

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 879

By: Allen of the Senate

and

Tadlock of the House

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11                                   COMMITTEE SUBSTITUTE

12                   An Act relating to game and fish; amending 29 O.S.  
13                   2011, Section 5-201, as last amended by Section 2,  
14                   Chapter 165, O.S.L. 2016 (29 O.S. Supp. 2018, Section  
15                   5-201), which relates to the means of taking  
16                   wildlife; adding exception; amending 29 O.S. 2011,  
17                   Section 5-405, which relates to furbearers; providing  
18                   for trapping pursuant to rules promulgated by the  
19                   Commission; removing exception; removing requirement  
20                   to sell or dispose of pelts in a certain amount of  
21                   time; amending 29 O.S. 2011, Section 4-113, which  
22                   relates to hunting and fishing annual combination  
23                   licenses; creating annual landowner combination  
24                   license; providing persons for which the license may  
                 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.

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

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

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

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

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

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

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

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3 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/15/2019 - DO PASS,  
4 As Amended.  
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