

1 ENGROSSED SENATE AMENDMENTS  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 1854

By: Fetgatter of the House

and

Murdock of the Senate

4  
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6  
7 An Act relating to game and fish; amending 29 O.S.  
8 2011, Section 4-101, as last amended by Section 1,  
Chapter 341, O.S.L. 2013 (29 O.S. Supp. 2018, Section  
9 4-101), which relates to licenses; authorizing  
10 submission of license or permit to a Department of  
Wildlife Conservation officer; authorizing certain  
11 electronic transfers; amending Section 2, Chapter  
200, O.S.L. 2012 (29 O.S. Supp. 2018, Section 5-  
12 202.1), which relates to license revocation;  
authorizing submission of license or permit to a  
13 Department of Wildlife Conservation officer;  
authorizing certain electronic transfers; amending 29  
14 O.S. 2011, Section 7-205, as amended by Section 2,  
Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2018, Section  
15 7-205), which relates to capture or mutilation of  
protected wildlife; authorizing submission of license  
16 or permit to a Department of Wildlife Conservation  
officer; authorizing certain electronic transfers;  
and providing an effective date.

17  
18 AMENDMENT NO. 1. Page 6, line 13, delete the words "document and"  
and insert the word "conviction".

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20 AMENDMENT NO. 2. Page 8, line 3, delete the words "document and"  
and insert the word "conviction".

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22 AMENDMENT NO. 3. Page 10, line 3, delete the words "document and"  
and insert the word "conviction".

23  
24 AMENDMENT NO. 4. Page 1, strike the title to read:

1 "[ game and fish - submission of license or permit -  
2 license revocation - electronic transfers - effective  
3 date ]"

4 Passed the Senate the 17th day of April, 2019.

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Presiding Officer of the Senate

7 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
8 2019.

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Presiding Officer of the House  
12 of Representatives

1 ENGROSSED HOUSE  
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17 Department of Wildlife Conservation officer;  
18 authorizing certain electronic transfers; amending 29  
19 O.S. 2011, Section 7-205, as amended by Section 2,  
20 Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2018, Section  
21 7-205), which relates to capture or mutilation of  
22 protected wildlife; authorizing submission of license  
23 or permit to a Department of Wildlife Conservation  
24 officer; authorizing certain electronic transfers;  
and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-101, as  
last amended by Section 1, Chapter 341, O.S.L. 2013 (29 O.S. Supp.  
2018, Section 4-101), is amended to read as follows:

Section 4-101. A. All licenses and permits issued by the  
Director of Wildlife Conservation, the Department of Wildlife

1 Conservation or by any of its agents shall be used only in  
2 conformity with the provisions of this title and the rules  
3 promulgated by the Oklahoma Wildlife Conservation Commission.

4 B. All persons making application for any licenses required by  
5 this section shall produce a valid license to operate a motor  
6 vehicle or other positive proof of identification, age and  
7 residency, and any such license issued shall show such data as well  
8 as the date and time of issuance.

9 C. All licenses are nontransferable. No person shall alter,  
10 change, lend or transfer any license. No person shall use or borrow  
11 a license which has not been issued to that person by the Director,  
12 the Department or by any of its agents pursuant to the provisions of  
13 this section.

14 D. No person may engage in activities requiring a license  
15 without that person's carrying such license on their person and  
16 producing the same for an inspection upon the demand of any Oklahoma  
17 citizen or game warden.

18 E. Any person required to produce a license must also identify  
19 themselves as the person to whom such license was issued, and  
20 failure or refusal to comply shall be deemed prima facie evidence of  
21 a violation of this section.

22 F. Unless otherwise provided in this Code:

23 1. Hunting licenses issued pursuant to paragraph 1 of  
24 subsection C and paragraphs 1 and 3 of subsection E of Section 4-112

1 of this title and paragraphs 1 and 3 of subsection B of Section 4-  
2 113 of this title shall expire on December 31 of the year issued.  
3 Hunting licenses issued pursuant to paragraph 2 of subsection C and  
4 paragraphs 2 and 4 of subsection E of Section 4-112 of this title  
5 and paragraphs 2 and 4 of subsection B of Section 4-113 of this  
6 title shall expire on June 30 of the fiscal year issued. All other  
7 licenses shall terminate December 31 for the year issued; and

8       2. Any person convicted of violating any of the provisions of  
9 this title may have any or all licenses held by that person or the  
10 privilege of applying for, purchasing or exercising the benefits  
11 conferred by the licenses revoked by the Department in accordance  
12 with rules promulgated by the Commission or by a court of competent  
13 jurisdiction for a period of not less than one (1) year. For  
14 purposes of this paragraph, a court conviction, a plea of guilty, a  
15 plea of nolo contendere, the imposition of a deferred or suspended  
16 sentence by a court, or forfeiture of bond shall be deemed a  
17 conviction.

