

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 879 By: Allen of the Senate
3 and
4 Tadlock of the House
5

6 An Act relating to trapping; amending 29 O.S. 2011,
7 Section 5-201, as last amended by Section 2, Chapter
8 165, O.S.L. 2016 (29 O.S. Supp. 2018, Section 5-201),
9 which relates to the means of taking wildlife; adding
10 exception; amending 29 O.S. 2011, Section 5-405,
11 which relates to furbearers; providing for trapping
12 pursuant to rules promulgated by the Commission;
13 removing exception; removing requirement to sell or
14 dispose of pelts in a certain amount of time;
15 repealing 29 O.S. 2011, Sections 5-501, as amended by
16 Section 2, Chapter 132, O.S.L. 2015 and 5-502, as
17 last amended by Section 3, Chapter 132, O.S.L. 2015
18 (29 O.S. Supp. 2018, Sections 5-501 and 5-502), which
19 relate to permission to trap on inhabited lands and
20 trapping devices; and providing an effective date.

21 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
22 and replace with:

23 "An Act relating to game and fish; amending 29 O.S.
24 2011, Section 4-112, as last amended by Section 3,
Chapter 353, O.S.L. 2017 (29 O.S. Supp. 2018,
Section 4-112), which relates to hunting licenses;
increasing certain license fees; amending 29 O.S.
2011, Section 5-201, as last amended by Section 2,
Chapter 165, O.S.L. 2016 (29 O.S. Supp. 2018,
Section 5-201), which relates to the means of taking
wildlife; adding exception; amending 29 O.S. 2011,
Section 5-405, which relates to furbearers;
providing for trapping pursuant to rules promulgated
by the Commission; removing exception; removing
requirement to sell or dispose of pelts in a certain
amount of time; amending 29 O.S. 2011, Section 4-
113, which relates to hunting and fishing annual

1 combination licenses; decreasing certain license
2 fee; creating annual landowner combination license;
3 providing persons for which the license may be
4 assigned; restricting validity of license to certain
5 land; establishing fee; providing limit for the
6 amount of licenses issued; authorizing the
7 Department of Wildlife Conservation to require
8 verification; requiring the Department to promulgate
9 rules; repealing 29 O.S. 2011, Sections 5-501, as
10 amended by Section 2, Chapter 132, O.S.L. 2015 and
11 5-502, as last amended by Section 3, Chapter 132,
12 O.S.L. 2015 (29 O.S. Supp. 2018, Sections 5-501 and
13 5-502), which relate to permission to trap on
14 inhabited lands and trapping devices; and providing
15 an effective date.

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

17 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-112, as
18 last amended by Section 3, Chapter 353, O.S.L. 2017 (29 O.S. Supp.
19 2018, Section 4-112), is amended to read as follows:

20 Section 4-112. A. Except as otherwise provided for in the
21 Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae
22 Act, no person may hunt, pursue, trap, harass, catch, kill, take or
23 attempt to take in any manner, use, have in possession, sell, or
24 transport all or any portion of any wildlife except fish, without
having first procured a license from the Department of Wildlife
Conservation. The Wildlife Conservation Commission shall designate
a consecutive Saturday and Sunday in September of each year as free
hunting days in which residents of this state may hunt without first
procuring a hunting license pursuant to the provisions of this
section.

1 B. The following legal residents of Oklahoma shall be exempt
2 from the annual hunting license requirement of paragraph 1 of
3 subsection F of this section and the following nonresidents shall be
4 exempt from the annual nonresident hunting licenses required
5 pursuant to paragraph 1 of subsection C of this section:

6 1. Legal residents under sixteen (16) years of age;

7 2. Legal residents sixty-five (65) years of age or older
8 provided they have obtained a senior citizen lifetime hunting or
9 combination hunting and fishing license pursuant to the provisions
10 of Section 4-114 of this title;

11 3. Legal residents born on or before January 1, 1923;

12 4. Legal resident veterans having a disability of sixty percent
13 (60%) or more;

14 5. Legal resident owners or tenants who hunt on land owned or
15 leased by them;

