

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1619

BY: ADAIR and LITTLEFIELD of
the HOUSE

and

SHURDEN of the SENATE

AS INTRODUCED

AN ACT RELATING TO GAME AND FISH; AMENDING 29 O.S.

1981, SECTIONS 2-115, 2-136, 3-201, AS LAST AMENDED
BY SECTION 1, CHAPTER 8, O.S.L. 1989, 3-202, 4-101,
4-106, AS AMENDED BY SECTION 1, CHAPTER 17, O.S.L.
1990, 4-107, AS LAST AMENDED BY SECTION 1, CHAPTER
112, O.S.L. 1987, 4-110, AS LAST AMENDED BY SECTION
21, CHAPTER 283, O.S.L. 1988, 4-112, AS LAST
AMENDED BY SECTION 4, CHAPTER 353, O.S.L. 1989, 4-
119, AS AMENDED BY SECTION 10, CHAPTER 91, O.S.L.
1985, 4-120, AS LAST AMENDED BY SECTION 1, CHAPTER
11, O.S.L. 1988, 4-129, AS LAST AMENDED BY SECTION
1, CHAPTER 103, O.S.L. 1990, 5-201, 5-203, 5-209,
5-402, AS AMENDED BY SECTION 1, CHAPTER 113, O.S.L.
1988, 5-406, 5-411, AS LAST AMENDED BY SECTION 1,
CHAPTER 153, O.S.L. 1989, 6-201, AS AMENDED BY
SECTION 1, CHAPTER 57, O.S.L. 1986, 6-301, AS LAST
AMENDED BY SECTION 2, CHAPTER 57, O.S.L. 1986, 6-
303, AS LAST AMENDED BY SECTION 5, CHAPTER 353,
O.S.L. 1989, SECTION 2, CHAPTER 85, O.S.L. 1983, AS
LAST AMENDED BY SECTION 2, CHAPTER 113, O.S.L.
1988, 6-504, 6-601, 7-101, SECTION 1, CHAPTER 134,

O.S.L. 1982, SECTION 3, CHAPTER 113, O.S.L. 1988, 7-304, 7-403, AS AMENDED BY SECTION 1, CHAPTER 130, O.S.L. 1982, 7-502, 7-503, AS AMENDED BY SECTION 1, CHAPTER 93, O.S.L. 1983 AND 7-703 (29 O.S. SUPP. 1990, SECTIONS 3-201, 4-106, 4-107, 4-110, 4-112, 4-119, 4-120, 4-129, 5-402, 5-411, 6-201, 6-301, 6-303, 6-306, 7-205, 7-206, 7-403 AND 7-503), WHICH RELATE TO THE OKLAHOMA WILDLIFE CONSERVATION CODE; ADDING AND MODIFYING TERMS; INCREASING FINES; PROVIDING VENUE FOR CERTAIN CRIMES; AUTHORIZING CERTAIN WARRANTLESS ARRESTS; PROHIBITING CERTAIN ACTIONS; ADDING CERTAIN AUTHORIZATIONS AND CONSENT; PROVIDING FOR BIG GAME AND UPLAND LICENSES; ADDING FEES; PROVIDING PROCEDURES; SPECIFYING CERTAIN SPECIES AVAILABLE FOR HUNTING; INCREASING PENALTIES; CLARIFYING LANGUAGE; REQUIRING CERTAIN LICENSES; REQUIRING CERTAIN REPORTS AND NOTICES; PROVIDING FOR CONFISCATION OF CERTAIN ITEMS AND GEAR; AUTHORIZING CERTAIN INSPECTIONS; PROHIBITING ISSUANCE OF CERTAIN PERMITS; PROVIDING EXCEPTIONS; AUTHORIZING SEIZURE AND FORFEITURE PROCEDURES; ADDING UNLAWFUL ACTS; PROVIDING FOR POSTING OF CASH BAIL; PROVIDING PROCEDURES; AUTHORIZING DEPOSITS; MAKING CERTAIN ACTIONS UNLAWFUL; PROVIDING FOR ACCEPTANCE OF CERTAIN OPERATIONS LICENSE; PROVIDING FOR CONTENT; PROVIDING FOR FORFEITURE; PROVIDING FOR USES AND ENFORCEMENT FOR VIOLATION FOR CERTAIN ACTIONS AGAINST FACSIMILES OF WILDLIFE; AMENDING 22 O.S. 1981, SECTION 152, AS LAST AMENDED BY SECTION 1, CHAPTER 308, O.S.L. 1990 (22 O.S. SUPP. 1990, SECTION 152), WHICH RELATES TO CERTAIN STATUTES OF LIMITATIONS OF CERTAIN CRIMES; MODIFYING STATUTE OF

LIMITATIONS FOR VIOLATIONS OF WILDLIFE CONSERVATION CODE; REPEALING 29 O.S. 1981, SECTIONS 3-205, AS AMENDED BY SECTION 5, CHAPTER 172, O.S.L. 1985 (29 O.S. SUPP. 1990, SECTION 3-205), WHICH RELATES TO IDENTIFICATION FOR CIVIL LIABILITY, 5-503, WHICH RELATES TO TRAPPERS' REPORTS, AND 7-501, AS AMENDED BY SECTION 4, CHAPTER 112, O.S.L. 1987 (29 O.S. SUPP. 1990, SECTION 7-501), WHICH RELATES TO DOMESTICATED PETS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-106.1 of Title 29, unless there is created a duplication in numbering, reads as follows:

"Day" is a period of time consisting of twenty-four (24) hours from midnight to midnight.

SECTION 2. AMENDATORY 29 O.S. 1981, Section 2-115, is amended to read as follows:

Section 2-115. "Game fish" is a fish normally sought after by sportsmen, and includes only largemouth bass, smallmouth bass, spotted bass, black crappie, white crappie, northern pike, trout, sauger, saugeye, striped bass, walleye, blue catfish and channel catfish. Blue catfish and channel catfish are herein defined to mean "forked tail" catfish.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-121.1 of Title 29, unless there is created a duplication in numbering, reads as follows:

"Night" or "nighttime" means a period of time between sunset and sunrise.

SECTION 4. AMENDATORY 29 O.S. 1981, Section 2-136, is amended to read as follows:

Section 2-136. "Regulation" refers to an instrument which is legislative in nature, is of general effect, has statewide application, is either substantive or procedural, and which is ~~passed by the Commission and filed with the Secretary of State of the State of Oklahoma~~ promulgated pursuant to the Administrative Procedures Act.

SECTION 5. AMENDATORY 29 O.S. 1981, Section 3-201, as last amended by Section 1, Chapter 8, O.S.L. 1989 (29 O.S. Supp. 1990, Section 3-201), is amended to read as follows:

Section 3-201. A. All things being equal, veterans of World War II, the Korean and Vietnam Wars shall be appointed as rangers when vacancies shall occur.

B. All persons appointed wildlife conservation rangers shall be and have the full powers of peace officers of the State of Oklahoma in the enforcement of the provisions of this Code. Wildlife conservation rangers shall also enforce all other laws of this state when authorized by the Governor of the State of Oklahoma. Moreover, rangers specifically:

1. Are vested with the power and authority of sheriffs in making arrests for wildlife conservation violations and nonconservation- related crimes in cooperation with other law enforcement officers and agencies as authorized by the Director and approved by the Governor of the State of Oklahoma;

2. May take into possession any and all protected wildlife, or any part thereof, killed, taken, shipped or had in possession contrary to the law, such wildlife or parts thereof to be disposed of as may be determined by the Director or any court of competent jurisdiction;

3. May make a complaint and cause proceedings to be commenced against any person for violation of any of the laws for the protection and propagation of wildlife, with the sanction of the prosecuting or district attorney of the county in which such proceedings are brought, and shall not be required to give security for costs;

4. May be an authorized agent of the Commission or Department under Section 3-202 of this title in addition to his duties as a ranger; ~~and~~

5. May assist in enforcement of the state fire laws, upon request of the Department of Agriculture; and

6. May inspect the game bag, creel, live well, ice chest, or stringer, that the game ranger has probable cause to believe may hold wildlife, of any person who is licensed or is otherwise exempt pursuant to the Oklahoma Wildlife Conservation Code.

C. 1. Pursuant to the provisions of this subsection, a wildlife ranger may operate a vehicle owned or leased by the Department upon a roadway during the hours of darkness without lighted headlamps, clearance lamps, or other illuminating devices. As used in this paragraph, "roadway" shall include any street or highway in this state except an interstate highway, a limited access highway, a state trunk highway, or any street or highway within the limits of an incorporated area.

2. Pursuant to the provisions of this subsection, a wildlife ranger may operate a vessel upon any waters of this state during the hours of darkness without the illuminating devices required by Section ~~805~~ 4207 of Title 63 of the Oklahoma Statutes.

3. A wildlife ranger may operate such vehicle or vessel without the illuminating devices specified in paragraphs 1 and 2 of this subsection only if such operation:

- a. is made in the performance of the duties of the wildlife ranger pursuant to the provisions of the ~~Oklahoma Wildlife Conservation~~ Code, and
- b. (1) will aid in the accomplishment of a lawful arrest for any violation of the Oklahoma Wildlife Code or any rule or regulation promulgated thereto, or
(2) will aid in ascertaining whether a violation of the Oklahoma Wildlife Conservation Code or any rule or regulation promulgated thereto has been or is about to be committed.

