

1 **SENATE FLOOR VERSION**

2 February 28, 2022

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1809

6 By: Garvin

7 An Act relating to hunting; amending 29 O.S. 2021,
8 Section 4-135, which relates to permits to control
9 nuisance wildlife; modifying language; requiring
10 certain written permission; amending 29 O.S. 2021,
11 Section 5-203.1, which relates to headlighting;
12 providing certain exception; updating statutory
13 references; removing certain allowance for hunting
14 predatory animals; increasing penalties; requiring
15 confiscation upon conviction; directing a district
16 court to suspend, revoke, or deny a license upon
17 request and conviction; stating minimum and maximum
18 period of suspension, revocation, or denial;
19 providing for reinstatement; setting fees; making
20 reinstatement fees in addition to other license fees;
21 authorizing certain persons to control nuisance
22 coyotes or feral swine without a permit; requiring
23 agricultural exemption permit issued by the Oklahoma
24 Tax Commission for nuisance control; providing
exception for headlighting; providing certain
limitation; prohibiting nuisance control at night for
persons convicted within certain period of time;
providing for codification; and providing an
effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2021, Section 4-135, is
amended to read as follows:

1 Section 4-135. A. The Department of Wildlife Conservation is
2 authorized to issue permits to landowners, agricultural lessees, or
3 their designated agents with written permission of the landowner or
4 agricultural lessee and to any entity of state, county, or local
5 government to control nuisance or damage by any species of wildlife
6 including, but not limited to, beaver, coyote, deer, bobcat,
7 raccoon and crow under rules promulgated by the Oklahoma Wildlife
8 Conservation Commission. The permits may be issued without
9 limitation by statewide season regulations, bag limits or methods of
10 taking. A permitted landowner, agricultural lessee or a designated
11 agent with written permission of the landowner or agricultural
12 lessee may, with a valid permit issued pursuant to this section,
13 control the wildlife specified in this subsection and feral swine at
14 night to protect marketable agricultural crops, livestock, or
15 processed feed, seed or other materials used in the production of an
16 agricultural commodity.

17 B. Except as otherwise specified in this subsection, the permit
18 to hunt at night shall be valid for a period of up to one (1) year
19 from the date the permit was issued. ~~Each landowner, lessee, or~~
20 ~~designated agent~~ Landowners or agricultural lessees with a valid
21 permit shall be required to have a current agricultural exemption
22 permit issued by the Oklahoma Tax Commission.

23 C. Notwithstanding the provisions of Section 5-203.1 of this
24 title, a landowner, agricultural lessee, or designated agent with

1 written permission of the landowner ~~or lessee~~ and with a valid
2 permit may use a headlight carried on the person while hunting at
3 night. Nothing in this section shall authorize the use of a
4 headlight mounted on a vehicle or the use of a headlight from a
5 public roadway.

6 D. Any person who has been convicted of, or pled guilty to, a
7 violation of Section 5-203.1 or Section 5-411 of this title within
8 the previous three (3) years shall not be eligible to receive a
9 permit pursuant to this section. The permit can be issued by the
10 local game warden in the county for which the permit is to be used
11 or by the Law Enforcement Division of the Department of Wildlife
12 Conservation.

13 E. ~~Notwithstanding the provisions of Section 1289.13 of Title~~
14 ~~21 of the Oklahoma Statutes, it~~ It shall be lawful for any private
15 landowner or designated employee of the landowner or lessee to have
16 a chamber-loaded firearm on property owned by the landowner, and to
17 use the firearm for the purpose of controlling nuisance or damage by
18 any wildlife or feral swine. Nothing in this section shall
19 authorize any convicted felon to carry a firearm.

20 SECTION 2. AMENDATORY 29 O.S. 2021, Section 5-203.1, is
21 amended to read as follows:

22 Section 5-203.1. A. ~~No~~ Except as provided in Section 3 of this
23 act, no person may attempt to take, take, attempt to catch, catch,
24 attempt to capture, capture, attempt to kill, or kill any deer,

1 feral animal or other wildlife except fish and frogs by the use of a
2 ~~vehicle mounted~~ vehicle-mounted spotlight or other powerful light at
3 night, by what is commonly known as "headlighting". Provided,
4 however, nothing in this section shall prevent one from possessing a
5 .22 caliber rimfire rifle or .22 pistol and a light carried while in
6 pursuit of furbearers with hounds during the legal, open furbearers
7 season, while possessing a valid hunting license.