16 6. Any nonresident under fourteen (14) years of age;

17 7. Legal residents having a proven disability which renders
18 them nonambulatory and confines them to a wheelchair, as certified
19 by a physician licensed in this state or in any state which borders
20 this state;

21 8. Any legal resident or nonresident under eighteen (18) years
22 of age who is in the physical custody of a child care facility as
23 defined by Section 402 of Title 10 of the Oklahoma Statutes; and
24

1 9. Any legal resident or nonresident hunting, pursuing,
2 trapping, harassing, catching, killing, taking, or attempting to
3 take in any manner any species of rattlesnake during an organized
4 rattlesnake-hunting event or festival and who has a rattlesnake
5 permit issued pursuant to Section 4-143 of this title.

6 C. Except as otherwise provided for in the Oklahoma Wildlife
7 Conservation Code, the nonresident hunting licenses issued pursuant
8 to this section and the fee for each license shall be:

9 1. Annual hunting license for nonresidents hunting game other
10 than deer, antelope, elk or bear which expires on December 31 of the
11 year purchased - ~~One Hundred Forty-one Dollars (\$141.00)~~ One Hundred
12 Sixty-one Dollars (\$161.00). Nonresidents hunting big game,
13 combination big game and upland game or exotic wildlife in a
14 commercial hunting area shall be required to have this license;

15 2. Annual hunting license for nonresidents hunting game other
16 than deer, antelope, elk or bear which expires on June 30 of the
17 fiscal year purchased - ~~One Hundred Seventy-five Dollars (\$175.00)~~
18 One Hundred Ninety-five Dollars (\$195.00). Nonresidents hunting big
19 game, combination big game and upland game or exotic wildlife in a
20 commercial hunting area shall be required to have this license;

21 3. Gun hunting license for deer:

22 a. during deer gun seasons occurring prior to January 16,
23 2021, for youth nonresidents seventeen (17) years of
24 age or younger which shall be valid for hunting one

1 antlerless deer allowed during the current calendar
2 year deer gun season - Thirty Dollars (\$30.00),

3 b. during deer gun seasons occurring prior to January 16,
4 2021, for youth nonresidents seventeen (17) years of
5 age or younger which shall be valid for hunting one
6 antlered or antlerless deer allowed during the current
7 calendar year deer gun season - Ninety-nine Dollars
8 (\$99.00),

9 c. during deer gun seasons occurring prior to January 16,
10 2021, for nonresidents which shall be valid for
11 hunting all deer allowed during the current calendar
12 year deer gun season - Two Hundred Ninety-nine Dollars
13 (\$299.00), and

14 d. during any deer gun season occurring on or after
15 January 16, 2021, for nonresidents which shall be
16 valid for hunting all deer allowed during the current
17 calendar year deer gun season - Two Hundred Seventy-
18 nine Dollars (\$279.00);

19 4. Archery hunting license for deer for nonresidents which
20 shall expire on January 15 of the calendar year after the year
21 purchased or, if purchased during the deer archery season, it shall
22 expire at the end of that deer archery season:

23 a. during deer archery seasons occurring prior to January
24 16, 2021, for youth nonresidents seventeen (17) years

1 of age or younger which shall be valid for hunting one
2 antlerless deer allowed during the current deer
3 archery season - Thirty Dollars (\$30.00),

4 b. during deer archery seasons occurring prior to January
5 16, 2021, for youth nonresidents seventeen (17) years
6 of age or younger which shall be valid for hunting one
7 antlered or antlerless deer allowed during the current
8 deer archery season - Ninety-nine Dollars (\$99.00),

9 c. during deer archery seasons occurring prior to January
10 16, 2021, for nonresidents which shall be valid for
11 hunting all deer allowed during the current deer
12 archery season - Two Hundred Ninety-nine Dollars
13 (\$299.00), and

14 d. during any deer archery season occurring on or after
15 January 16, 2021, for nonresidents which shall be
16 valid for hunting all deer allowed during the current
17 deer archery season - Two Hundred Seventy-nine Dollars
18 (\$279.00);