D. Any person who refuses to stop a vehicle or boat when requested to do so by a ranger in the performance of ~~his~~ the duties of such ranger is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than ~~Twenty-five Dollars (\$25.00)~~ One Hundred Dollars (\$100.00) nor more than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00).

E. Any ranger who solicits or accepts any bribe or money or other thing of value in connection with the performance of the duties entrusted to him shall be guilty of a felony and, upon conviction, shall be sentenced to a term not to exceed two (2) years in the State Penitentiary and shall be summarily removed from office.

SECTION 6. AMENDATORY 29 O.S. 1981, Section 3-202, is amended to read as follows:

Section 3-202. A. No person shall represent himself to be an authorized agent of the Commission, the Department or the Director unless such person has been so appointed by written order of the Director or the Commission, which order shall specifically state the purpose and limits of authority to be exercised by such agent.

B. Any person so representing himself and who in fact is not duly appointed shall, upon conviction, be punished by a fine not ~~to exceed Twenty-five Dollars (\$25.00)~~ less than One Hundred Dollars

(\$100.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-205.2 of Title 29, unless there is created a duplication in numbering, reads as follows:

The jurisdiction for the commission of an offense pursuant to the Oklahoma Wildlife Conservation Code shall be in either county if:

1. the wildlife offense is committed partly in one county and partly in another county;

2. the acts or the effects thereof, constituting or requisite to the offense, occur in two or more counties;

3. a wildlife offense is committed on the boundary of two or more counties, within five hundred (500) yards thereof; or

4. on a body of water that lies on or divides two (2) counties.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-205.3 of Title 29, unless there is created a duplication in numbering, reads as follows:

A ranger without warrant may arrest a person for any wildlife violation of which the arresting ranger or another peace officer or wildlife enforcement officer in communication with the arresting ranger has sensory or electronic perception including, but not limited to, perception by aircraft, radio, or electronically enhanced night vision equipment.

SECTION 9. AMENDATORY 29 O.S. 1981, Section 4-101, is amended to read as follows:

Section 4-101. A. All licenses and permits issued by the Director, the Department or by any of its agents shall be used only in conformity with the provisions of this ~~code~~ title and the rules and regulations promulgated by the Commission.

B. All persons making application for any licenses ~~hereinafter described~~ required by this section shall produce a valid driver's license 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 ~~and no.~~ No person may shall alter, change, lend or transfer any license. No person shall use or borrow a license which has not been issued to him 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 his person and producing the same for an inspection upon the demand of any Oklahoma citizen or ranger.

E. Any person required to produce his license must also identify himself 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 ~~article~~ Code:

1. All licenses shall terminate December 31 for the year issued;

2. All licenses may be revoked by the Department or by a court of competent jurisdiction for a period up to one (1) year if the licensee is convicted of violating any of the provisions of this ~~code~~ title.

G. Should licenses provided under Sections 4-110, 4-112 or 4-113 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. 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 Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not to exceed ten (10) days, or by both such fine and imprisonment.

I. 1. Any person licensed pursuant to the Oklahoma Wildlife Conservation Code shall be deemed to have given consent for any ranger to inspect the game bag, creel, live well, ice chest, or stringer of such person that the game ranger has probable cause to believe may hold wildlife. Refusal to permit such inspection may constitute grounds for denial, nonrenewal, suspension or revocation of any such license.

2. Each license issued by the Department pursuant to the provisions of the Oklahoma Wildlife Conservation Code shall state on such license that acceptance by such person of the license shall be deemed to give consent for any ranger to inspect the game bag, creel, live well, ice chest or stringer of the person.

3. Any person excepted from the purchase of a hunting or fishing license pursuant to the Oklahoma Wildlife Conservation Code, and who is engaged in a hunting or fishing activity, as a condition of such exception shall be deemed to have given consent for any ranger to inspect the game bag, creel, live well, ice chest, or stringer, of such person that the game ranger has probable cause to believe may hold wildlife.

SECTION 10. AMENDATORY 29 O.S. 1981, Section 4-106, as amended by Section 1, Chapter 17, O.S.L. 1990 (29 O.S. Supp. 1990, Section 4-106), is amended to read as follows:

Section 4-106. A. No person may propagate or hold in captivity any wildlife or domesticated animals hunted for sport for commercial hunting area purposes without having procured a license for such from the Director. Licenses shall be classified as either big game or upland game.

1. A big game license shall be required for legally acquired exotic ungulates, domesticated animals so designated by the Oklahoma Wildlife Conservation Commission, exotic swine, and legally acquired whitetail and mule deer, turkey and other species of big game lawfully taken under the provisions of subsection A of Section 5-411 and Section 5-401 of Title 29 of the Oklahoma Statutes. Wildlife that has been crossbred with exotic wildlife shall be considered native and not exotic unless documentation shows otherwise.

2. An upland game license shall be required for legally acquired captive raised pheasants, all species of quail, Indian chukars, water fowl, and other similar or suitable gallinaceous birds; and shall include turkey if no other big game species are listed on the license/application.

B. Before obtaining such license or a renewal of such license the applicant ~~must~~ shall:

1. Submit proof that such wildlife or domesticated animals hunted for sport will be or have been secured from a source other than the wild stock in this state, ~~although such proof may be waived by the Director in the renewal of any such license.~~ Any person obtaining or renewing such license shall submit a true and complete inventory of said animals before such license shall be approved;

2. Such license shall specifically list the different species and/or subspecies to be hunted on the listed hunting area or premises; and

~~2.~~ 3. Submit proof of being an Oklahoma resident.

C. Any ranger of the Oklahoma Department of Wildlife Conservation shall have authority to inspect any and all records and invoices pertaining to the commercial hunting operations of any person licensed or requesting licensure pursuant to this section and additionally shall have the authority to inspect any and all facilities, equipment and property connected to the hunting

operation of any person licensed or requesting licensure pursuant to this section.

D. 1. The annual fee for a commercial hunting area license for upland game under this section shall be One Hundred Dollars (\$100.00).

2. The annual fee for a commercial hunting area license for big game pursuant to this section shall be Five Hundred Dollars (\$500.00).

~~D.~~ E. Exemptions from this license requirement shall be operators of running pens used for the performance test or training of dogs. Operators of such running pens may acquire coyotes from wild stock without having to possess a fur dealer's license for such purpose and no license shall be required of those involved in performance testing or training dogs in such running pens so long as no other wildlife are taken or hunted in any manner.

~~E.~~ F. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00) nor more than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Five Hundred Dollars (\$1,500.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

~~F.~~ G. Any person convicted of violating the provisions of this section shall have his license revoked. No new license shall be issued for a period of six (6) months from and after the date on which the revocation order becomes effective.

H. The Department is authorized to promulgate rules pertaining to commercial hunting areas.

SECTION 11. AMENDATORY 29 O.S. 1981, Section 4-107, as last amended by Section 1, Chapter 112, O.S.L. 1987 (29 O.S. Supp. 1990, Section 4-107), is amended to read as follows:

Section 4-107. A. No person may breed or raise wildlife without having first procured a license for such from the Director.

B. Such license may be issued to any person whom the Director believes to be acting in good faith, and whom he believes does not intend to use such license for the purpose of violating any of the laws of the State of Oklahoma, and who proves that the brood stock he uses will be obtained in a lawful manner.

C. Any commercial wildlife breeder licensed~~7~~ under this section~~7~~ to keep or maintain on a premise any bear or cat that will grow to reach the weight of fifty (50) pounds or more shall at all times keep such wildlife confined, controlled and restrained in such manner so the life, limb or property of any person lawfully entering such premises shall not be endangered.

D. Persons excepted from the license requirements of this section are resident owners or lessees who seine minnows upon their premises, or places where permission is granted, and sell such minnows from a place of business upon their property.

E. The fees for a license under this section, and all renewals of such license, shall be Forty-eight Dollars (\$48.00).

F. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than ~~Fifty Dollars (\$50.00)~~ One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00); and, if applicable, shall have his wildlife breeder's license revoked. No such person whose license has been revoked shall be eligible to obtain a new license until after the date on which the revoked license would have expired.

SECTION 12. AMENDATORY 29 O.S. 1981, Section 4-110, as last amended by Section 21, Chapter 283, O.S.L. 1988 (29 O.S. Supp. 1990, Section 4-110), is amended to read as follows:

Section 4-110. A. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person shall fish, pursue, harass, catch, kill, take in any manner, use, have in possession, sell, or transport all or any portion of fish without having first procured a license for such from the Director or from any of ~~his~~ the authorized

agents of the Department. The Commission may designate two (2) days per year in which residents and nonresidents may fish without first procuring a fishing license pursuant to the provisions of this section.

