

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

COMMITTEE AMENDMENT

MR
(R#357) (Date)

I move to amend Senate Bill No. 197, by the attached floor substitute for the title, enacting clause, and entire body of the measure.

Submitted by:

Michael Bergstrom
Senator Bergstrom

I hereby grant permission for the floor substitute to be adopted.

[Signature]
Senator Bullard, Chair (required)
[Signature]
Senator Pederson
[Signature]
Senator Bergstrom

Senator Garvin

Senator Gollihare

Senator Matthews

[Signature]
Senator Pemberton
[Signature]
Senator Stephens

Senator Dahm

Senator Dossett
[Signature]
Senator Dugger

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Tourism and Wildlife committee majority requires six (6) members' signatures.

Bergstrom-MR-FS-SB197
2/13/2024 11:31 AM

(Floor Amendments Only) Date and Time Filed: 2-14-24 1:53pm *AS*

Untimely Amendment Cycle Extended Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 197

6 By: Bergstrom

7 FLOOR SUBSTITUTE

8 [Oklahoma Wildlife Conservation Code - land - game
9 warden - effective date]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 29 O.S. 2021, Section 5-202, is
13 amended to read as follows:

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

17 B. For purposes of this section, consent shall be presumed to
18 be valid for not more than one (1) year, unless the owner, lessee,
19 or occupant specifically grants consent for a specified period of
20 time.

21 C. Excluding land primarily devoted to farming, ranching, or
22 forestry purposes as set forth in Section 1835.2 of Title 21 of the
23 Oklahoma Statutes, areas exempt from the provisions of subsection A
24

1 of this section are lands belonging to this state which are not
2 leased and occupied by a resident, excluding school land.

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

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

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

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

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.~~ H. 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.~~ I. 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~~ he or she had permission to be upon, it
15 shall be an affirmative defense to prosecution under subsection A of
16 this section that the accused had with him or her, on his or her
17 person, written permission from the surface owner, surface lessee,
18 hunting lessee, or lawful occupant to be upon such person's land
19 while the accused was upon any adjoining property. This defense
20 shall not be 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

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 ~~I.~~ J. 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 ~~J.~~ K. 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, 2024.
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20 59-2-3517 MR 2/14/2024 2:51:09 PM
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