19 5. Primitive firearms hunting license for deer for:

20 a. during deer primitive firearms seasons occurring prior
21 to January 16, 2021, for youth nonresidents seventeen
22 (17) years of age or younger which shall be valid for
23 hunting one antlerless deer allowed during the current
24

1 calendar year deer primitive firearms season - Thirty
2 Dollars (\$30.00),

3 b. during deer primitive firearms seasons occurring prior
4 to January 16, 2021, for youth nonresidents seventeen
5 (17) years of age or younger which shall be valid for
6 hunting one antlered or antlerless deer allowed during
7 the current calendar year deer primitive firearms
8 season - Ninety-nine Dollars (\$99.00),

9 c. during deer primitive firearms seasons occurring prior
10 to January 16, 2021, for nonresidents which shall be
11 valid for hunting all deer allowed during the current
12 calendar year deer primitive firearms season - Two
13 Hundred Ninety-nine Dollars (\$299.00), and

14 d. during any deer primitive firearms season occurring on
15 or after January 16, 2021, for nonresidents which
16 shall be valid for hunting all deer allowed during the
17 current calendar year deer primitive firearms season -
18 Two Hundred Seventy-nine Dollars (\$279.00);

19 6. Hunting license for antelope for nonresidents - Three
20 Hundred Five Dollars (\$305.00);

21 7. Hunting license for elk for nonresidents - Three Hundred
22 Five Dollars (\$305.00);

23 8. Five-day hunting license for nonresidents hunting game other
24 than deer, antelope, elk, quail, turkey or bear - Seventy-four

1 Dollars (\$74.00). Nonresidents hunting big game, combination big
2 game and upland game or exotic wildlife in a commercial hunting area
3 shall be required to have this license; and

4 9. Ten-day hunting license for nonresidents hunting small game
5 in a commercial hunting area - Five Dollars (\$5.00).

6 D. The Department of Wildlife Conservation shall provide a
7 report to both the President Pro Tempore of the Senate and the
8 Speaker of the House of Representatives by February 1 of 2019 and
9 2020 setting forth information regarding licenses issued pursuant to
10 paragraphs 3, 4 and 5 of subsection C of this section, which shall
11 include, but not be limited to:

12 1. The number of licenses issued during the most recent
13 respective deer hunting seasons; and

14 2. A fiscal analysis comparing revenue generated from the fees
15 of the licenses issued during the most recent respective deer
16 hunting seasons compared to previous years and whether the deer
17 hunting license structure is beneficial to the Department.

18 E. Of the fees collected pursuant to the provisions of
19 subsection C of this section:

20 1. Five Dollars (\$5.00) of the license fee of each license
21 issued pursuant to paragraphs 1 through 7 of subsection C of this
22 section and Two Dollars and fifty cents (\$2.50) of the license fee
23 for each license issued pursuant to paragraph 8 of subsection C of
24 this section shall be deposited in the Wildlife Land Acquisition

1 Fund created pursuant to the provisions of Section 4-132 of this
2 title; and

3 2. Five Dollars (\$5.00) of the license fee for each license
4 issued pursuant to paragraphs 1 through 8 of subsection C of this
5 section shall be for the Oklahoma Wildlife Land Stamp and shall be
6 deposited in the Oklahoma Wildlife Land Fund created pursuant to the
7 provisions of Section 4-141 of this title.

8 F. Except as otherwise provided, the resident hunting licenses
9 issued pursuant to this section and the fee for each license shall
10 be:

11 1. Annual hunting license for residents eighteen (18) years of
12 age and older which expires on December 31 of the year purchased -
13 Twenty-four Dollars (\$24.00);

14 2. Annual hunting license for residents eighteen (18) years of
15 age and older which expires on June 30 of the fiscal year purchased
16 - Thirty-one Dollars (\$31.00);

17 3. Annual hunting license for residents sixteen (16) or
18 seventeen (17) years of age which expires on December 31 of the year
19 purchased - Four Dollars (\$4.00);

20 4. Annual hunting license for residents sixteen (16) or
21 seventeen (17) years of age which expires on June 30 of the fiscal
22 year purchased - Six Dollars (\$6.00);