B. ~~Persons~~ Pursuant to the provisions of this Code, persons excepted from the license requirements of this section are:

1. Legal residents under sixteen (16) years of age on the first day of the current calendar year and nonresidents under sixteen (16) years of age from states which do not require nonresident fishing licenses for persons under sixteen (16) years of age;

2. Legal residents sixty-four (64) years of age or older and nonresidents sixty-four (64) years of age or older from states which do not require nonresident fishing licenses for persons sixty-four (64) years of age or older, provided such ~~persons have~~ resident has obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title;

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

4. Legal resident owners or tenants who fish on land owned or leased by them;

5. Every Oklahoma citizen who is serving in a branch of the United States Armed Forces, is on properly authorized leave of absence from military duty, has in his possession proper written evidence showing such authorized leave, and is serving outside the State of Oklahoma at the time of such fishing;

6. Any patient of an institution of the State of Oklahoma established for the care and treatment of mental illness or alcohol or drug dependency when accompanied by an attendant of such institution or legal guardian of said patient, or when fishing on institutional property;

7. Any person who is legally blind or who has any other physical impairment, as certified by a duly qualified physician,

which prevents him from properly using fishing apparatus without the assistance of another person, and any one person actually accompanying and actually assisting such legally blind or otherwise physically impaired person while the latter is fishing. This certification shall be carried by the individual while fishing;

8. Nonresidents under fourteen (14) years of age;

9. Job Corps trainees of this state, provided that such trainees shall have on their persons a duly authorized identification card issued by their respective Job Corps Center and shall present such card upon request, in lieu of a fishing license. The trainees shall return their cards to their respective Job Corps Center when the trainees leave their respective Job Corps training programs;

10. Legal residents having a proven disability which renders them nonambulatory and confines them to wheelchairs as certified by a duly qualified physician; and

11. Any person who is fishing with a pole and line, trotline, or throwline in streams, natural lakes, natural ponds, and mine pits in the county in which he is a resident, or in streams, natural lakes, natural ponds, and mine pits which form a part of the boundary line of the county in which he is a resident, when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp.

C. Any person excepted from the license provisions of this section pursuant to the provisions of subsection B of this section, and who is engaged in a fishing activity, as a condition of such exception shall be deemed to have given consent for any ranger to inspect the game bag, creel, live well, ice chest, or stringer of such person that the game ranger has probable cause to believe may hold wildlife.

D. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the fee for an annual license issued pursuant to the provisions of this section shall be:

1. For legal residents, Nine Dollars and twenty-five cents (\$9.25); and

2. For nonresidents, Twenty-two Dollars and fifty cents (\$22.50), provided the Commission may enter into reciprocity agreements with states wherein nonresident license fees shall be in conformity with such reciprocal agreements. For a ten-day nonresident permit license, Fourteen Dollars (\$14.00). For a three-day nonresident permit license, Six Dollars and fifty cents (\$6.50). Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of the license fee for nonresidents, Two Dollars and fifty cents (\$2.50) of the ten-day nonresident permit fee and One Dollar and fifty cents (\$1.50) of the three-day nonresident permit fee shall be deposited in the Wildlife Habitat Fund created pursuant to the provisions of Section 4-132 of this title.

~~D.~~ E. Any person arrested while violating the provisions of this section may purchase a substitute temporary thirty-day license from the arresting Wildlife Conservation Ranger in lieu of posting bond. The fee for a substitute license purchased pursuant to the provisions of this subsection shall be:

1. For legal residents, Thirty-five Dollars (\$35.00); and

2. For nonresidents, Seventy-five Dollars (\$75.00).

The fees from licenses purchased pursuant to the provisions of this subsection shall be deposited in the Wildlife Conservation Fund to be used exclusively for developing, managing, preserving, and protecting wildlife and wildlife habitat.

~~E.~~ F. Unless a substitute license is purchased as provided for by subsection ~~D~~ E of this section, any ~~person~~ resident of this state convicted of violating the provisions of this section shall be

punished by the imposition of a fine of not less than ~~Twenty-five Dollars (\$25.00)~~ Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

G. Unless a substitute license is purchased as provided for by subsection E of this section, any nonresident convicted of violating this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period not more than thirty (30) days, or by both such fine and imprisonment.

SECTION 13. AMENDATORY 29 O.S. 1981, Section 4-112, as last amended by Section 4, Chapter 353, O.S.L. 1989 (29 O.S. Supp. 1990, Section 4-112), is amended to read as follows:

Section 4-112. A. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, no person may hunt, pursue, trap, harass, catch, kill, take or attempt to take in any manner, use, have in possession, sell, or transport all or any portion of any wildlife except fish, without having first procured a license for such from the Director or from any ~~of his~~ authorized agents of the Department.

B. ~~Persons~~ Pursuant to the provisions of this Code, persons excepted from the license requirement of this section are:

1. Legal residents of Oklahoma under sixteen (16) years of age on the first day of the current calendar year;

2. Legal residents of Oklahoma sixty-four (64) years of age or older provided such persons have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title;

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

4. Legal resident owners or tenants who hunt on land owned or leased by them;

5. Every citizen of Oklahoma serving in a branch of the United States Armed Forces, who is on properly authorized leave from military duty, who has in his possession proper written evidence showing such authorized leave, and who is serving outside the State of Oklahoma at the time of such hunting;

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

7. Legal residents having a proven disability which renders them nonambulatory and confines them to a wheelchair, as certified by a medical doctor duly licensed to practice medicine in this state.

C. Any person excepted from the license provisions of this section pursuant to the provisions of subsection B of this section, who is engaged in a hunting activity, as a condition of such exception shall be deemed to have given consent for any ranger to inspect the game bag, creel, live well, ice chest, or stringer of such person that the game ranger has probable cause to believe may hold wildlife.

~~C.~~ D. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the fees for licenses listed in this subsection are:

1. a. Annual hunting licenses for nonresidents hunting game other than deer, antelope, or elk, Seventy-three Dollars and fifty cents (\$73.50); for deer, One Hundred Forty-two Dollars (\$142.00); for antelope and elk, Two Hundred Ten Dollars and fifty cents (\$210.50). There shall be no exemptions for deer, antelope, elk, or turkey. For a five-day nonresident hunting license to hunt game other than deer, antelope, elk, turkey, or pheasant, the fee shall be Twenty-four Dollars (\$24.00).
- b. Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of

the license fee for hunting game other than deer, antelope and elk, Five Dollars (\$5.00) of the license fee for hunting deer, Five Dollars (\$5.00) of the license fee for hunting antelope and elk and Two Dollars and fifty cents (\$2.50) of the five-day hunting license shall be deposited in the Wildlife Habitat Fund created pursuant to the provisions of Section 4-132 of this title.

2. Deer gun hunting license, residents, Thirteen Dollars and seventy-five cents (\$13.75). There shall be no exemptions except for ~~persons~~ residents sixty-four (64) years of age or older provided such ~~persons~~ residents have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title. In addition, veterans who are totally disabled as certified by the U.S. Veterans Administration shall be exempt from the fees specified pursuant to this paragraph.

3. Deer archery hunting license, residents, Thirteen Dollars and seventy-five cents (\$13.75). No exemptions.

4. Primitive firearms license, residents, Thirteen Dollars and seventy-five cents (\$13.75). No exemptions.

5. Elk or antelope hunting license, residents, Thirty-four Dollars and twenty-five cents (\$34.25). No exemptions.

6. Bonus, special or second deer gun hunting license, residents, Thirteen Dollars and seventy-five cents (\$13.75). No exemptions except for ~~persons~~ residents sixty-five (65) years of age or older provided such ~~persons~~ residents have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title. In addition, veterans who are totally disabled, if certified by the U.S. Veterans Administration shall be exempt from the fees specified pursuant to this paragraph.

~~D.~~ E. The fees for hunting licenses, except as provided for in the Oklahoma Wildlife Conservation Code, are:

1. Legal residents, Nine Dollars and twenty-five cents (\$9.25);
and

2. Commercial hunting area ten-day permit, resident or
nonresident, Five Dollars (\$5.00).

~~E.~~ F. The provisions of this section shall not be construed to require a hunting license, resident or nonresident, of any person merely because he participates, as owner or handler of an entry, as an official, or as a spectator in the conduct of a field trial or performance test of dogs, whether he is a resident or nonresident of the State of Oklahoma. No license to hunt shall be required of any person engaged in training or working dogs, provided said person is in no way engaged in hunting and does not take or attempt to take in any manner any game.

~~F.~~ G. Any person arrested for hunting game other than deer, antelope, elk, or turkey without a valid hunting license as required by the provisions of subsection A of this section may purchase a substitute temporary thirty-day license from the arresting Wildlife Conservation Ranger in lieu of posting bond. Proof of hunter safety certification will not be required for such temporary substitute license. The fee for a substitute license purchased pursuant to the provisions of this subsection shall be:

1. For legal residents, Thirty-five Dollars (\$35.00); and
2. For nonresidents, One Hundred Thirty Dollars (\$130.00).

The fees from licenses purchased pursuant to the provisions of this subsection shall be deposited in the Wildlife Conservation Fund to be used exclusively for developing, managing, preserving, and protecting wildlife and wildlife habitat.

~~G.~~ H. Unless a substitute license is purchased as provided for by subsection ~~F.~~ G. of this section, any resident convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in

the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

~~H.~~ I. Unless a substitute license is purchased as provided for by subsection ~~F~~ G of this section, any nonresident convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed six (6) months, or by both said fine and imprisonment.

SECTION 14. AMENDATORY 29 O.S. 1981, Section 4-119, as amended by Section 10, Chapter 91, O.S.L. 1985 (29 O.S. Supp. 1990, Section 4-119), is amended to read as follows:

Section 4-119. A. No person may trap ~~or take~~ any furbearers without having first procured a license for such from the Director. Such license may be issued only to persons holding a hunting license applicable to their ~~citizenship~~ residency.

