

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 879

By: Allen of the Senate

and

Tadlock of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to game and fish; amending 29 O.S.
12 2011, Section 5-201, as last amended by Section 2,
13 Chapter 165, O.S.L. 2016 (29 O.S. Supp. 2018, Section
14 5-201), which relates to the means of taking
15 wildlife; adding exception; amending 29 O.S. 2011,
16 Section 5-405, which relates to furbearers; providing
17 for trapping pursuant to rules promulgated by the
18 Commission; removing exception; removing requirement
19 to sell or dispose of pelts in a certain amount of
20 time; amending 29 O.S. 2011, Section 4-113, which
21 relates to hunting and fishing annual combination
22 licenses; creating annual landowner combination
23 license; providing persons for which the license may
24 be assigned; restricting validity of license to
certain land; establishing fee; providing limit for
the amount of licenses issued; authorizing the
Department of Wildlife Conservation to require
verification; requiring the Department to promulgate
rules; repealing 29 O.S. 2011, Sections 5-501, as
amended by Section 2, Chapter 132, O.S.L. 2015 and 5-
502, as last amended by Section 3, Chapter 132,
O.S.L. 2015 (29 O.S. Supp. 2018, Sections 5-501 and
5-502), which relate to permission to trap on
inhabited lands and trapping devices; and providing
an effective date.

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

2 SECTION 1. AMENDATORY 29 O.S. 2011, Section 5-201, as
3 last amended by Section 2, Chapter 165, O.S.L. 2016 (29 O.S. Supp.
4 2018, Section 5-201), is amended to read as follows:

5 Section 5-201. A. Except as otherwise provided for in this
6 section or in rules promulgated by the Wildlife Conservation
7 Commission, no person may utilize at any time, for the purpose of
8 killing or capturing any game mammal, game bird, nongame bird or
9 exotic wildlife, the following means:

- 10 1. Any trap, net, snare, cage, pitfall, baited hook or similar
11 device;
- 12 2. Any drug, poison, narcotic, explosive or similar substance;
- 13 3. Any swivel or punt gun of greater calibre than ten (10)
14 gauge;
- 15 4. Any device which generates electricity; or
- 16 5. Any device which noticeably suppresses noise from a firearm,
17 commonly known as a suppressor or silencer unless it is registered
18 in compliance with the requirements of federal law.

19 B. Except as otherwise provided for in this section, no person
20 shall hunt wildlife or exotic wildlife by computer-assisted remote
21 control hunting.

22 C. Except as otherwise provided for in this section, no person
23 shall engage in any activity that provides, sells, offers for sale,
24

1 assists in, or provides facilities for computer-assisted remote
2 control hunting of wildlife or exotic wildlife.

3 D. The following persons shall be exempt from the prohibition
4 in subsection A of this section:

5 1. The Director, departmental employees and authorized agents
6 when capturing wildlife for propagation or management purposes;

7 2. Any person, group or governmental agency the Director may by
8 written permit authorize, where any species of nongame birds are
9 causing a nuisance or undue economic loss, as may be determined by
10 the Director. Such permit shall state the method of control and
11 specific procedures and conditions as may be deemed appropriate by
12 the Director;

13 3. Any person possessing a scientific purposes license under
14 Section 4-118 of this title;

15 4. Employees of the Oklahoma Department of Agriculture, Food,
16 and Forestry Wildlife Services Division and the United States
17 Department of Agriculture Wildlife Services while engaged in
18 wildlife management activities for the protection of agriculture,
19 property, human health and safety and natural resources; or

20 5. Any person using nonlethal, nonchemical capture or restraint
21 of animals on licensed commercial hunt areas for management, viewing
22 or photographic purposes.

23 E. Nothing in this section shall be construed to exempt any
24 person using a device as described in paragraph 5 of subsection A of

1 this section from the requirements and provisions of federal law,
2 federal regulations and federal tax requirements for lawful use of
3 the device.

4 F. A person shall be exempt from the prohibition in subsection
5 B of this section if the person is permanently physically disabled
6 so that the person is physically incapable of using a firearm,
7 crossbow, or conventional bow as certified in writing by a physician
8 licensed to practice medicine. A person who has received
9 certification as provided for in this paragraph shall have in their
10 possession written evidence of the certification while in the field
11 hunting.

12 G. A person shall be exempt from the prohibition in subsection
13 C of this section if the person is engaged in providing facilities
14 for, assisting in, selling, or offering for sale a computer-assisted
15 remote control hunting activity for a person who is physically
16 disabled as described in subsection F of this section. The
17 physically disabled person shall be physically present where the
18 hunting activity is occurring and be in control and operating the
19 computer-assisted remote control means to take wildlife or exotic
20 wildlife.

21 H. 1. Any person convicted of violating the provisions of
22 subsection A of this section shall be punished by a fine of not less
23 than One Hundred Dollars (\$100.00) nor more than Five Hundred
24 Dollars (\$500.00).

