

An Act

ENROLLED SENATE
BILL NO. 1809

By: Garvin and Stephens of the
Senate

and

Boles of the House

An Act relating to hunting; amending 29 O.S. 2021, Section 4-135, which relates to permits to control nuisance wildlife; modifying language; requiring certain written permission; amending 29 O.S. 2021, Section 5-203.1, which relates to headlighting; providing certain exception; updating statutory references; removing certain allowance for hunting predatory animals; increasing penalties; requiring confiscation upon conviction; directing a district court to suspend, revoke, or deny a license upon request and conviction; stating minimum and maximum period of suspension, revocation, or denial; providing for reinstatement; setting fees; making reinstatement fees in addition to other license fees; authorizing certain persons to control nuisance coyotes or feral swine without a permit; requiring agricultural exemption permit issued by the Oklahoma 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.

SUBJECT: Authorizing certain persons to control nuisance or damage by coyotes or feral swine without a permit and by certain means

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:

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

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

C. Notwithstanding the provisions of Section 5-203.1 of this title, a landowner, agricultural lessee, or designated agent with written permission of the landowner ~~or lessee~~ and with a valid permit may use a headlight carried on the person while hunting at night. Nothing in this section shall authorize the use of a headlight mounted on a vehicle or the use of a headlight from a public roadway.

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

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

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

Section 5-203.1. A. ~~No~~ Except as provided in Section 3 of this act, no person may attempt to take, take, attempt to catch, catch, attempt to capture, capture, attempt to kill, or kill any deer, feral animal or other wildlife except fish and frogs by the use of a ~~vehicle mounted~~ vehicle-mounted spotlight or other powerful light at night, by what is commonly known as "headlighting". Provided, however, nothing in this section shall prevent one from possessing a .22 caliber rimfire rifle or .22 pistol and a light carried while in pursuit of furbearers with hounds during the legal, open furbearers season, while possessing a valid hunting license.

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

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

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

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

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

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

F. A district court, upon request by the district attorney, shall order the hunting and fishing license privileges of a person convicted of a violation of this section suspended, revoked, or denied for a period not less than one (1) year nor more than ten (10) years. Upon completion of the period of suspension, revocation, or denial of licensure, the person may apply for a new hunting or fishing license or request a reinstatement of a lifetime license, if the person previously held a lifetime license. The person applying for a new or reinstated license shall be required to pay a reinstatement fee of Two Hundred Dollars (\$200.00) for residents of this state and a reinstatement fee of Five Hundred Dollars (\$500.00) for nonresidents. This fee shall be in addition to any other fees required for the hunting and fishing license.

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

A. Except during deer gun seasons, a landowner, agricultural lessee, or their designated agent with written permission from the

landowner or agricultural lessee may control nuisance or damage by coyotes or feral swine without a permit as provided for in Section 4-135 of Title 29 of the Oklahoma Statutes during the day or night, and without limitation by statewide season regulations or bag limits, and with the use of any legal means of take, to protect marketable agricultural crops, livestock or processed feed, seed, or other materials used in the production of an agricultural commodity. Landowners or agricultural lessees performing nuisance control activities shall be required to have a current agricultural exemption permit issued by the Oklahoma Tax Commission.

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

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

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

Passed the Senate the 8th day of March, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2022.

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: _____