

ENROLLED SENATE
BILL NO. 529

BY: HOOPER of the SENATE

and

HUDSON of the HOUSE

AN ACT RELATING TO GAME AND FISH; AMENDING 29 O.S. 1981, SECTIONS 4-108, AS AMENDED BY SECTION 4, CHAPTER 91, O.S.L. 1985, AND 5-206, AS AMENDED BY SECTION 1, CHAPTER 76, O.S.L. 1986 (29 O.S. SUPP. 1990, SECTIONS 4-108 AND 5-206), WHICH RELATE TO FALCONRY; INCREASING COST AND TERM OF FALCONER LICENSE VALIDITY; REQUIRING CERTAIN ACTION IN CASE OF ACCIDENTAL KILLS; ALLOWING TRANSPORT OF PROPERLY REGISTERED FALCONS AND HAWKS INTO STATE OF OKLAHOMA; AUTHORIZING CERTAIN TEMPORARY LICENSE FEES FOR NONRESIDENTS; SETTING FEE; AUTHORIZING DEPARTMENT OF WILDLIFE TO ISSUE RULES AND REGULATIONS REGARDING DISCRETIONARY BONDING; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 29 O.S. 1981, Section 4-108, as amended by Section 4, Chapter 91, O.S.L. 1985 (29 O.S. Supp. 1990, Section 4-108), is amended to read as follows:

Section 4-108. A. No person may use hawks, owls or eagles to hunt, chase or take game without having first procured a license for such from the Director.

B. All falconers shall have the falconer's license and an annual Oklahoma hunting license unless legally exempt.

C. The ~~annual~~ fee for a falconer's license under this section shall be Fifteen Dollars (\$15.00) Forty-five Dollars (\$45.00) for a resident and One Hundred Dollars (\$100.00) for a nonresident. Said license shall be valid for a period of three (3) years from date of issuance.

D. In lieu of the provisions of subsection C of this section, the Department is authorized to issue a temporary falconer's license for nonresidents not to exceed ten (10) days. The fee for such temporary license shall be Twenty-five Dollars (\$25.00).

~~D.~~ E. Any person with a falconer's license whose hunting raptor accidentally kills a wildlife that is out of season or of the wrong species or sex shall leave the dead wildlife where it lies, except that the raptor may feed upon the wildlife prior to leaving the site of the kill.

F. Any person convicted of violating the provisions any provision of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).

SECTION 2. AMENDATORY 29 O.S. 1981, Section 5-206, as amended by Section 1, Chapter 76, O.S.L. 1986 (29 O.S. Supp. 1990, Section 5-206), is amended to read as follows:

Section 5-206. A. Falconry is a legal method for hunting and taking resident Oklahoma game, pursuant to the following provisions of this section.

B. Any exotic species of hawk, falcon, owl or eagle and any native species of hawk, falcon, owl or eagle as provided in Section 5-410 of this Code, may be used for such sport. Hawks, falcons, owls and eagles, except those which are bred in captivity, in accordance with federal regulations may not be sold, traded or bartered, and may be possessed, trained and used only by persons licensed under Section 4-108 of this Code.

C. Hawks, falcons, owls and eagles may be transported into and out of the state, only as provided by Sections 7-602 and 7-801 of this Code. However, persons possessing a valid Oklahoma falconer's license and in compliance with federal law may transport raptors into and out of the state without notifying the director.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-108A of Title 29, unless there is created a duplication in numbering, reads as follows:

The Department of Wildlife Conservation shall issue rules and regulations regarding discretionary bonding for holders of a falconer's license charged with any violation involving falconry or the use of raptors in the taking of wildlife. Said rules may provide that bond be posted in lieu of confiscation of raptors and allow licensee to retain raptors.

SECTION 4. This act shall become effective September 1, 1991.
Passed the Senate the 23d day of April, 1991.

President of the Senate

Passed the House of Representatives the 21st day of March, 1991.

Speaker of the House of Representatives