23 5. Ten-day hunting license for residents for small game in a
24 commercial hunting area - Five Dollars (\$5.00);

1 6. Five-year disability hunting license for residents of this
2 state for at least six (6) months who are receiving Social Security
3 Disability benefits, Supplemental Security Income benefits or
4 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
5 Section 231a, or residents who are one-hundred-percent disabled and
6 are receiving disability payments from the Multiple Injury Trust
7 Fund pursuant to Section 31 of Title 85A of the Oklahoma Statutes -
8 Ten Dollars (\$10.00);

9 7. Gun hunting license for deer for residents eighteen (18)
10 years of age or older - Nineteen Dollars (\$19.00). The following
11 persons shall be exempt:

12 a. residents with proper certification from the United
13 States Department of Veterans Affairs or its
14 successor, certifying that the person is a disabled
15 veteran in receipt of compensation at the one-hundred-
16 percent rate, and

17 b. residents hunting in big game or combination big game
18 and upland game commercial hunting areas;

19 8. Gun hunting license for deer for residents under eighteen
20 (18) years of age - Nine Dollars (\$9.00);

21 9. Archery hunting license for deer for residents eighteen (18)
22 years of age or older - Nineteen Dollars (\$19.00). The following
23 persons shall be exempt:
24

1 a. residents with proper certification from the United
2 States Department of Veterans Affairs or its
3 successor, certifying that the person is a disabled
4 veteran in receipt of compensation at the one-hundred-
5 percent rate, and

6 b. residents hunting in big game or combination big game
7 and upland game commercial hunting areas;

8 10. Archery hunting license for deer for residents under
9 eighteen (18) years of age - Nine Dollars (\$9.00);

10 11. Primitive firearms hunting license for deer for residents
11 eighteen (18) years of age or older - Nineteen Dollars (\$19.00).

12 The following persons shall be exempt:

13 a. residents with proper certification from the United
14 States Department of Veterans Affairs or its
15 successor, certifying that the person is a disabled
16 veteran in receipt of compensation at the one-hundred-
17 percent rate, and

18 b. residents hunting in big game or combination big game
19 and upland game commercial hunting areas;

20 12. Primitive firearms hunting license for deer for residents
21 under eighteen (18) years of age - Nine Dollars (\$9.00);

22 13. Hunting license for elk for residents - Fifty Dollars
23 (\$50.00). Residents hunting in big game or combination big game and
24

1 upland game commercial hunting areas shall be exempt from this
2 license;

3 14. Hunting license for antelope for residents - Fifty Dollars
4 (\$50.00). Residents hunting in big game or combination big game and
5 upland game commercial hunting areas shall be exempt from this
6 license; and

7 15. Bonus, special or additional gun hunting license for deer
8 for residents - Nineteen Dollars (\$19.00). The following persons
9 shall be exempt:

10 a. residents with proper certification from the United
11 States Department of Veterans Affairs or its
12 successor, certifying that the person is a disabled
13 veteran in receipt of compensation at the one-hundred-
14 percent rate, and

15 b. residents hunting in big game or combination big game
16 and upland game commercial hunting areas.

17 G. Residents hunting big game, combination big game and upland
18 game or exotic wildlife in a commercial hunting area shall be
19 required to have one of the following licenses:

20 1. An annual hunting license issued pursuant to paragraph 1, 2,
21 3 or 4 of subsection F of this section;

22 2. An annual hunting and fishing combination license issued
23 pursuant to Section 4-113 of this title;

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1 3. A five-year hunting license or five-year combination hunting
2 and fishing license issued pursuant to Section 4-113.1 of this
3 title; or

4 4. A lifetime hunting license or lifetime combination hunting
5 and fishing license issued pursuant to Section 4-114 of this title.

6 H. Of the fees collected pursuant to the provisions of
7 paragraphs 1 and 2 of subsection F of this section, Five Dollars
8 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
9 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
10 created pursuant to the provisions of Section 4-141 of this title.