B. Persons excepted from the license requirements of this section are only those resident owners or tenants or such individuals' children, who trap on land owned or leased by such owner or tenants.

C. The fees for a license under this section shall be:

1. For residents,

a. Five Dollars (\$5.00) for the use of twenty (20) traps or less.

b. Sixty-eight Dollars and fifty cents (\$68.50) for a professional trapper, defined as a person using more than twenty (20) traps.

2. For nonresidents, Three Hundred Forty-five Dollars (\$345.00).

D. All licenses issued pursuant to this section shall expire on January 31 of each year.

E. Any person convicted of violating the provisions of subparagraph a, paragraph 1 of subsection C ~~above~~ of this section shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

F. Any person convicted of violating the provisions of subparagraph b, paragraph 1 of subsection C of this section shall be punished by the imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both said fine and imprisonment.

G. Any person convicted of violating the provisions of ~~subparagraph b of paragraph 1 and~~ paragraph 2 of subsection C ~~above~~ of this section shall be punished by a fine of not less than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00) nor more than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment.

SECTION 15. AMENDATORY 29 O.S. 1981, Section 4-120, as last amended by Section 1, Chapter 11, O.S.L. 1988 (29 O.S. Supp. 1990, Section 4-120), is amended to read as follows:

Section 4-120. A. No person may fish ~~for trout~~ in designated trout waters without having first procured a license from the Director or his authorized agents.

B. The Commission will decide the open season for such fishing and which waters are designated trout waters.

C. The fee for a license under this section shall be Six Dollars and seventy-five cents (\$6.75).

D. Any person arrested while violating the provisions of this section may purchase a substitute temporary thirty-day license from the arresting Wildlife Conservation Ranger in lieu of posting bond. The fee for a substitute license purchased pursuant to the provisions of this subsection shall be:

1. For legal residents, Thirty-five Dollars (\$35.00); and
2. For nonresidents, Seventy-five Dollars (\$75.00).

The fees from licenses purchased pursuant to the provision of this subsection shall be deposited in the Wildlife Conservation Fund to be used exclusively for developing, managing, preserving and protecting wildlife and wildlife habitat.

E. Unless a substitute license is purchased as provided for by subsection D of this section, any ~~person~~ resident of this state convicted of violating this section shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not more than thirty (30) days, or by both such fine and imprisonment.

F. Unless a substitute license is purchased as provided for by subsection D of this section, any nonresident convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

SECTION 16. AMENDATORY 29 O.S. 1981, Section 4-129, as last amended by Section 1, Chapter 103, O.S.L. 1990 (29 O.S. Supp. 1990, Section 4-129), is amended to read as follows:

Section 4-129. A. No person may harvest, or attempt to harvest, or assist in harvesting, or sell, buy or export mussels from the waters of this state without having first procured the proper license for such purposes from the Director. The fees for licenses under this section shall be:

1. For a resident license to harvest, or attempt to harvest, or assist in harvesting, or sell mussels, Ten Dollars (\$10.00);
2. For a nonresident license to harvest, or attempt to harvest, or assist in harvesting, or sell mussels, said fee shall be Seven Hundred Fifty Dollars (\$750.00);

3. To buy, transport out of state or export mussels, Two Hundred Fifty Dollars (\$250.00); prior to the issuance of this license the applicant shall file with the Department a good and sufficient surety bond by a surety company licensed to do business in this state in the sum of One Thousand Dollars (\$1,000.00) conditioned upon the observance and compliance with the provisions of ~~this act~~ the Oklahoma Wildlife Conservation Code, which bond will be subject to forfeiture upon conviction for the violation of any of the provisions of this act or resolutions of the Department;

4. Any person in the possession of more than twenty (20) mussels or parts thereof shall be required to have the proper license as provided for in this ~~act~~ section.

B. In addition to the requirements of subsection A of this section, any person harvesting, selling, buying or exporting mussels from the waters of this state shall procure an applicable annual fishing license pursuant to Section 4-110 of this title.

C. The Commission shall regulate the harvest season, gear types to be used, size and species to be harvested and issue such other regulations as it deems necessary and shall design all forms necessary for the operation of these provisions.

~~C.~~ D. Any person who exports mussels from the State of Oklahoma shall pay the Department as a severance fee an amount not to exceed one-twelfth (1/12) of the dollar value of purchased shells or a lesser figure as directed by the Wildlife Commission. These funds shall be used for mussel enforcement, management and/or research. The payment shall be computed from shipping bills of lading and paid by the 15th day of the following month. The Commission shall issue such regulations governing exports as it deems necessary and shall design all forms necessary for the operation of these provisions.

~~D.~~ E. No mussels shall be harvested except during daylight hours from sunrise until sunset. No harvesting shall ever take place in Tenkiller Lake.

F. Any person selling, buying or exporting mussels from the waters of this state shall provide advance notice of each and every place where such business is transacted. Such notice shall be to the Director in the manner prescribed by the Commission.

~~E. G.~~ 1. Except as provided for in paragraph ~~2~~ 3 of this subsection, any ~~person~~ resident of this state convicted of violating subsection A, ~~B~~ C or ~~D~~ E of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment not to exceed thirty (30) days, or by confiscation of gear and/or mussels pursuant to the provisions of Section 7-206 of this title or by a combination of fine, imprisonment and confiscation.

2. Except as provided for in paragraph 3 of this subsection, any nonresident convicted of violating the provisions of subsection A, C or E of this section shall be punished by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00) or by confiscation of gear and/or mussels pursuant to the provisions of Section 7-206 of this title or by a combination of fine, imprisonment and confiscation.

3. Any person convicted of violating the provisions of paragraph 2 of subsection A of this section or of subsection ~~E~~ D 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 not to exceed thirty (30) days, or by confiscation of the shipment of mussels pursuant to the provisions of Section 7-206 of this title, or by a combination of fine, imprisonment and confiscation. In addition, such person shall forfeit his license and not be permitted to renew the license for a one-year period.

SECTION 17. AMENDATORY 29 O.S. 1981, Section 5-201, is amended to read as follows:

Section 5-201. A. Except as otherwise provided, no person may utilize at any time, for the purpose of killing or capturing any game mammal, game bird or nongame bird, the following means:

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

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

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

4. Any device which generates electricity.

B. Persons exempt from the prohibition of the above provision shall be:

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

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

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

C. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than ~~Fifty Dollars (\$50.00)~~ One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 18. AMENDATORY 29 O.S. 1981, Section 5-203, is amended to read as follows:

Section 5-203. A. A hunting dog trainer may carry shotguns or firearms on public or private property other than state parks where hunting game to kill is now prohibited while training bird hunting dogs provided that:

1. ~~He~~ The trainer notifies the game ranger in his region prior to going into the field;

2. ~~He~~ The trainer has a dog training shoot to kill license, obtainable from the Oklahoma Department of Wildlife Conservation at a fee not to exceed Ten Dollars (\$10.00) per year;

3. ~~He~~ The trainer has a current receipt from a licensed commercial or noncommercial game breeder of the propagated bird, or has reared the bird himself, which is being released for the training purposes, stating the number of birds and the date obtained; and

4. All propagated birds so used are tagged or banded prior to their release. Provided, further that the use of a bird hunting dog may be permitted in the legal hunting of quail, dove, prairie chickens, pheasant and waterfowl.

5. A person may carry a pistol while training a bird dog without having met the provisions of ~~paragraph A, numbers~~ paragraphs 1 through 4 of this section subsection.

~~B. No person may take, catch, capture or kill any deer or other wildlife except fish and frogs by the use of a vehicle mounted spotlight or other powerful light at night, by what is commonly known as "headlighting." Provided, however, nothing in this Code shall prevent one from possessing a .22 caliber rimfire rifle or .22 pistol and a light carried on his person while in pursuit of furbearers with hounds during the legal, open furbearers season, while possessing a valid hunting license.~~

~~C. It shall be illegal to hunt from a boat with a firearm from sunset until one-half (1/2) hour before sunrise. This shall not pertain to hunting of waterfowl enroute from bank to blind with unloaded shotguns.~~

~~D. Any person may use a shotgun, using No. 6 size shot or smaller, longbow, light and a call for the purpose of hunting~~

~~predatory animals, provided that written permission is obtained from the local game ranger for each twenty-four-hour period of hunting.~~

~~E. No person may harass, capture, kill or attempt to kill any game while riding in or on any motor-driven land, air or water conveyance, except a nonambulatory person may hunt from said conveyances with written permission of the Director. Provided, however, nothing in this Code shall prevent the use of motor-driven land or water conveyances for following dogs in the act of hunting, when use of said conveyances is restricted to public roads or waterways. Said conveyances may be used on private property for following dogs in the act of hunting with the landowner's or occupant's permission.~~

~~F. A person who has been convicted or has pleaded guilty to two (2) game violations in one (1) year shall be known as an habitual game violator and his hunting and fishing licenses shall be cancelled and denied that person for one (1) year.~~

~~G. B. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year, or by both such fine and imprisonment.~~

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-203.1 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. No person may attempt to take, take, attempt to catch, catch, attempt to capture, capture, attempt to kill, or kill any deer or other wildlife except fish and frogs by the use of a vehicle mounted spotlight or other powerful light at night, by what is commonly known as "headlighting". Provided, however, nothing in this Code shall prevent one from possessing a .22 caliber rimfire rifle or .22 pistol and a light carried on his person while in

pursuit of furbearers with hounds during the legal, open furbearers season, while possessing a valid hunting license.