18       G. Should any license or permit issued pursuant to Part 1 of  
19 Article IV of this title be lost or destroyed, duplicates will be  
20 issued by the Department at a fee of One Dollar and fifty cents  
21 (\$1.50).

22       H. Upon harvesting any whitetail or mule deer, or any other  
23 wildlife where the hunter, according to Commission rules, is  
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1 required to check the wildlife in at a Department check station, the  
2 taker of the wildlife shall:

3 1. Securely attach the name of the taker, time of harvest, date  
4 of harvest and license number to the carcass of the wildlife;

5 2. Check in the carcass of the wildlife electronically using  
6 the online check station provided on the official website of the  
7 Oklahoma Department of Wildlife Conservation or as prescribed by  
8 rule of the Commission, within twenty-four (24) hours of leaving the  
9 hunt area and in all cases prior to processing the carcass; and

10 3. Not remove evidence of the sex of the animal until after the  
11 carcass of the animal has been checked in.

12 I. It shall be unlawful for any license or permit holder to  
13 knowingly make a false statement or give false information to any  
14 authorized hunter check station or to an authorized Department  
15 employee when complying with the provisions of subsection H of this  
16 section. Information which may be collected at a Department check  
17 station shall include but not be limited to the name, address,  
18 license or permit number and signature of the taker, the date, time,  
19 county, method or weapon of the kill, sex and weight of carcass,  
20 whether or not the animal was taken on public hunting land and if so  
21 in what area, or any other information which may be required by the  
22 Commission.

23 J. 1. Any person convicted of violating the provisions of this  
24 section or of making a false statement or giving any false

1 information in order to acquire any license or permit, pursuant to  
2 the provisions of this section, shall be punishable by a fine of not  
3 less than One Hundred Dollars (\$100.00) nor more than Two Hundred  
4 Fifty Dollars (\$250.00), or by imprisonment in the county jail for a  
5 period not to exceed ten (10) days, or by both such fine and  
6 imprisonment. Any person convicted of a second or subsequent  
7 violation of the provisions of this section or of making a false  
8 statement or giving any false information in order to acquire any  
9 license or permit, pursuant to the provisions of this section, shall  
10 be punishable by a fine of not less than Two Hundred Fifty Dollars  
11 (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00), or by  
12 imprisonment in the county jail for a period not to exceed ten (10)  
13 days, or by both such fine and imprisonment.

14 2. Any hunting or fishing license issued to a person by the  
15 Department of Wildlife Conservation shall be automatically revoked  
16 upon conviction of the person of violating the provisions of this  
17 section. The revocation shall be for a period set by the court of  
18 not less than one (1) year nor more than ten (10) years. If the  
19 court does not set a period, the revocation shall be for one (1)  
20 year from the date of the conviction. During this period of  
21 revocation, the Department shall not issue the person a hunting or  
22 fishing license. If the court does not set a revocation period, the  
23 Department shall not issue that person a license within one (1) year  
24 of the conviction of the person pursuant to this section. A person

1 who has a license or permit revoked pursuant to this section shall  
2 surrender the revoked license or permit to the court, or the court  
3 may order the defendant to surrender the license or permit directly  
4 to an officer from the Department of Wildlife Conservation present  
5 at the hearing. ~~The~~ If the license or permit is surrendered to the  
6 court, the court shall send the Department of Wildlife Conservation  
7 the revoked license and. The court shall also send the Department a  
8 copy of the judgment of conviction. For purposes of this section,  
9 "conviction" shall include a plea of guilty or nolo contendere to an  
10 offense or the imposition of deferred adjudication for an offense.  
11 In lieu of sending a paper copy of the documents and information  
12 required by this subsection, the court clerk may transmit the  
13 document and information by using an electronic method authorized by  
14 the Department of Wildlife Conservation.

15 K. Any person who has had their license privileges revoked  
16 shall not be entitled to purchase, apply for, or exercise the  
17 benefits conferred by any license until the revocation period has  
18 expired or the person has obtained approval from the Director. Any  
19 person violating the provisions of this subsection, upon conviction,  
20 shall be punished by a fine of not more than Five Hundred Dollars  
21 (\$500.00), or by imprisonment in a county jail for a term of not  
22 more than ninety (90) days or by both the fine and imprisonment.  
23 Upon conviction under this subsection, the previously granted  
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1 license revocation period shall be extended by two (2) additional  
2 years.