11 I. The provisions of this section shall not be construed to
12 require a hunting license, resident or nonresident, of any person
13 merely because the person participates, as owner or handler of an
14 entry, as an official, or as a spectator in the conduct of a field
15 trial or performance test of dogs, whether a resident or nonresident
16 of the State of Oklahoma. No license to hunt shall be required of
17 any person engaged in training or working dogs, provided that person
18 is in no way engaged in hunting and does not take or attempt to take
19 in any manner any game.

20 J. 1. Any person arrested for hunting game other than deer,
21 antelope, elk, bear or turkey without a valid hunting license as
22 required by the provisions of subsection A of this section may
23 purchase a substitute temporary thirty-day license from the
24 arresting game warden in lieu of posting bond. Proof of hunter

1 safety certification will not be required for the temporary
2 substitute license. The fee for a substitute license purchased
3 pursuant to the provisions of this subsection shall be:

- 4 a. for legal residents, Fifty Dollars (\$50.00), and
- 5 b. for nonresidents, One Hundred Forty-five Dollars
6 (\$145.00).

7 2. Except as otherwise provided for by this subsection, the
8 fees from licenses purchased pursuant to the provisions of this
9 subsection shall be deposited in the Wildlife Conservation Fund to
10 be used exclusively for developing, managing, preserving, and
11 protecting wildlife and wildlife habitat.

12 K. Any person producing proof in court that a current hunting
13 license issued by the Department of Wildlife Conservation to that
14 person was in force at the time of the alleged offense shall be
15 entitled to dismissal of a charge of violating this section upon
16 payment of court costs. If proof of a current hunting license
17 issued by the Department to the person that was in force at the time
18 of the alleged offense is presented to the court or district
19 attorney within seventy-two (72) hours after the violation, the
20 charge shall be dismissed without payment of court costs.

21 L. Unless a substitute license is purchased as provided for by
22 subsection J of this section, any resident convicted of violating
23 the provisions of this section shall be punished by the imposition
24 of a fine of not less than Twenty-five Dollars (\$25.00) nor more

1 than Two Hundred Dollars (\$200.00), or by imprisonment in the county
2 jail for a period not to exceed thirty (30) days, or by both.

3 M. Unless a substitute license is purchased as provided for by
4 subsection J of this section, any nonresident convicted of violating
5 the provisions of this section shall be punished by the imposition
6 of a fine of not less than Two Hundred Dollars (\$200.00) nor more
7 than Five Hundred Dollars (\$500.00), or by imprisonment in the
8 county jail for a period not to exceed six (6) months, or by both.

9 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-201, as
10 last amended by Section 2, Chapter 165, O.S.L. 2016 (29 O.S. Supp.
11 2018, Section 5-201), is amended to read as follows:

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

- 17 1. Any trap, net, snare, cage, pitfall, baited hook or similar
18 device;
- 19 2. Any drug, poison, narcotic, explosive or similar substance;
- 20 3. Any swivel or punt gun of greater calibre than ten (10)
21 gauge;
- 22 4. Any device which generates electricity; or

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1 5. Any device which noticeably suppresses noise from a firearm,
2 commonly known as a suppressor or silencer unless it is registered
3 in compliance with the requirements of federal law.

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

7 C. Except as otherwise provided for in this section, no person
8 shall engage in any activity that provides, sells, offers for sale,
9 assists in, or provides facilities for computer-assisted remote
10 control hunting of wildlife or exotic wildlife.

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

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

15 2. Any person, group or governmental agency the Director may by
16 written permit authorize, where any species of nongame birds are
17 causing a nuisance or undue economic loss, as may be determined by
18 the Director. Such permit shall state the method of control and
19 specific procedures and conditions as may be deemed appropriate by
20 the Director;

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

23 4. Employees of the Oklahoma Department of Agriculture, Food,
24 and Forestry Wildlife Services Division and the United States

1 Department of Agriculture Wildlife Services while engaged in
2 wildlife management activities for the protection of agriculture,
3 property, human health and safety and natural resources; or

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

7 E. Nothing in this section shall be construed to exempt any
8 person using a device as described in paragraph 5 of subsection A of
9 this section from the requirements and provisions of federal law,
10 federal regulations and federal tax requirements for lawful use of
11 the device.