B. It shall be illegal to hunt from a boat with a firearm from sunset until one-half (1/2) hour before sunrise. This shall not pertain to hunting of waterfowl enroute from bank to blind with unloaded shotguns.

C. Any person may use a shotgun, using No. 6 size shot or smaller, longbow, light and a call for the purpose of hunting predatory animals, provided that written permission is obtained from the local game ranger for each twenty-four-hour period of hunting.

D. No person may attempt to harass, harass, attempt to capture, capture, attempt to take or take, kill or attempt to kill any wildlife with the aid of any motor-driven land, air or water conveyance, except a nonambulatory person may hunt from said conveyances with written permission of the Director. Provided, however, nothing in this Code shall prevent the use of motor-driven land or water conveyances for following dogs in the act of hunting, when use of said conveyances is restricted to public roads or waterways. Said conveyances may be used on private property for following dogs in the act of hunting with the landowner's or occupant's permission.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year, or by confiscation pursuant to Section 5-402 of Title 29 of the Oklahoma Statutes or by such fine, imprisonment and confiscation.

SECTION 20. AMENDATORY 29 O.S. 1981, Section 5-209, is amended to read as follows:

Section 5-209. A. The Director of the Department of Wildlife Conservation may issue a permit for the hunting or taking of

wildlife to ~~applicants~~ an applicant, otherwise qualified, who ~~have~~ has a permanent total disability to the extent that ~~they~~ such person cannot physically use a conventional longbow, ~~as certified by a medical doctor duly licensed to practice medicine in this state.~~ For purposes of this section, an "applicant who has a permanent total disability" shall include:

1. a person presenting proper certification from the United States Veterans Administration, the Armed Forces of the United States or the National Guard certifying such person has a disability rating of one hundred percent (100%). Eligibility to receive disability benefits pursuant to the Federal Social Security Act shall constitute proof of disability for purposes of this section;
or

2. a person who has lost total use of an arm, or has lost an arm, or hand or fingers on a hand to such an extent that such person cannot physically use a conventional bow.

B. The permit shall ~~also~~ allow any such person to take deer by crossbow only during legal open ~~archery~~ primitive firearm deer season.

SECTION 21. AMENDATORY 29 O.S. 1981, Section 5-402, as amended by Section 1, Chapter 113, O.S.L. 1988 (29 O.S. Supp. 1990, Section 5-402), is amended to read as follows:

Section 5-402. A. Any person convicted of violating any provision of Section 5-203 and Sections 5-401 through 5-410 of this part, hereinafter following title, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) ~~any.~~ Any person convicted of violating any provision of Sections 5-411 and 5-412 of this ~~part, hereinafter following title~~, shall be punished by a fine not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not less than

ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment.

B. The State of Oklahoma, on relation of the district attorney, is hereby authorized to institute legal action against the owner or operator of any ~~vehicles, guns, rifles or~~ air, land or water conveyances, firearms or other items or equipment so used, if such owner or operator be found in violation of Section 5-203, Section 19 of this act, Sections 5-411 and 5-412 of this title; and such legal proceedings shall subject all of the above-mentioned items to seizure and forfeiture proceedings pursuant to Section ~~3~~ 7-206 of this ~~act~~ title, if it is found that such items were used as an aid in violation hereof.

SECTION 22. AMENDATORY 29 O.S. 1981, Section 5-406, is amended to read as follows:

Section 5-406. No person may hunt, capture or kill any species of migratory birds, ~~such as~~ including but not limited to ducks, brant, and geese, except as provided in the Treaties of the United States and Acts of Congress relating to such endeavors, and as annually fixed by the federal department in control of migratory birds and the Commission.

SECTION 23. AMENDATORY 29 O.S. 1981, Section 5-411, as last amended by Section 1, Chapter 153, O.S.L. 1989 (29 O.S. Supp. 1990, Section 5-411), is amended to read as follows:

Section 5-411. A. 1. No person, including but not limited to persons licensed for commercial hunting or wildlife breeders, may hunt, chase, capture, shoot, shoot at, wound, attempt to take or take, attempt to kill or kill, or slaughter an antelope, moose, whitetail or mule deer, bear, elk ~~or~~, mountain lion, rocky mountain bighorn sheep, wild turkey, or any subspecies except in open season under Section 5-401 of this Code.

2. No person shall sell ~~or~~, offer for sale or buy or offer to buy an antelope, moose, whitetail or mule deer, bear, elk ~~or~~,

mountain lion, rocky mountain bighorn sheep, wild turkey ~~after it has been slaughtered or killed,~~ or any subspecies or any parts thereof, except as otherwise provided by rules and regulations prescribed by the Oklahoma Wildlife Conservation Commission ~~for the sale of deer and elk commercially raised~~ or by law.

3. The provisions of this subsection shall not be construed to prevent a hide from a legally taken deer to be sold or traded by a person who legally harvested or legally possesses a deer hide.

B. 1. It shall be unlawful for any person to ~~knowingly~~ have in his possession any meat, head, hide or any part of the carcass of any wildlife, ~~furbearer, or fish,~~ not legally taken.

2. Any meat, head, hide or any part of the carcass of any wildlife, ~~furbearer, or fish~~ not legally taken shall be subject to immediate seizure by a wildlife enforcement officer.

3. Provided, the provisions of this subsection shall not apply to privately owned, domesticated animals so designated by the Oklahoma Wildlife Conservation Commission.

C. Persons excepted from the above are:

1. Department employees when in the performance of their duties.

2. Authorized agents when appointed under Section 3-202 of this title.

SECTION 24. AMENDATORY 29 O.S. 1981, Section 6-201, as amended by Section 1, Chapter 57, O.S.L. 1986 (29 O.S. Supp. 1990, Section 6-201), is amended to read as follows:

Section 6-201. A. No person may net, trap or seine for commercial purposes or assist in such operations or buy, barter or trade any fish without having first obtained a valid commercial fishing license and without observing the following requirements:

1. No nets, traps, seines and other similar devices shall be used closer than one hundred (100) yards from the shore.

2. Except as otherwise provided, no type of set or unattended equipment or gear may have a mesh size of less than three (3) inches square nor shall such be set within four (4) feet of the surface of the water. Exceptions may be provided by the Department:

- a. under specific contracts with the Department.
- b. under experimental netting operations conducted by Department employees or under strict supervision of departmental personnel.
- c. for operations conducted for the specific commercial collection of shad and turtles, the Department may liberalize the type of gear, mesh size and activities of this type of operation. Such liberalization shall be approved by the Commission.

3. All types of set or unattended equipment shall have identification tags, as prescribed by the Department, attached while such equipment is set or unattended in the waters of this state.

4. All commercial fishing operations shall be done under the supervision of a ranger or other regular employee of the Department.

5. No commercial fishermen may possess, have in their possession at their places of business or transport any species of game fish or any striped bass hybrid.

6. All licensees shall send to the Department a true monthly and annual summary of all fish captured and captured and returned to the waters of the state.

7. Any other regulations the Commission decides by resolution.

B. Any equipment used in violation of this section may be confiscated and disposed of according to the law.

C. Any person convicted of violating the provisions of this section shall be punished by a fine not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Any conviction of

violating the provisions of this section shall prevent licensee from obtaining for a period of one (1) year any subsequent commercial fishing or helper's license or a commercial fishing contract. Conviction of violating any of the provisions of this section shall require mandatory forfeiture of any nets, traps, seines, or similar devices used during said prohibited act. Any such items forfeited shall become the property of the Department to be used as deemed necessary in the research and management of the fishery resources of this state.

SECTION 25. AMENDATORY 29 O.S. 1981, Section 6-301, as last amended by Section 2, Chapter 57, O.S.L. 1986 (29 O.S. Supp. 1990, Section 6-301), is amended to read as follows:

Section 6-301. A. Except as specifically provided, no person may use at any time in the waters of this state for taking, catching, capturing or killing any game or nongame fish any of the following instrumentalities:

1. A trotline or throwline, except when:
 - a. the name and address of the owner are attached thereto when used in lakes of over one hundred (100) surface acres or navigable rivers and streams;
 - b. no more than three such lines are used at any one time by a person;
 - c. no more than a total of one hundred hooks are used by a person, such hooks being spaced at least twenty-four (24) inches apart;
 - d. such line is not set within three (3) feet of the surface of any reservoir at any point beyond six (6) feet from either point of attachment, provided that this provision shall not apply to waters which are less than three (3) feet in depth in Salt Plains and Fort Supply Reservoirs;

- e. each line is attended and inspected or removed once every twenty-four (24) hours; and
- f. the main line is constructed of nonmetallic material.

2. A limblime or jugline to which hooks are attached, except when:

- a. the name and address of the owner are attached thereto when used in lakes of over one hundred (100) surface acres or navigable rivers and streams; and
- b. each line is attended once every twenty-four (24) hours.

