

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 772

By: Murdock

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5  
6 AS INTRODUCED

7 An Act relating to nuisance wildlife; amending 29  
8 O.S. 2011, Sections 4-135 and 5-203.1, which relate  
9 to permits to control nuisance or damage by wildlife  
10 and headlighting; authorizing the control of coyote  
11 at night with permit; authorizing the taking of  
12 coyote at night with the use of light; updating  
13 statutory reference; providing for codification; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-135, is  
17 amended to read as follows:

18 Section 4-135. A. The Department of Wildlife Conservation is  
19 authorized to issue permits to landowners, lessees, or their  
20 designated agents and to any entity of state, county, or local  
21 government to control nuisance or damage by any species of wildlife  
22 including, but not limited to, beaver, coyote, deer, bobcat,  
23 raccoon, feral swine and crow under rules promulgated by the  
24 Oklahoma Wildlife Conservation Commission. The permits may be  
25 issued without limitation by statewide season regulations, bag

1 limits or methods of taking. A permitted landowner, lessee or a  
2 designated agent of the landowner or lessee may, with a valid permit  
3 issued pursuant to this section, control the wildlife specified in  
4 this subsection ~~and feral swine~~ at night to protect marketable  
5 agricultural crops, livestock, or processed feed, seed or other  
6 materials used in the production of an agricultural commodity.

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

13 C. Notwithstanding the provisions of Section 5-203.1 of this  
14 title, a landowner, lessee, or designated agent of the landowner or  
15 lessee with a valid permit may use a headlight carried on the person  
16 while hunting at night. Nothing in this section shall authorize the  
17 use of a headlight mounted on a vehicle or the use of a headlight  
18 from a public roadway.

19 D. Any person who has been convicted of, or pled guilty to, a  
20 violation of Section 5-203.1 or Section 5-411 of this title within  
21 the previous three (3) years shall not be eligible to receive a  
22 permit pursuant to this section. The permit can be issued by the  
23 local game warden in the county for which the permit is to be used  
24

1 or by the Law Enforcement Division of the Department of Wildlife  
2 Conservation.

3 E. Notwithstanding the provisions of Section 1289.13 of Title  
4 21 of the Oklahoma Statutes, it shall be lawful for any private  
5 landowner or designated employee of the landowner or lessee to have  
6 a chamber-loaded firearm on property owned by the landowner, and to  
7 use the firearm for the purpose of controlling nuisance or damage by  
8 any wildlife or feral swine. Nothing in this section shall  
9 authorize any convicted felon to carry a firearm.

10 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-203.1, is  
11 amended to read as follows:

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

22 B. Any person may use a shotgun, using No. 6 size shot or  
23 smaller, longbow, light and a call for the purpose of hunting  
24 predatory animals; provided, that written permission is obtained

1 from the local game warden for each twenty-four-hour period of  
2 hunting. Any gauge shotgun or caliber rifle may be used for the  
3 purpose of controlling coyotes and feral swine.

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

8 D. Except as otherwise provided for in this section, no person  
9 may harass, attempt to capture, capture, attempt to take or take,  
10 kill or attempt to kill any wildlife with the aid of any motor-  
11 driven land, air or water conveyance. A nonambulatory person may  
12 hunt from ~~said conveyances~~ any motor-driven land, air or water  
13 conveyance with written permission of the Director of Wildlife  
14 Conservation. A person may hunt from an air conveyance if issued a  
15 permit pursuant to Section ~~1 of this act~~ 4-107.2 of this title.

16 Nothing in this section shall prevent the use of motor-driven land  
17 or water conveyances for following dogs in the act of hunting, when  
18 use is restricted to public roads or waterways. Motor-driven land  
19 or water conveyances may be used on private property for following  
20 dogs in the act of hunting with the permission of the landowner or  
21 occupant.

22 E. Employees of the Oklahoma Department of Agriculture, Food,  
23 and Forestry Wildlife Services Division and the United States  
24 Department of Agriculture Wildlife Services while engaged in

1 wildlife management activities for the protection of agriculture,  
2 property, human health and safety and natural resources shall be  
3 exempt from the provisions of this section.

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

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

15 A. Except during deer gun season, a private property landowner,  
16 lessee or their designated agent may control nuisance or damage by  
17 coyotes or feral swine without a permit as provided for in Section  
18 4-135 of Title 29 of the Oklahoma Statutes during the day or night,  
19 and without limitation by statewide season regulations, bag limits  
20 or methods of taking to protect marketable agricultural crops,  
21 livestock or processed feed, seed or other materials used in the  
22 production of an agricultural commodity.

23 B. Notwithstanding the provisions of Section 5-203.1 of Title  
24 29 of the Oklahoma Statutes, a landowner, lessee or designated agent

1 of the landowner or lessee may use a headlight carried on the  
2 person, a vehicle with or without a mounted spotlight or night  
3 vision equipment while controlling coyotes and feral swine at night.  
4 Nothing in this section shall authorize the use of a headlight,  
5 night vision equipment or a spotlight from a public roadway.

6 C. Any person who has been convicted of, or pled guilty to, a  
7 violation of Section 5-203.1 or Section 5-411 of Title 29 of the  
8 Oklahoma Statutes within the previous three (3) years shall not  
9 control nuisance or damage by coyotes or feral swine at night.

10 SECTION 4. This act shall become effective November 1, 2021.

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