Dollars
11 (\$2,000.00), and in addition, the court shall order restitution for
12 actual damages incurred. Persons convicted of a second or
13 subsequent offense under this paragraph shall be guilty of a
14 misdemeanor and shall be punished by a fine in any sum not less than
15 One Thousand Five Hundred Dollars (\$1,500.00) nor more than Two
16 Thousand Five Hundred Dollars (\$2,500.00), or by confinement in the
17 county jail for not less than thirty (30) days nor more than six (6)
18 months, or by both such fine and imprisonment, and in addition, the
19 court shall order restitution for actual damages incurred;

20 2. 3. The provisions of paragraph ~~‡~~ 2 of this subsection shall
21 not apply to peace officers as defined in Section 99 of this title
22 or any federal, state, or local government employees engaged in the
23 performance of their duties, or to any firefighters, emergency
24 medical personnel, or public utility employees engaged in addressing

1 an emergency that presents an imminent danger to health, safety, or
2 the environment in the performance of their duties, or to parties
3 engaged in oil and gas operations, which shall include, without
4 limitation, exploration, drilling, production and sales activities,
5 under authority of mineral ownership, an oil and gas lease, seismic
6 agreement or permit, gas gathering, purchase, transportation, or
7 treating contracts, Corporation Commission order, or other lawful
8 authority from persons entitled to give the same. The provisions of
9 paragraph 4 of this subsection shall not prohibit railroad
10 employees and emergency equipment from entering such land to restore
11 rail service following an accident, derailment or natural disaster;
12 nor the entrance of utility employees or contractors while acting in
13 the scope of their employment; nor employees or contractors of valid
14 easement or license holders while acting in the scope of their
15 employment;

16 3. 4. The following persons may enter such land of another
17 unless forbidden to do so, either orally or in writing, by the owner
18 or lawful occupier thereof: registered land surveyors and
19 registered professional engineers for the purpose of land surveying
20 in the performance of their professional services, persons making a
21 delivery, selling a product or service, conducting a survey or poll,
22 working on behalf of a candidate for political office, or who
23 otherwise have a legitimate reason for entering and who, immediately
24 upon entering, seek to conduct such business; and

1 4. 5. Anyone who willfully or maliciously enters any such land
2 of another and therein commits or attempts to commit waste, theft,
3 or damage shall be deemed guilty of a misdemeanor and, upon
4 conviction thereof, shall be ~~fined~~ punished by a fine not less than
5 One Thousand Dollars (\$1,000.00), or by confinement in the county
6 jail for not less than thirty (30) days nor more than six (6)
7 months, or by both such fine and imprisonment, and in addition, the
8 court shall order restitution for actual damages incurred. Persons
9 convicted of a second or subsequent offense under this paragraph
10 shall be guilty of a misdemeanor and shall be punished by a fine of
11 not less than Two Thousand Five Hundred Dollars (\$2,500.00), or by
12 confinement in the county jail for not less than thirty (30) days
13 nor more than six (6) months, or by both such fine and imprisonment,
14 and in addition, the court shall order restitution for actual
15 damages.

16 B. This section shall not be construed to prohibit acts that
17 are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the
18 Oklahoma Statutes.

19 C. 1. It shall be an affirmative defense to prosecution under
20 paragraph ~~4~~ 2 of subsection A of this section that the accused had
21 express or implied permission or legal authority to be on the
22 property.

23 2. If an accused reasonably believed he or she was upon
24 property for which ~~they~~ he or she had permission to be upon, it

1 shall be an affirmative defense to prosecution under paragraph 1 2
2 of subsection A of this section that the accused had with him or
3 her, on his or her person, written permission from the surface
4 owner, surface lessee, hunting lessee, or lawful occupant to be upon
5 such person's land while the accused was upon any adjoining
6 property. This defense shall not be available to the accused if:

- 7 a. the accused has previously pled guilty, nolo
8 contendere, or has been convicted of any act of
9 trespass or has been found civilly liable of any act
10 of trespass, or
- 11 b. the accused, while the accused was upon the adjoining
12 property, does not have with him or her, on his or her
13 person, the written permission specified in this
14 paragraph.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2-128.1 of Title 29, unless
17 there is created a duplication in numbering, reads as follows:

18 "Person in lawful control of the land" means the landowner,
19 tenant, or any individual holding a valid written hunting lease,
20 fishing lease, agricultural lease, grazing lease, recreational-use
21 lease, or other written agreement granting authority to be upon or
22 use the land.