~~3. Any rotenone or other poison, dynamite or other explosive or any electrical device used for shocking purpose:~~

- ~~a. possession of any poison, explosive, device or equipment capable of being used in violation of the provisions of this section, on the bank or in the immediate vicinity of any river, creek, stream, lake or pond shall be prima facie evidence of a violation of the provisions of this section; and~~
- ~~b. any explosive, device or equipment, and any boat, motor or boat and motor in which the same may be found shall be subject to immediate seizure by any ranger, sheriff or deputy sheriff and any such items shall be subject to forfeiture to the State of Oklahoma in a proceeding brought for such purpose in the county where such items have been found or seized.~~

~~B. No person may manufacture, sell, or offer to sell any electrical device designed to shock fish or used for the purpose of shocking fish except when such device is requested by a state or federal agency for scientific fisheries work.~~

~~C.~~ B. Any person possessing a written statement by an authorized employee of the Department of Wildlife Conservation or Lake Patrol of the Department of Public Safety approving an

exception of one (1) day each week from the attending provisions required in ~~paragraphs 1 and 2~~ of subsection A of this section may be exempt for religious or other reasons.

~~D. 1. C.~~ Any person convicted of violating the provisions of ~~paragraph 1 or 2~~ of subsection A of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

~~2. Any person convicted of violating the provisions of paragraph 3 of subsection A or of subsection B of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Any person, upon conviction of a second or subsequent violation of paragraph 3 of subsection A or of subsection B of this section when said violation occurred within two (2) years of a previous conviction for violating said provisions, 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 a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition, all fishing licenses and fishing privileges within the state of such person shall be revoked for a period of one (1) year from the date of such conviction.~~

~~E. D.~~ Persons exempt from the prohibitions of this section shall be:

1. The Director, department employees or ~~rangers~~ authorized agents when catching, taking or killing any fish for propagation, management or scientific purposes; and

2. Any person possessing a scientific purpose license authorizing such.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-301a of Title 29, unless there is created a duplication in numbering, reads as follows:

A. No person may use at any time in the waters of this state for taking, catching, capturing or killing any game or nongame fish any of the following instrumentalities:

1. any rotenone or other poison;
2. dynamite or other explosive; or
3. any electrical device used for shocking purpose.

B. Possession of any poison, explosive, device or equipment capable of being used in violation of the provisions of this section, on the bank or in the immediate vicinity of any river, creek, stream, lake or pond shall be prima facie evidence of a violation of the provisions of this section.

C. Any explosive, device or equipment, and any boat, motor or boat and motor in which the same may be found shall be subject to immediate seizure by any ranger, sheriff or deputy sheriff and any such items shall be subject to forfeiture pursuant to the provisions of the Oklahoma Wildlife Conservation Code to the State of Oklahoma in a proceeding brought for such purpose in the county where such items have been found or seized.

D. No person may manufacture, sell, or offer to sell or buy or offer to buy any electrical device designed to shock fish or used for the purpose of shocking fish except when such device is requested by a state or federal agency for scientific fisheries work.

E. 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 a period not to exceed thirty (30) days, or by both such fine and imprisonment. Any person, upon conviction of a second or subsequent violation of this section when

said violation occurred within two (2) years of a previous conviction for violating said provisions, 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 a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition, all fishing licenses and fishing privileges within the state of such person shall be revoked for a period of one (1) year from the date of such conviction.

F. Persons exempt from the prohibitions of this section shall be:

1. The Director, department employees or authorized agents pursuant to their duties; and

2. Any person possessing a scientific purpose license authorizing such.

SECTION 27. AMENDATORY 29 O.S. 1981, Section 6-303, as last amended by Section 5, Chapter 353, O.S.L. 1989 (29 O.S. Supp. 1990, Section 6-303), is amended to read as follows:

Section 6-303. A. No person may take, kill, or catch or attempt to take, kill, or catch any nongame fish from the waters of this state or assist in any such endeavor in any manner except as follows:

1. By all legal hook and line methods in state waters legally open to these methods; and

2. By nets or seines used to take nongame fish only in such waters as are declared open to such nets or seines by the Commission. Such nets or seines shall:

a. be hoop nets with a mesh size no smaller than three-inch square mesh, or gill nets, trammel nets, or seines with a mesh size no smaller than four-inch square mesh, and

b. have the name and address of the owner attached thereto if the net is to be left unattended, and

c. be attended once every twenty-four (24) hours.

Each license holder shall be limited to a maximum of three hundred (300) feet of net or a total of four hoop nets in the water at any time.

No fish taken pursuant to this noncommercial netting provision can be sold or transported from the state.

Noncommercial netting shall be prohibited statewide during April and May annually; and

3. By arrows, gigs, ropes, grab hooks, spears, and spearguns used by divers equipped with self-contained underwater breathing apparatus. Such gigs or spears may have no more than three points with not more than two barbs on each point; and

4. By noodling; and

5. By cast nets and handheld dip nets used to take only nongame fish as bait for personal use in all waters of the state except those closed by the Commission. The cast nets shall have a mesh size no greater than three-eighths-inch square mesh; and

6. By trawl nets pulled by motor-driven boats. Such nets may be used to take only nongame fish as bait for personal use in all waters of the state except those closed by the Commission. Trawl nets may not exceed three (3) feet in diameter with no greater than three-eighths-inch square mesh.

B. The Commission shall have authority to designate by ~~resolution~~ regulation areas, waters of this state, or parts thereof for the taking, catching, or killing of nongame fish by noodling or by the use of arrows, gigs, cast nets, dip nets, spears, ropes, grab hooks, and spearguns used by divers equipped with self-contained underwater breathing apparatus, and to also designate the times such may be used.

C. 1. Except as otherwise provided in this subsection, any person convicted of violating the provisions of this section shall be punished by the imposition of a fine not less than ~~Twenty-five~~

~~Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00)~~ One Hundred Dollars (\$100.00).

2. Any person convicted of violating the provisions of this section by netting, snaglining or selling nongame fish shall be punished by imposition of a fine of not less than One Hundred Dollars (\$100.00) ~~nor more than Five Hundred Dollars (\$500.00)~~, or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Any person, upon conviction of a second or subsequent violation of the provisions of this section by netting, snaglining or selling nongame fish when said violation occurred within two (2) years of a previous conviction for violating said provisions, shall be punished by imposition of 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 a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition, all fishing licenses and all fishing privileges within the state of such person shall be revoked for a period of one (1) year from the date of such conviction.

D. Nothing in this section shall prohibit the taking of nongame fish by licensed commercial fishing and commercial minnow seining as provided for in Sections 6-201, 6-202 and 6-401 of this title.

SECTION 28. AMENDATORY Section 2, Chapter 85, O.S.L. 1983, as last amended by Section 2, Chapter 113, O.S.L. 1988 (29 O.S. Supp. 1990, Section 6-306), is amended to read as follows:

Section 6-306. A. Any boat or vessel, boat trailer, motor, fishing device, vehicle, or equipment used or operated in violation of the provisions of paragraph 3 of subsection A or of subsection B of Section 6-301, subsection A of Section 6-302 ~~or~~, paragraph 2 of subsection A of Section 6-303 or Section 4-129 of this title or as otherwise provided by the Oklahoma Wildlife Conservation Code shall be subject to immediate seizure pursuant to Section ~~3~~ 7-206 of this

~~act title~~ by any ranger, sheriff, deputy sheriff, or other peace officer and held as evidence until a forfeiture has been declared or release ordered.

B. Upon conviction for a violation of the provisions of paragraph 3 of subsection A or of subsection B of Section 6-301, subsection A of Section 6-302 ~~or~~, paragraph 2 of subsection A of Section 6-303 or Section 4-129 of this title, any such items, equipment or vehicles used or operated in such violation, shall be subject to forfeiture proceedings pursuant to Section ~~3~~ 7-206 of this ~~act title~~ brought for such purpose by the district attorney in the county where such items, equipment or vehicles are seized. Such items, equipment and vehicles shall be subject to mandatory forfeiture if said violation occurred within two (2) years of a previous conviction of said person for violating the provisions specified in this section.

SECTION 29. AMENDATORY 29 O.S. 1981, Section 6-504, is amended to read as follows:

Section 6-504. A. No person shall release, deposit, place or permit to be released, deposited or placed fish in any of the public streams, public lakes or public ponds whose stocking is controlled by and so designated by the Wildlife Conservation Commission without the consent of the Wildlife Conservation Director.

B. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

SECTION 30. AMENDATORY 29 O.S. 1981, Section 6-601, is amended to read as follows:

Section 6-601. A. It shall be unlawful for any person to:

1. Import into;
2. Transport in;

3. Place or cause to be placed in the waters of; or

4. Cultivate or cause to propagate in the waters of;

this state any noxious aquatic plant or seed or reproductive part thereof.

B. Noxious aquatic plant shall be any aquatic plant which may cause injury to the environment of the state and declared to be noxious by regulation of the Oklahoma Wildlife Conservation Commission.

C. Any person who knowingly or willfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished by the imposition of a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

D. In addition to the criminal penalties provided herein, the Commission may enforce the provisions of this section by injunctive action.

E. The Commission may, on order, grant to any individual such conditional exceptions to this section as are not injurious to the environment.