1 2. Any person convicted of violating the provisions of
2 subsection B or C of this section shall be punished by a fine of not
3 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
4 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
5 exceeding one (1) year, or by both the fine and imprisonment. In
6 addition, the court may order that the hunting or fishing license
7 and privileges of any person convicted of violating the provisions
8 of subsection B or C of this section be revoked for a period of not
9 less than one (1) year but not exceeding five (5) years. The cost
10 of reinstating a hunting or fishing license revoked pursuant to this
11 subsection for residents shall be Two Hundred Dollars (\$200.00) for
12 each license and for nonresidents shall be Five Hundred Dollars
13 (\$500.00) for each license. The reinstatement fee shall be in
14 addition to any other fees required for the hunting or fishing
15 license.

16 3. Any person convicted of a wildlife offense which involves a
17 species of wildlife listed in Section 5-411 of this title, involves
18 a species of wildlife referenced in Section 5-412 of this title or
19 involves the unlawful possession, taking or killing of the wildlife
20 from an unlawful hunt, chase, trap, capture, shooting, killing or
21 slaughter while using a suppressed firearm during the commission of
22 the wildlife offense, in addition to any other penalty otherwise
23 provided for in law, shall be punished by a fine of not less than
24 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars

1 (\$1,000.00) or by imprisonment in the county jail not exceeding one
2 (1) year, or by both the fine and imprisonment. In addition, the
3 court may order that the hunting or fishing license and privileges
4 of the person be revoked for a period of not less than one (1) year
5 but not exceeding five (5) years.

6 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-405, is
7 amended to read as follows:

8 Section 5-405. A. ~~Except as otherwise provided, no person may~~
9 ~~hunt, kill, capture or otherwise take or destroy any furbearer,~~
10 ~~except from the first day of December to the last day of February,~~
11 ~~both dates inclusive~~ A person can hunt, kill, capture or otherwise
12 take or destroy any furbearer pursuant to this section or pursuant
13 to rules promulgated by the Wildlife Conservation Commission.

14 B. ~~Any person who takes a pelt or pelts during the season shall~~
15 ~~have ten (10) working days after the close of the season to sell or~~
16 ~~dispose of the pelts or to provide written notification to the~~
17 ~~Department of Wildlife Conservation that the person intends to hold~~
18 ~~the pelts for later sale. Written notification shall be made on a~~
19 ~~form prescribed by the Department.~~

20 C. Nothing contained in these provisions shall prevent the
21 killing of furbearers actually found destroying livestock, poultry
22 or exotic livestock, nor the running or chasing of fox, bobcat and
23 raccoon with dogs for sport only. For purposes of this section, the
24 term "exotic livestock" means commercially raised exotic livestock

1 including animals of the families bovidae, cervidae and
2 antilocapridae or birds of the ratite group.

3 SECTION 3. AMENDATORY 29 O.S. 2011, Section 4-113, is
4 amended to read as follows:

5 Section 4-113. A. Legal residents who are not the individuals
6 excepted from the license requirement as provided in subsection B of
7 Section 4-112 of this title may purchase an annual combination
8 hunting/fishing license from the Director or agents of the Director.

9 B. The fee for each combination hunting/fishing license issued
10 under this section shall be:

11 1. For legal residents eighteen (18) years of age and older for
12 a license that expires on December 31 of the year purchased - Forty-
13 one Dollars (\$41.00);

14 2. For residents eighteen (18) years of age and older for a
15 license that expires on June 30 of the fiscal year purchased -
16 Fifty-two Dollars (\$52.00);

17 3. For legal residents sixteen (16) or seventeen (17) years of
18 age for a license that expires on December 31 of the year purchased
19 - Thirteen Dollars (\$13.00); and

20 4. For legal residents sixteen (16) or seventeen (17) years of
21 age for a license that expires on June 30 of the fiscal year
22 purchased - Eighteen Dollars (\$18.00).

23 C. Legal residents and nonresidents may purchase an annual
24 combination hunting and fishing landowner license. The license

1 provided for in this subsection may be assigned to the landowner's
2 siblings and lineal ascendants or descendants and their spouses,
3 whether or not they are Oklahoma residents. The license shall only
4 be valid on the land for which it is issued. The license fee shall
5 be the same as any of the Oklahoma resident annual hunting license
6 fees provided in subsection B of this section. The total number of
7 annual combination hunting and fishing landowner licenses issued
8 shall not exceed one license for each eighty (80) acres owned by the
9 landowner. Evidence of ownership, sibling, lineal ascending or
10 descending relations or spousal relationship, if requested, shall be
11 provided to the Department of Wildlife Conservation. The Department
12 shall promulgate rules to enforce the provisions of this subsection.

13 D. Of the fees collected pursuant to the provisions of
14 paragraphs 1 and 2 of subsection B of this section, Five Dollars
15 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
16 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
17 created pursuant to the provisions of Section 4-141 of this title.

18 SECTION 4. REPEALER 29 O.S. 2011, Section 5-501, as
19 amended by Section 2, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2018,
20 Section 5-501), is hereby repealed.

21 SECTION 5. REPEALER 29 O.S. 2011, Section 5-502, as last
22 amended by Section 3, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2018,
23 Section 5-502), is hereby repealed.

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SECTION 6. This act shall become effective November 1, 2019.

57-1-8805 LRB 04/11/19