12 F. A person shall be exempt from the prohibition in subsection
13 B of this section if the person is permanently physically disabled
14 so that the person is physically incapable of using a firearm,
15 crossbow, or conventional bow as certified in writing by a physician
16 licensed to practice medicine. A person who has received
17 certification as provided for in this paragraph shall have in their
18 possession written evidence of the certification while in the field
19 hunting.

20 G. A person shall be exempt from the prohibition in subsection
21 C of this section if the person is engaged in providing facilities
22 for, assisting in, selling, or offering for sale a computer-assisted
23 remote control hunting activity for a person who is physically
24 disabled as described in subsection F of this section. The

1 physically disabled person shall be physically present where the
2 hunting activity is occurring and be in control and operating the
3 computer-assisted remote control means to take wildlife or exotic
4 wildlife.

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

9 2. Any person convicted of violating the provisions of
10 subsection B or C of this section shall be punished by a fine of not
11 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
12 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
13 exceeding one (1) year, or by both the fine and imprisonment. In
14 addition, the court may order that the hunting or fishing license
15 and privileges of any person convicted of violating the provisions
16 of subsection B or C of this section be revoked for a period of not
17 less than one (1) year but not exceeding five (5) years. The cost
18 of reinstating a hunting or fishing license revoked pursuant to this
19 subsection for residents shall be Two Hundred Dollars (\$200.00) for
20 each license and for nonresidents shall be Five Hundred Dollars
21 (\$500.00) for each license. The reinstatement fee shall be in
22 addition to any other fees required for the hunting or fishing
23 license.

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1 3. Any person convicted of a wildlife offense which involves a
2 species of wildlife listed in Section 5-411 of this title, involves
3 a species of wildlife referenced in Section 5-412 of this title or
4 involves the unlawful possession, taking or killing of the wildlife
5 from an unlawful hunt, chase, trap, capture, shooting, killing or
6 slaughter while using a suppressed firearm during the commission of
7 the wildlife offense, in addition to any other penalty otherwise
8 provided for in law, shall be punished by a fine of not less than
9 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
10 (\$1,000.00) or by imprisonment in the county jail not exceeding one
11 (1) year, or by both the fine and imprisonment. In addition, the
12 court may order that the hunting or fishing license and privileges
13 of the person be revoked for a period of not less than one (1) year
14 but not exceeding five (5) years.

15 SECTION 3. AMENDATORY 29 O.S. 2011, Section 5-405, is
16 amended to read as follows:

17 Section 5-405. A. ~~Except as otherwise provided, no person may~~
18 ~~hunt, kill, capture or otherwise take or destroy any furbearer,~~
19 ~~except from the first day of December to the last day of February,~~
20 ~~both dates inclusive~~ A person can hunt, kill, capture or otherwise
21 take or destroy any furbearer pursuant to this section or pursuant
22 to rules promulgated by the Wildlife Conservation Commission.

23 B. ~~Any person who takes a pelt or pelts during the season shall~~
24 ~~have ten (10) working days after the close of the season to sell or~~

1 ~~dispose of the pelts or to provide written notification to the~~
2 ~~Department of Wildlife Conservation that the person intends to hold~~
3 ~~the pelts for later sale. Written notification shall be made on a~~
4 ~~form prescribed by the Department.~~

5 ~~C.~~ Nothing contained in these provisions shall prevent the
6 killing of furbearers actually found destroying livestock, poultry
7 or exotic livestock, nor the running or chasing of fox, bobcat and
8 raccoon with dogs for sport only. For purposes of this section, the
9 term "exotic livestock" means commercially raised exotic livestock
10 including animals of the families bovidae, cervidae and
11 antilocapridae or birds of the ratite group.