SECTION 31. AMENDATORY 29 O.S. 1981, Section 7-101, is amended to read as follows:

Section 7-101. A. No person shall enter, swim, wade, operate a boat or operate or float any floating device in any safety zone. This provision shall not be construed to prohibit fishing from the bank or shore when otherwise lawful.

B. The Department shall have the authority ~~and duty~~ to maintain buoy lines, cable nets or any other device which it may find necessary to keep persons, boats or floating devices out of the safety zone and shall have authority to erect signs or other warning devices to mark the existence and extent of safety zones. The

Department shall be exempt from any penalty should it fail to comply with this provision.

C. In all water bounded by a turbine outlet, a continuous warning signal by means of a horn shall be sounded for a period of five (5) minutes prior to the opening of the dam's gates and the releasing of water through the same, in order that the public shall have notice thereof.

D. Subsections A and B of this section shall not be applicable to the waters below any particular dam when, and to the extent that, such application would be in conflict with the laws of the United States or valid rules and regulations promulgated thereunder. Further, the lack of any such line, net, device or sign, pursuant to subsection B of this section, shall not prevent a violation of subsection A from taking effect.

E. This section shall apply to all federal dams with the exception of Salt Plains Lake, Tenkiller Lake, Fort Supply Lake and Canton Lake.

F. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

SECTION 32. AMENDATORY Section 1, Chapter 134, O.S.L. 1982 (29 O.S. Supp. 1990, Section 7-205), is amended to read as follows:

Section 7-205. A. No person may capture, kill, mutilate or destroy any ~~game bird, game mammal or game fish of this state~~ 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. No person may capture or mutilate any living ~~game bird, game mammal or game fish~~ wildlife protected by law by removing the head,

claws, teeth, hide, antlers, horns or any or all of such parts from the body.

C. No person may kill any ~~game bird, game mammal or game fish~~ 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 less than six (6) months nor more than one (1) year, or by both fine and imprisonment.

SECTION 33. AMENDATORY Section 3, Chapter 113, O.S.L. 1988 (29 O.S. Supp. 1990, Section 7-206), is amended to read as follows:

Section 7-206. A. Any ranger, sheriff, deputy sheriff or other peace officer of this state is authorized to seize any item, equipment, vehicle or other property, which is used or operated in violation of any provision of Sections 5-411, 5-412, ~~and the provisions of~~ paragraph 3 of subsection A ~~or of~~, subsection B of Section 6-301, subsection A of Section 6-302 ~~or~~, paragraph 2 of subsection A of Section 6-303, subsection A, B, C or D of Section 4-129 of this title, Section 19 of this act, or as otherwise specified by the Oklahoma Wildlife Conservation Code. Such items, equipment, vehicles or other such property shall be held as evidence until:

1. a forfeiture or release has been ordered by the court pursuant to the provisions of this act; or

2. the district attorney of the county in which the item, equipment, vehicle or other property was seized determines that such item, equipment, vehicle or other property is not needed for prosecution of the violation.

Upon such forfeiture by order of the court, or upon such determination by the district attorney, the court or the district

attorney as the case may be, shall provide for the release of such item, equipment, vehicle or other property so seized.

B. Notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county wherein any such item, equipment, vehicle or property, is seized and shall be given all owners and parties in interest.

C. Notice shall be given according to one of the following methods:

1. Upon each owner or party in interest whose right, title or interest is of record in the Tax Commission, by mailing a copy of the notice by certified mail to the address as given upon the records of the Tax Commission;

2. Upon each owner or party in interest whose name and address is known, by mailing a copy of the notice by registered mail to the last-known address; or

3. Upon all other owners, whose addresses are unknown, but who are believed to have an interest in such item, equipment, vehicle or other property, by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing or publication of the notice, the owner of any such item, equipment, vehicle or other property, and any other party in interest or claimant may file a verified answer and claim to such item, equipment, vehicle or property described in the notice of seizure and of the intended forfeiture proceeding.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use or intended unlawful use and shall order the item, equipment, vehicle or property, forfeited to the state, if such fact is proved.

F. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

G. At the hearing the state shall prove beyond a reasonable doubt by competent evidence that the item, equipment, vehicle or property was used or operated in a violation of any provision ~~of Sections 5-411, 5-412 and the provisions of paragraph 3 of subsection A or of subsection B of Section 6-301, subsection A of Section 6-302 or paragraph 2 of subsection A of Section 6-303 of the Oklahoma Statutes~~ specified by subsection A of this section. Such items, equipment, vehicles or other such property shall be held as evidence until a forfeiture has been declared or release ordered.

H. The claimant of any right, title or interest in the item, equipment, vehicle or other property may prove the lien, mortgage or conditional sales contract of the claimant to be bona fide and that the right, title or interest of the claimant was created without any knowledge or reason to believe that the item, equipment, vehicle or property was being operated for the purpose charged.

I. In the event of such proof, the court shall order the item, equipment, vehicle or property released to the bona fide or innocent owner, lien holder, mortgagee or vendor if the amount due such person is equal to, or in excess of, the value of the item, equipment, vehicle or property as of the date of the seizure. It is the intention of this section to forfeit only the right, title or interest of the purchaser.

J. If the amount due to such person is less than the value of the item, equipment, vehicle or property or if no bona fide claim is established, the item, equipment, vehicle or property shall be forfeited to the state and the item, equipment, vehicle or property shall be sold under judgment of the court, as on sale upon execution, except as otherwise provided for in subsection M of this section.

K. Property taken or detained pursuant to this section shall not be repleviable, but shall be deemed to be in the custody of the office of the district attorney of the county wherein the property

was seized, subject only to the orders and decrees of the court or the official having jurisdiction thereof.

L. The proceeds of the sale of any such item, equipment, vehicle or property pursuant to the provisions of this section shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser, conditional sales vendor or mortgagee of the item, equipment, vehicle or property, if any, up to the amount of the interest of such person in the item, equipment, vehicle or property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the property; and

3. The balance to be apportioned, one-fourth (1/4) to the Department of Wildlife Conservation and three-fourths (3/4) to the district court in which such proceedings were brought.

M. Whenever any item, equipment, vehicle or property is forfeited under this section and there is no innocent claimant thereof, the district court of jurisdiction may order that the item, equipment, vehicle or property seized may be retained by the Department of Wildlife Conservation for its official use.

N. If the court finds that the item, equipment, vehicle or property was not used in a violation of any provision ~~of Sections 5-411, 5-412 and the provisions of paragraph 3 of subsection A or of subsection B of Section 6-301, subsection A of Section 6-302 or paragraph 2 of subsection A of Section 6-303 of the Oklahoma Statutes~~ specified by subsection A of this section, the court shall order the item, equipment, vehicle or property released to the owner as the right, title or interest of the owner appears on record in the Tax Commission as of the seizure.

SECTION 34. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-207 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. When a defendant is convicted of a wildlife offense which involves the unlawful possession, taking or killing of said wildlife from an unlawful hunt, chase, trap, capture, shooting at, being shot, killing or slaughter, netting, shocking, poisoning, or catching by any means the court, in addition to the execution of sentence in whole or in part, shall order the convicted defendant to provide restitution to the Oklahoma Department of Wildlife Conservation.

B. The amount of restitution per fish, bird, or animal regardless of classification shall include but not be limited to replacement costs established by professional recommendation and approved by the Oklahoma Wildlife Conservation Commission, or any estimated average of the most recent values compiled from various states that surround the State of Oklahoma.

C. One hundred percent (100%) of the amount of restitution shall be forfeited to the Oklahoma Department of Wildlife Conservation in the event of a guilty plea or a conviction.

SECTION 35. AMENDATORY 29 O.S. 1981, Section 7-304, is amended to read as follows:

Section 7-304. A. Except as otherwise provided, no person may enter upon any state or federal ~~game preserve or~~ wildlife, refuge or Wildlife Management Area with dog or gun.

B. Exceptions to the above provisions are when the Commission and/or the Tourism and Recreation Commission may by resolution permit:

1. The holding of field trials by duly-authorized sportsmen's clubs; or

2. Such hunting, killing or trapping of wildlife from such ~~preserve or~~ refuge or Wildlife Management Area; provided, however, that Lake Murray State Park shall not be utilized for killing or trapping of natural wildlife and shall remain a wildlife preserve.

C. Any person convicted of violating provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment.

SECTION 36. AMENDATORY 29 O.S. 1981, Section 7-403, as amended by Section 1, Chapter 130, O.S.L. 1982 (29 O.S. Supp. 1990, Section 7-403), is amended to read as follows:

Section 7-403. A. Any person who catches or obtains fish in any manner whatsoever from the waters of this state and such fish are dead when taken, or die as a result of such act, shall remove those fish from such waters and shall bury or burn them, except nothing in this section shall prevent noncommercial fishermen from returning fish remains to the lakes and reservoirs of this state.

B. No person may bury or burn any such dead fish in any place where they are liable to become exposed through erosion or where such land is at any time subject to overflow.

C. Any person convicted of violating the provisions of this section shall be ~~fin~~~~ed~~ ~~not~~ punished by the imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment, and shall further reimburse a state agency for the costs that agency incurred in the authorized clearing of the waters and/or land of those dead fish.