3 SECTION 2. AMENDATORY Section 2, Chapter 200, O.S.L.  
4 2012 (29 O.S. Supp. 2018, Section 5-202.1), is amended to read as  
5 follows:

6 Section 5-202.1 A. Any hunting or fishing license issued to a  
7 person by the Department of Wildlife Conservation shall be  
8 automatically revoked on final conviction of the person of an  
9 offense under subsection J of Section 5-202 of ~~Title 29 of the~~  
10 ~~Oklahoma Statutes~~ this title. The revocation shall be for a period  
11 set by the court of not less than one (1) year or more than ten (10)  
12 years. If the court does not set a period, the revocation shall be  
13 for one (1) year from the date the conviction becomes final. During  
14 this period of revocation, the Department shall not issue that  
15 person a hunting or fishing license. If the court does not set a  
16 period, the Department shall not issue that person a license before  
17 the first anniversary of the date the conviction becomes final.

18 B. A person who has a license or permit revoked under this  
19 section shall surrender the revoked license or permit to the court,  
20 or the court may order the defendant to surrender the license or  
21 permit directly to an officer from the Department of Wildlife  
22 Conservation present at the hearing. ~~The~~ If the license or permit  
23 is surrendered to the court, the court shall send the Department of  
24 Wildlife Conservation the revoked license ~~and~~. The court shall also

1 send the Department a copy of the judgment of conviction. In lieu  
2 of sending a paper copy of the documents and information required by  
3 this subsection, the court clerk may transmit the document and  
4 information by using an electronic method authorized by the  
5 Department of Wildlife Conservation.

6 C. For purposes of this section, "final conviction" shall  
7 include a plea of guilty or nolo contendere to or the imposition of  
8 deferred adjudication for an offense.

9 SECTION 3. AMENDATORY 29 O.S. 2011, Section 7-205, as  
10 amended by Section 2, Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2018,  
11 Section 7-205), is amended to read as follows:

12 Section 7-205. A. Excluding furbearers and coyotes, no person  
13 may capture, kill, mutilate or destroy any wildlife protected by law  
14 and remove the head, claws, teeth, hide, antlers, horns or any or  
15 all of such parts from the body with the intent to abandon the body.

16 B. Excluding furbearers and coyotes, no person may capture or  
17 mutilate any living wildlife protected by law by removing the claws,  
18 teeth, hide, antlers, horns or any or all of such parts from the  
19 body.

20 C. No person may kill any wildlife protected by law and abandon  
21 the body without disposing of the body in the most appropriate  
22 manner.

23 D. Any person convicted of violating the provisions of this  
24 section shall be punished by a fine of not less than Five Hundred

1 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or  
2 by imprisonment in the county jail for not more than one (1) year,  
3 or by both fine and imprisonment.

4 E. Any hunting or fishing license issued to a person by the  
5 Department of Wildlife Conservation shall be automatically revoked  
6 upon conviction of the person of violating the provisions of this  
7 section. The revocation shall be for a period set by the court of  
8 not less than one (1) year nor more than ten (10) years. If the  
9 court does not set a period, the revocation shall be for one (1)  
10 year from the date of the conviction. During this period of  
11 revocation, the Department shall not issue the person a hunting or  
12 fishing license. If the court does not set a revocation period, the  
13 Department shall not issue that person a license within one (1) year  
14 of the conviction of the person pursuant to this section. A person  
15 who has a license or permit revoked pursuant to this section shall  
16 surrender the revoked license or permit to the court, or the court  
17 may order the defendant to surrender the license or permit directly  
18 to an officer from the Department of Wildlife Conservation present  
19 at the hearing. ~~The~~ If the license or permit is surrendered to the  
20 court, the court shall send the Department of Wildlife Conservation  
21 the revoked license and. The court shall also send the Department a  
22 copy of the judgment of conviction. For purposes of this section,  
23 "conviction" shall include a plea of guilty or nolo contendere to an  
24 offense or the imposition of deferred adjudication for an offense.

1 In lieu of sending a paper copy of the documents and information  
2 required by this subsection, the court clerk may transmit the  
3 document and information by using an electronic method authorized by  
4 the Department of Wildlife Conservation.

5 SECTION 4. This act shall become effective November 1, 2019.

6 Passed the House of Representatives the 7th day of March, 2019.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2019.

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Presiding Officer of the Senate

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