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

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

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

20 1. For legal residents eighteen (18) years of age and older for
21 a license that expires on December 31 of the year purchased - ~~Forty-~~
22 ~~one Dollars (\$41.00)~~ Thirty-six Dollars (\$36.00);

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

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

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

10 C. Legal residents and nonresidents may purchase an annual
11 combination hunting and fishing landowner license. The license
12 provided for in this subsection may be assigned to the landowner's
13 spouses, parents, grandparents, children and their spouses and
14 grandchildren and their spouses, whether or not they are Oklahoma
15 residents. The license shall only be valid on the land for which it
16 is issued. The license fee shall be Seventy-five Dollars (\$75.00).
17 The total number of annual combination hunting and fishing landowner
18 licenses issued shall not exceed one license for each eighty (80)
19 acres owned by the landowner. Evidence of ownership, parental,
20 grandparental, child or grandchild spousal relationship, if
21 requested, shall be provided to the Department of Wildlife
22 Conservation. The Department shall promulgate rules to enforce the
23 provisions of this subsection.

1 D. Of the fees collected pursuant to the provisions of
2 paragraphs 1 and 2 of subsection B of this section, Five Dollars
3 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
4 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
5 created pursuant to the provisions of Section 4-141 of this title.

6 SECTION 5. REPEALER 29 O.S. 2011, Section 5-501, as
7 amended by Section 2, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2018,
8 Section 5-501), is hereby repealed.

9 SECTION 6. REPEALER 29 O.S. 2011, Section 5-502, as last
10 amended by Section 3, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2018,
11 Section 5-502), is hereby repealed.

12 SECTION 7. This act shall become effective November 1, 2019."

13 Passed the House of Representatives the 25th day of April, 2019.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2019.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 879

By: Allen of the Senate

and

Tadlock of the House

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6 An Act relating to trapping; amending 29 O.S. 2011,
7 Section 5-201, as last amended by Section 2, Chapter
8 165, O.S.L. 2016 (29 O.S. Supp. 2018, Section 5-201),
9 which relates to the means of taking wildlife; adding
10 exception; amending 29 O.S. 2011, Section 5-405,
11 which relates to furbearers; providing for trapping
12 pursuant to rules promulgated by the Commission;
13 removing exception; removing requirement to sell or
14 dispose of pelts in a certain amount of time;
15 repealing 29 O.S. 2011, Sections 5-501, as amended by
16 Section 2, Chapter 132, O.S.L. 2015 and 5-502, as
17 last amended by Section 3, Chapter 132, O.S.L. 2015
18 (29 O.S. Supp. 2018, Sections 5-501 and 5-502), which
19 relate to permission to trap on inhabited lands and
20 trapping devices; and providing an effective date.

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

SECTION 8. AMENDATORY 29 O.S. 2011, Section 5-201, as
last amended by Section 2, Chapter 165, O.S.L. 2016 (29 O.S. Supp.
2018, Section 5-201), is amended to read as follows:

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

1 1. Any trap, net, snare, cage, pitfall, baited hook or similar
2 device;

3 2. Any drug, poison, narcotic, explosive or similar substance;

4 3. Any swivel or punt gun of greater calibre than ten (10)
5 gauge;

6 4. Any device which generates electricity; or

7 5. Any device which noticeably suppresses noise from a firearm,
8 commonly known as a suppressor or silencer unless it is registered
9 in compliance with the requirements of federal law.

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

13 C. Except as otherwise provided for in this section, no person
14 shall engage in any activity that provides, sells, offers for sale,
15 assists in, or provides facilities for computer-assisted remote
16 control hunting of wildlife or exotic wildlife.

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

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

21 2. Any person, group or governmental agency the Director may by
22 written permit authorize, where any species of nongame birds are
23 causing a nuisance or undue economic loss, as may be determined by
24 the Director. Such permit shall state the method of control and

1 specific procedures and conditions as may be deemed appropriate by
2 the Director;

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

5 4. Employees of the Oklahoma Department of Agriculture, Food,
6 and Forestry Wildlife Services Division and the United States
7 Department of Agriculture Wildlife Services while engaged in
8 wildlife management activities for the protection of agriculture,
9 property, human health and safety and natural resources; or

10 5. Any person using nonlethal, nonchemical capture or restraint
11 of animals on licensed commercial hunt areas for management, viewing
12 or photographic purposes.

