

# An Act

ENROLLED SENATE  
BILL NO. 812

By: Murdock of the Senate

and

Fetgatter of the House

An Act relating to game and fish; amending 29 O.S. 2011, Section 4-101, as amended by Section 1, Chapter 341, O.S.L. 2013 (29 O.S. Supp. 2020, Section 4-101), which relates to licenses; authorizing submission of license or permit to a Department of Wildlife Conservation officer; authorizing certain electronic transfers; amending Section 2, Chapter 200, O.S.L. 2012 (29 O.S. Supp. 2020, Section 5-202.1), which relates to license revocation; authorizing submission of license or permit to a Department of Wildlife Conservation officer; authorizing certain electronic transfers; amending 29 O.S. 2011, Section 7-205, as amended by Section 2, Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2020, Section 7-205), which relates to capture or mutilation of protected wildlife; authorizing submission of license or permit to a Department of Wildlife Conservation officer; authorizing certain electronic transfers; and providing an effective date.

SUBJECT: Modifying license revocation process

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-101, as amended by Section 1, Chapter 341, O.S.L. 2013 (29 O.S. Supp. 2020, 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 Conservation or by any of its agents shall be used only in conformity with the provisions of this title and the rules promulgated by the Oklahoma Wildlife Conservation Commission.

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

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

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

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

F. Unless otherwise provided in this Code:

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

2. Any person convicted of violating any of the provisions of this title may have any or all licenses held by that person or the

privilege of applying for, purchasing or exercising the benefits conferred by the licenses revoked by the Department in accordance with rules promulgated by the Commission or by a court of competent jurisdiction for a period of not less than one (1) year. For purposes of this paragraph, a court conviction, a plea of guilty, a plea of nolo contendere, the imposition of a deferred or suspended sentence by a court, or forfeiture of bond shall be deemed a conviction.

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

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

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

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

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

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

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

2. Any hunting or fishing license issued to a person by the Department of Wildlife Conservation shall be automatically revoked upon conviction of the person of violating the provisions of this section. The revocation shall be for a period set by the court of not less than one (1) year nor more than ten (10) years. If the court does not set a period, the revocation shall be for one (1) year from the date of the conviction. During this period of revocation, the Department shall not issue the person a hunting or fishing license. If the court does not set a revocation period, the Department shall not issue that person a license within one (1) year of the conviction of the person pursuant to this section. A person who has a license or permit revoked pursuant to this section shall surrender the revoked license or permit to the court, or the court may order the defendant to surrender the license or permit directly to an officer from the Department of Wildlife Conservation present at the hearing. The If the license or permit is surrendered to the court, the court shall send the Department of Wildlife Conservation the revoked license and. The court shall also send the Department a copy of the judgment of conviction. For purposes of this section, "conviction" shall include a plea of guilty or nolo contendere to an offense or the imposition of deferred adjudication for an offense. In lieu of sending a paper copy of the documents and information required by this subsection, the court clerk may transmit the conviction information by using an electronic method authorized by the Department of Wildlife Conservation.

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

SECTION 2. AMENDATORY Section 2, Chapter 200, O.S.L. 2012 (29 O.S. Supp. 2020, Section 5-202.1), is amended to read as follows:

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

B. A person who has a license or permit revoked under this section shall surrender the revoked license or permit to the court, or the court may order the defendant to surrender the license or permit directly to an officer from the Department of Wildlife Conservation present at the hearing. ~~The~~ If the license or permit is surrendered to the court, the court shall send the Department of Wildlife Conservation the revoked license and. The court shall also send the Department a copy of the judgment of conviction. In lieu of sending a paper copy of the documents and information required by this subsection, the court clerk may transmit the conviction information by using an electronic method authorized by the Department of Wildlife Conservation.

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

SECTION 3. AMENDATORY 29 O.S. 2011, Section 7-205, as amended by Section 2, Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2020, Section 7-205), is amended to read as follows:

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

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

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

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both fine and imprisonment.

E. Any hunting or fishing license issued to a person by the Department of Wildlife Conservation shall be automatically revoked upon conviction of the person of violating the provisions of this section. The revocation shall be for a period set by the court of not less than one (1) year nor more than ten (10) years. If the court does not set a period, the revocation shall be for one (1) year from the date of the conviction. During this period of revocation, the Department shall not issue the person a hunting or fishing license. If the court does not set a revocation period, the Department shall not issue that person a license within one (1) year of the conviction of the person pursuant to this section. A person who has a license or permit revoked pursuant to this section shall surrender the revoked license or permit to the court, or the court

may order the defendant to surrender the license or permit directly to an officer from the Department of Wildlife Conservation present at the hearing. The If the license or permit is surrendered to the court, the court shall send the Department of Wildlife Conservation the revoked license and. The court shall also send the Department a copy of the judgment of conviction. For purposes of this section, "conviction" shall include a plea of guilty or nolo contendere to an offense or the imposition of deferred adjudication for an offense. In lieu of sending a paper copy of the documents and information required by this subsection, the court clerk may transmit the conviction information by using an electronic method authorized by the Department of Wildlife Conservation.

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

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

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Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2021.

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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: \_\_\_\_\_