8 B. ~~Any person may use a shotgun, using No. 6 size shot or~~
9 ~~smaller, longbow, light and a call for the purpose of hunting~~
10 ~~predatory animals, provided that written permission is obtained from~~
11 ~~the local game warden for each twenty-four-hour period of hunting.~~

12 ~~C.~~ It shall be illegal to hunt from a boat with a firearm from
13 sunset until one-half (1/2) hour before sunrise. This shall not
14 pertain to hunting of waterfowl enroute from bank to blind with
15 unloaded shotguns.

16 ~~D.~~ C. Except as ~~otherwise~~ provided for in this section and in
17 Section 3 of this act, no person may harass, attempt to capture,
18 capture, attempt to take or take, kill or attempt to kill any
19 wildlife with the aid of any motor-driven land, air or water
20 conveyance. A nonambulatory person may hunt from said conveyances
21 with written permission of the Director of Wildlife Conservation. A
22 person may hunt from an air conveyance if issued a permit pursuant
23 to Section ~~4~~ 4-107.2 of this ~~act~~ title. Nothing in this section
24 shall prevent the use of motor-driven land or water conveyances for

1 following dogs in the act of hunting, when use is restricted to
2 public roads or waterways. Motor-driven land or water conveyances
3 may be used on private property for following dogs in the act of
4 hunting with the permission of the landowner or occupant.

5 ~~E.~~ D. Employees of the Oklahoma Department of Agriculture,
6 Food, and Forestry Wildlife Services Division and the United States
7 Department of Agriculture Wildlife Services while engaged in
8 wildlife management activities for the protection of agriculture,
9 property, human health and safety and natural resources shall be
10 exempt from the provisions of this section.

11 ~~F.~~ E. Any person convicted of violating the provisions of this
12 section shall be guilty of a misdemeanor and shall be punished by a
13 fine of not less than ~~Two Hundred Fifty Dollars (\$250.00)~~ One
14 Thousand Dollars (\$1,000.00) for a first offense and not less than
15 ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Dollars (\$2,000.00) for
16 a second offense or by imprisonment in the county jail for not less
17 than ten (10) days nor more than one (1) year, ~~or~~ and by
18 confiscation pursuant to Section 5-402 of this title or by such
19 fine, imprisonment and confiscation.

20 F. A district court, upon request by the district attorney,
21 shall order the hunting and fishing license privileges of a person
22 convicted of a violation of this section suspended, revoked, or
23 denied for a period not less than one (1) year nor more than ten
24 (10) years. Upon completion of the period of suspension,

1 revocation, or denial of licensure, the person may apply for a new
2 hunting or fishing license or request a reinstatement of a lifetime
3 license, if the person previously held a lifetime license. The
4 person applying for a new or reinstated license shall be required to
5 pay a reinstatement fee of Two Hundred Dollars (\$200.00) for
6 residents of this state and a reinstatement fee of Five Hundred
7 Dollars (\$500.00) for nonresidents. This fee shall be in addition
8 to any other fees required for the hunting and fishing license.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 4-135.2 of Title 29, unless
11 there is created a duplication in numbering, reads as follows:

12 A. Except during deer gun seasons, a landowner, agricultural
13 lessee, or their designated agent with written permission from the
14 landowner or agricultural lessee may control nuisance or damage by
15 coyotes or feral swine without a permit as provided for in Section
16 4-135 of Title 29 of the Oklahoma Statutes during the day or night,
17 and without limitation by statewide season regulations or bag
18 limits, and with the use of any legal means of take, to protect
19 marketable agricultural crops, livestock or processed feed, seed, or
20 other materials used in the production of an agricultural commodity.
21 Landowners or agricultural lessees performing nuisance control
22 activities shall be required to have a current agricultural
23 exemption permit issued by the Oklahoma Tax Commission.

24

1 B. Notwithstanding the provisions of Section 5-203.1 of Title
2 29 of the Oklahoma Statutes, a landowner, agricultural lessee, or
3 designated agent of the landowner or lessee may use a headlight,
4 thermal, or light enhancement device carried on the person, a
5 vehicle with or without a mounted spotlight or night vision
6 equipment while controlling nuisance coyotes and feral swine at
7 night. Nothing in this subsection shall authorize the use of a
8 headlight, thermal or night vision equipment, or a spotlight from a
9 public roadway.

10 C. Any person who has been convicted of, or pleads guilty to, a
11 violation of Section 5-203.1 of Title 29 of the Oklahoma Statutes or
12 Section 5-411 of Title 29 of the Oklahoma Statutes within a previous
13 three-year period shall not control nuisance or damage by coyotes or
14 feral swine at night.

15 SECTION 4. This act shall become effective November 1, 2022.

16 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
17 February 28, 2022 - DO PASS AS AMENDED
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