SECTION 37. AMENDATORY 29 O.S. 1981, Section 7-502, is amended to read as follows:

Section 7-502. A. Except as otherwise provided, no person may possess:

1. Any wildlife or parts thereof during the closed season for that particular wildlife species; or

2. Any endangered or rare species or parts thereof at any time.

B. Persons exempt from provisions of paragraph 1 of subsection A are:

1. Persons storing lawfully taken wildlife in any home freezer or cold storage locker;

2. Persons possessing hides, heads, horns, etc., as specimens or trophies; or

3. Persons possessing wild waterfowl taken in compliance with and under provisions of federal laws pertaining thereto.

C. Possession of game during the closed season, except as above provided, shall be prima facie evidence that such was taken in a closed season.

D. Any person convicted of violating any provision of this section shall be punished by a fine of not less than ~~Ten Dollars (\$10.00)~~ One Hundred Dollars (\$100.00) nor more than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

SECTION 38. AMENDATORY 29 O.S. 1981, Section 7-503, as amended by Section 1, Chapter 93, O.S.L. 1983 (29 O.S. Supp. 1990, Section 7-503), is amended to read as follows:

Section 7-503. A. Except as otherwise provided for by law, no person may buy, barter, trade, sell or offer, or expose for sale all or any part of any fish or wildlife or the nest or eggs of any bird, protected by law.

B. Persons licensed to propagate or sell fish or wildlife pursuant to the provisions of the Oklahoma Wildlife Conservation Code and persons who have documentation of legally purchased fish or wildlife or parts thereof for resale are exempt from the provisions of this section.

C. All wildlife or parts thereof seized pursuant to the provisions of this section and determined to be unfit for release in

a suitable locale shall be sold. The proceeds from said sale shall be deposited in the Wildlife Conservation Fund.

D. No person shall buy, barter, trade, or sell, within this state, any furbearing animal, game animal, or game fish, or any part thereof, acquired from a source within or outside of this state unless at the time and place of each such sale, the seller shall have in his possession an invoice signed by the person from whom said seller purchased said animals or fish, which shall contain a statement of the source from which said animals or fish were acquired, and the species and quantity of each species, or parts thereof, delivered to said seller.

E. The animal, bird, fish, or part thereof shall be confiscated by the arresting authority and forwarded to the Commission to be held until the matter is resolved. If a person violating the provisions of this section is convicted, the Commission shall retain and properly dispose of the confiscated animal, bird, fish, or part thereof. If a person accused of violating the provisions of this section is acquitted, the confiscated animal, bird, fish, or part thereof shall be returned to the possession of the person from whom it was confiscated. ~~Bail shall be accepted as provided in Section 1111 of Title 22 of the Oklahoma Statutes.~~

F. The first violation of any of the provisions of this section shall be punishable by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both said fine and imprisonment.

Subsequent violations of the provisions of this section shall be punishable by a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both said fine and imprisonment.

SECTION 39. AMENDATORY 29 O.S. 1981, Section 7-703, is amended to read as follows:

Section 7-703. A. Except as otherwise provided, no person may use any motor-driven conveyance or devices in any portion of the wilderness area east of Broken Bow Lake.

B. Those persons exempted shall be those state and federal employees, specified in paragraphs 2 and 3, subsection B of Section 7-702 of this Code, in the performance of their duties.

C. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-101 of Title 29, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided by law, any person arrested by a law enforcement officer for violation of any section of this title shall be deemed guilty of a misdemeanor and shall be admitted to bail as follows:

1. Post cash bail, which will be in the amount of the minimum fine for the offense committed plus court costs. This bail will be mailed in an envelope addressed to the court clerk or hand delivered to the court clerk within seventy-two hours after time of arrest by the arresting officer. The arresting officer shall furnish a receipt to the person. For the purpose of this section, cashier's checks, postal money orders, instruments commonly known as traveler's checks, certified checks, and personal checks shall be considered as cash.

2. Any resident who does not post a cash bail shall deposit with the arresting officer, a valid license to operate a motor vehicle. A nonresident arrestee posting cash by personal check

shall deposit with the arresting officer the valid license of such person to operate a motor vehicle. The receipt for an operator's license shall cease to be valid as an operator's license if the personal check is not honored after the last presentment. The court clerk shall supply the Oklahoma Department of Wildlife Conservation with postage-paid preaddressed envelopes. The cost of the envelopes and postage shall be paid from the court fund; or

3. Deposit with the arresting officer a valid license to operate a motor vehicle, in exchange for an official receipt issued by the arresting officer. The operator's license and citation shall be transmitted by the arresting officer to the clerk of the court having jurisdiction over the offense.

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-102 of Title 29, unless there is created a duplication in numbering, reads as follows:

Application for a duplicate license to operate a motor vehicle during the period when the original license is posted in lieu of cash bail shall be deemed a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than seven (7) days nor more than six (6) months, or by both such fine and imprisonment. Notice of the fine and punishment shall be printed on the receipt issued for deposit of a driver's license in lieu of cash bail. The receipt for posting bail will be on the back of the citation issued. Except as otherwise provided by law, the receipt shall be recognized as an operator's license until the date of arraignment but not exceeding twenty (20) days.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-103 of Title 29, unless there is created a duplication in numbering, reads as follows:

The court clerk shall return an operator's license deposited in lieu of cash bail, as provided by this section to the defendant upon the following:

1. acceptance of the defendant's personal check for cash bail and collection of funds;
2. appearance to answer the charge or to post bond; or
3. election to enter a plea of guilty by transmitting to the court clerk the cash bail as provided by Section 40 of this act.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-104 of Title 29, unless there is created a duplication in numbering, reads as follows:

The arresting officer shall indicate on the citation the date of the arraignment. The defendant shall appear in person or by counsel at the stated time and place for arraignment. If the defendant fails to appear in court in person or by counsel for arraignment on the charge against him, or fails to arrange with the court within the time designated on the citation for a future appearance, the cash bail, if cash bail has been deposited by the defendant, shall be forfeited. In addition, on motion of the District Attorney, the court shall issue a bench warrant for the arrest of the defendant.

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-105 of Title 29, unless there is created a duplication in numbering, reads as follows:

A defendant may, if the district court approves, forfeit his cash bail for a violation of a section of the Oklahoma Wildlife Conservation Code that carries a minimum fine of Fifty Dollars (\$50.00) or less by signing a guilty plea on the back of the court copy of the citation. The defendant will not have to appear for arraignment if the defendant elects to follow the procedure authorized in this section.

SECTION 45. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-413 of Title 29, unless there is created a duplication in numbering, reads as follows:

Artificial silhouettes, mounted specimens or other facsimiles of wildlife shall be considered as the type wildlife they represent for purposes of enforcement of provisions of the Code and penalties will be the same as if the facsimiles were real wildlife.

SECTION 46. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1002 of Title 29, unless there is created a duplication in numbering, reads as follows:

Any person who has been convicted or has pleaded guilty to two (2) wildlife violations in a two-year period shall be known as a habitual wildlife violator and his hunting and fishing licenses issued pursuant to the Oklahoma Wildlife Conservation Code shall be canceled and denied that person for a minimum of one (1) year.

SECTION 47. AMENDATORY 22 O.S. 1981, Section 152, as last amended by Section 1, Chapter 308, O.S.L. 1990 (22 O.S. Supp. 1990, Section 152), is amended to read as follows:

Section 152. A. Prosecutions for the crimes of bribery, embezzlement of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, or of any misappropriation of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, falsification of public records of the state or any county, school district, municipality or other subdivision thereof, and conspiracy to defraud the State of Oklahoma or any county, school district, municipality or other subdivision thereof in any manner or for any purpose shall be commenced within seven (7) years after the discovery of the crime; provided, however, prosecutions for the crimes of embezzlement or misappropriation of public money, bonds, securities, assets or property of any school district, including

those relating to student activity funds, or the crime of falsification of public records of any independent school district, the crime of lewd or indecent proposals or acts against children, pursuant to Section 1123 of Title 21 of the Oklahoma Statutes, the crimes of involving minors in pornography, pursuant to Sections 1021.2 and 1021.3 of Title 21 of the Oklahoma Statutes, the crime of sodomy, the crime of criminal conspiracy, or the crime of embezzlement, pursuant to Sections 1451 through 1462 of Title 21 of the Oklahoma Statutes shall be commenced within five (5) years after the discovery of the crime.

B. Prosecutions for criminal violations of any state income tax laws shall be commenced within five (5) years after the commission of such violation.

C. Prosecutions for the crime of rape or forcible sodomy, pursuant to Sections 888, 1111, 1111.1, 1113 or 1114 of Title 21 of the Oklahoma Statutes, shall be commenced within seven (7) years after the discovery of the crime.

D. Prosecutions for criminal violations of any provision of the Oklahoma Wildlife Conservation Code shall be commenced within five (5) years after the commission of such offense.

E. In all other cases a prosecution for a public offense must be commenced within three (3) years after its commission.

SECTION 48. REPEALER 29 O.S. 1981, Sections 3-205, as amended by Section 5, Chapter 172, O.S.L. 1985, 5-503 and 7-501, as amended by Section 4, Chapter 112, O.S.L. 1987 (29 O.S. Supp. 1990, Sections 3-205 and 7-501), are hereby repealed.

SECTION 49. This act shall become effective September 1, 1991.

43-1-6057 KSM