13 E. Nothing in this section shall be construed to exempt any
14 person using a device as described in paragraph 5 of subsection A of
15 this section from the requirements and provisions of federal law,
16 federal regulations and federal tax requirements for lawful use of
17 the device.

18 F. A person shall be exempt from the prohibition in subsection
19 B of this section if the person is permanently physically disabled
20 so that the person is physically incapable of using a firearm,
21 crossbow, or conventional bow as certified in writing by a physician
22 licensed to practice medicine. A person who has received
23 certification as provided for in this paragraph shall have in their
24

1 possession written evidence of the certification while in the field
2 hunting.

3 G. A person shall be exempt from the prohibition in subsection
4 C of this section if the person is engaged in providing facilities
5 for, assisting in, selling, or offering for sale a computer-assisted
6 remote control hunting activity for a person who is physically
7 disabled as described in subsection F of this section. The
8 physically disabled person shall be physically present where the
9 hunting activity is occurring and be in control and operating the
10 computer-assisted remote control means to take wildlife or exotic
11 wildlife.

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

16 2. Any person convicted of violating the provisions of
17 subsection B or C of this section shall be punished by a fine of not
18 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
19 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
20 exceeding one (1) year, or by both the fine and imprisonment. In
21 addition, the court may order that the hunting or fishing license
22 and privileges of any person convicted of violating the provisions
23 of subsection B or C of this section be revoked for a period of not
24 less than one (1) year but not exceeding five (5) years. The cost

1 of reinstating a hunting or fishing license revoked pursuant to this
2 subsection for residents shall be Two Hundred Dollars (\$200.00) for
3 each license and for nonresidents shall be Five Hundred Dollars
4 (\$500.00) for each license. The reinstatement fee shall be in
5 addition to any other fees required for the hunting or fishing
6 license.

7 3. Any person convicted of a wildlife offense which involves a
8 species of wildlife listed in Section 5-411 of this title, involves
9 a species of wildlife referenced in Section 5-412 of this title or
10 involves the unlawful possession, taking or killing of the wildlife
11 from an unlawful hunt, chase, trap, capture, shooting, killing or
12 slaughter while using a suppressed firearm during the commission of
13 the wildlife offense, in addition to any other penalty otherwise
14 provided for in law, shall be punished by a fine of not less than
15 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
16 (\$1,000.00) or by imprisonment in the county jail not exceeding one
17 (1) year, or by both the fine and imprisonment. In addition, the
18 court may order that the hunting or fishing license and privileges
19 of the person be revoked for a period of not less than one (1) year
20 but not exceeding five (5) years.

21 SECTION 9. AMENDATORY 29 O.S. 2011, Section 5-405, is
22 amended to read as follows:

23 Section 5-405. A. ~~Except as otherwise provided, no person may~~
24 ~~hunt, kill, capture or otherwise take or destroy any furbearer,~~

1 ~~except from the first day of December to the last day of February,~~
2 ~~both dates inclusive~~ A person can hunt, kill, capture or otherwise
3 take or destroy any furbearer pursuant to this section or pursuant
4 to rules promulgated by the Wildlife Conservation Commission.

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

11 ~~C.~~ Nothing contained in these provisions shall prevent the
12 killing of furbearers actually found destroying livestock, poultry
13 or exotic livestock, nor the running or chasing of fox, bobcat and
14 raccoon with dogs for sport only. For purposes of this section, the
15 term "exotic livestock" means commercially raised exotic livestock
16 including animals of the families bovidae, cervidae and
17 antilocapridae or birds of the ratite group.

18 SECTION 10. 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 11. REPEALER 29 O.S. 2011, Section 5-502, as
22 last amended by Section 3, Chapter 132, O.S.L. 2015 (29 O.S. Supp.
23 2018, Section 5-502), is hereby repealed.

24 SECTION 12. This act shall become effective November 1, 2019.

1 Passed the Senate the 13th day of March, 2019.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

7
8 _____
9 Presiding Officer of the House
10 of Representatives