

1 **SENATE FLOOR VERSION**

2 February 8, 2023

3 **AS AMENDED**

4 SENATE BILL NO. 197

5 By: Bergstrom

6 **[ Oklahoma Wildlife Conservation Code - recreational**  
7 **activity upon the land of another - game warden -**  
8 **firearm - effective date ]**

9  
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  
24 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  
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

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.~~ 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       ~~J.~~ L. 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  
20 February 8, 2023 - DO PASS AS AMENDED  
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