

An Act

ENROLLED SENATE
BILL NO. 839

By: Dahm, Hamilton and Jett of
the Senate

and

Roberts (Sean) and McDugle
of the House

An Act relating to game wardens; amending 29 O.S. 2011, Section 3-201, which relates to authority of game wardens; prohibiting cameras on private property without permission; and providing an effective date.

SUBJECT: Prohibiting placement of game or wildlife camera on private property without permission

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 3-201, is amended to read as follows:

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

B. All persons appointed game wardens shall be peace officers and have the full powers of peace officers of the State of Oklahoma in the enforcement of the provisions of this Code and are authorized to:

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

2. Enforce all other laws of this state;

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

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

5. Make a complaint and cause proceedings to be commenced against any person for violation of any of the laws for the protection and propagation of wildlife, with the sanction of the prosecuting or district attorney of the county in which the proceedings are brought, and shall not be required to give security for costs;

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

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

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

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

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

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

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

E. Any game warden who solicits or accepts any bribe or money or other thing of value in connection with the performance of duty as a game warden shall be guilty of a felony and, upon conviction, shall be sentenced to a term not less than two (2) years nor more than seven (7) years in the custody of the Department of Corrections and shall be summarily removed from office.

F. Pursuant to the provisions of subsection B of this section and the Oklahoma Wildlife Conservation Code, a game warden shall not have authority to use or place a game or wildlife camera on private property without the permission of the owner or controller of the property or pursuant to a warrant issued by a court of competent jurisdiction.

SECTION 2. This act shall become effective November 1, 2021.

Passed the Senate the 3rd day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____