

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 70

By: Shurden of the Senate

and

Smith (Bill) of the House

COMMITTEE SUBSTITUTE

An Act relating to wildlife; amending 29 O.S. 1991, Sections 2-109.1, 2-121.2, 4-112A and 6-302, as amended by Section 2, Chapter 402, O.S.L. 1992 (29 O.S. Supp. 1992, Section 6-302), which relate to hunting; modifying definitions; requiring certain hunter safety certification; requiring certain portions of Illinois River and tributaries to be open at specified dates for specified purposes; modifying name of certain state agency; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 2-109.1, is amended to read as follows:

Section 2-109.1 "Exotic wildlife" includes any and all species of wildlife that are not indigenous to, ~~occur naturally,~~ ~~or are characteristic of another country other than the United States, its territories, commonwealths or possessions~~ or may not be found in the wild in, the Continental United States.

SECTION 2. AMENDATORY 29 O.S. 1991, Section 2-121.2, is amended to read as follows:

Section 2-121.2 "Native wildlife" means any and all species of wildlife that are indigenous to ~~or occur naturally within the United States, or any other territory, commonwealth, or possession~~ ~~of,~~ or that may be found in the wild in, the Continental United States.

SECTION 3. AMENDATORY 29 O.S. 1991, Section 4-112A, is amended to read as follows:

Section 4-112A. A. On and after January 1, 1987, no person born on or after January 1, 1972, upon reaching sixteen (16) years of age and through thirty-five (35) years of age, may purchase or receive any hunting license or hunting tag unless said person possesses and can exhibit a certificate of competency and safety in the use and handling of firearms from the Department of Wildlife Conservation. The Department shall charge no fee for the issuance of such certificates. A hunter safety certificate issued by another state or country and approved by the Department of Wildlife Conservation shall be deemed to meet the requirements of this section. No person under sixteen (16) years of age may purchase a gun deer tag or hunt large game with any firearm without first obtaining a hunter safety certification.

B. The Department of Wildlife Conservation shall prescribe, adopt, and promulgate rules and regulations necessary for the certification of programs for hunter safety offered by other public or private organizations.

C. The provisions of this section shall not apply to any person who has an honorable discharge from the United States Armed Forces. In addition, the provisions of this section shall not apply to any person who is a resident landowner or a resident tenant, while hunting game other than deer or antelope, upon land owned or leased by such person. The provisions of this subsection shall not exempt nonresidents owning land in this state nor any person leasing land, for the purpose of hunting.

D. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Fifty Dollars (\$50.00) 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 4. AMENDATORY 29 O.S. 1991, Section 6-302, as amended by Section 2, Chapter 402, O.S.L. 1992 (29 O.S. Supp. 1992, Section 6-302), is amended to read as follows:

Section 6-302. A. No person may take, kill or catch from any river, creek, lake, state pond or privately-owned pond which is stocked by state or federal fish hatchery any game fish except by  
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means of hook and line attached to a pole or rod, throwline, trotline or with speargun used by divers equipped with self-contained underwater breathing apparatus, except for white bass which may be taken by the use of a gig; nor may any person sell, offer to sell or have in possession for the purpose of selling any game fish. Game species open to taking by speargun include all except black bass, striped bass, walleye, northern pike and trout. Upon receiving information that damage to the fish population is occurring in any of the waters of this state, the Commission shall give notice and hold a hearing to determine such fact and may, upon good cause shown, regulate the taking of fish to any extent necessary to protect fish in said waters of this state.

B. Fish taken under the above subsection shall be in accordance with the method of taking, length limits and bag limits which shall be set by Commission resolution.

C. No nonresident may have in his possession upon leaving the state more than a two-day bag limit of any species of game fish.

D. It shall be unlawful for any person to use in the waters of this state a speargun having more than three points with more than two barbs on each point.

E. The portions of the Illinois River and its tributaries above the Horseshoe Bend Boat Ramp on Tenkiller Reservoir shall be open for the taking of nongame fish and white bass by gigging from December 1 through March 1 of each year. The portions of the Illinois River and its tributaries above Highway 62 shall be open for the taking of nongame fish and white bass by gigging from December 1 through March 31 of each year.

F. 1. Except as otherwise provided for in this subsection, any person convicted of violating any of the 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).

2. Any person convicted of violating any provisions of this section by netting, snaglining or selling game 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 game fish 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.

SECTION 5. This act shall become effective September 1, 1993.

44-1-6881

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