1 SECTION 3. AMENDATORY 29 O.S. 2021, Section 3-201, as
2 amended by Section 265, Chapter 486, O.S.L. 2025 (29 O.S. Supp.
3 2025, Section 3-201), is amended to read as follows:

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

7 B. All persons appointed game wardens shall be peace officers
8 and have the full powers of peace officers of ~~the State of Oklahoma~~
9 this state in the enforcement of the provisions of ~~this Code the~~
10 Oklahoma Wildlife Conservation Code and are authorized to:

11 1. Enforce all state laws on Department-owned or Department-
12 managed lands;

13 2. Enforce all other laws of this state;

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

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

22 5. Make a complaint and cause proceedings to be commenced
23 against any person for violation of any of the laws for the
24 protection and propagation of wildlife, with the sanction of the

1 prosecuting or district attorney of the county in which the
2 proceedings are brought, and shall not be required to give security
3 for costs;

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

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

9 C. 1. Pursuant to the provisions of this subsection, a game
10 warden may operate a vehicle owned or leased by the Department upon
11 a roadway during the hours of darkness without lighted headlamps,
12 clearance lamps, or other illuminating devices. As used in this
13 paragraph, "roadway" shall include any street or highway in this
14 state except an interstate highway, a limited access highway, a
15 state trunk highway, or any street or highway within the limits of
16 an incorporated area.

17 2. Pursuant to the provisions of this subsection, a game warden
18 may operate a vessel upon any waters of this state during the hours
19 of darkness without the illuminating devices required by Section
20 4207 of Title 63 of the Oklahoma Statutes.

21 3. A game warden may operate a vehicle or vessel without the
22 illuminating devices specified in this subsection only if the
23 operation:

- 1 a. is made in the performance of the duties of the game
2 warden pursuant to the provisions of the Code, and
3 b. (1) will aid in the accomplishment of a lawful arrest
4 for any violation of the Code or any rule or
5 regulation promulgated thereto, or
6 (2) will aid in ascertaining whether a violation of
7 the Code or any rule or regulation promulgated
8 thereto has been or is about to be committed.

9 D. Any person who refuses to stop a vehicle or boat when
10 requested to do so by a game warden in the performance of the duties
11 of the game warden is guilty of a misdemeanor and upon conviction ~~is~~
12 punishable shall be punished by a fine ~~of~~ not less than One Hundred
13 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

14 E. Any game warden who solicits or accepts any bribe or money
15 or other thing of value in connection with the performance of duty
16 as a game warden shall be guilty of a Class C2 felony offense and,
17 upon conviction, shall be sentenced to a term of imprisonment as
18 provided for in subsections B through F of Section 20M of Title 21
19 of the Oklahoma Statutes and shall be summarily removed from office.

20 F. Pursuant to the provisions of subsection B of this section
21 and the Oklahoma Wildlife Conservation Code, a game warden shall not
22 have authority to use or place a game or wildlife camera on private
23 property without the permission of the owner or controller of the

1 property or pursuant to a warrant issued by a court of competent
2 jurisdiction.

3 G. Game wardens may enforce the provisions of Section 4 of this
4 act relating to dogs harassing wildlife on lands without permission
5 and may take enforcement action upon complaint of a landowner or a
6 person in lawful control of the land.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 7-802 of Title 29, unless there
9 is created a duplication in numbering, reads as follows:

10 A. No person shall knowingly, recklessly, or negligently allow
11 any dog owned by, kept by, or under the control of the person to
12 pursue, harass, or otherwise disturb wildlife on lands the person
13 does not own or have permission to enter.

14 B. A violation of this section shall be punishable by a fine
15 not to exceed Two Hundred Fifty Dollars (\$250.00). Each separate
16 occurrence may be charged as a distinct offense.

17 C. For purposes of this section, permission may be granted by
18 the landowner or by any person in lawful control of the land as
19 defined in Section 2 of this act to allow for the presence of any
20 person or dog on such land.

21 D. The provisions of this section shall not apply to:

22 1. Dogs lawfully engaged in hunting activities on lands where
23 permission has been granted;

1 2. Dogs engaged in livestock-protection duties on lands where
2 such duties are authorized; or

3 3. Law enforcement animals performing official duties.

4 E. When the owner or person responsible for the dog cannot be
5 immediately identified, a game warden may take reasonable measures
6 to detain, impound, or coordinate the impoundment of the dog in
7 cooperation with local law enforcement, animal control officers, or
8 county sheriff's departments, for the purpose of preventing
9 continued harassment of wildlife and identifying the owner.

10 SECTION 5. This act shall become effective November 1, 2026.

12 60-2-2767

12 YG

12 1/15/2026 12:53:54 PM