

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2177

By: Erwin

AS INTRODUCED

An Act relating to game and fish; amending 29 O.S. 1991, Sections 5-405, as amended by Section 7, Chapter 36, O.S.L. 1993, and 5-411 (29 O.S. Supp. 1995, Section 5-405), which relate to certain protected game; allowing retention of pelts after certain time period; requiring written notification; adding certain animals; allowing the sale or trade of certain antlers or horns; stating how antlers or horns are to be prepared for sale or trade; amending 29 O.S. 1991, Section 7-503, as amended by Section 17, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1995, Section 7-503), which relates to prohibiting the sale or trade of certain wildlife; allowing the sale or trade of legally acquired coyote carcasses or parts; providing certain restriction on the sale of horns or antlers; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 5-405, as amended by Section 7, Chapter 36, O.S.L. 1993 (29 O.S. Supp. 1995, Section 5-405), is amended to read as follows:

Section 5-405. A. Except as otherwise provided, no person may hunt, kill, capture or otherwise take or destroy any furbearer, except from December 1 to January 31, both dates inclusive.

B. No person may take otter at any time.

C. ~~Persons taking~~ Any person who takes a pelt or pelts during the season shall have until ten (10) working days after the close of said the season to sell or dispose of such the pelts or to provide written notification to the Department of Wildlife Conservation that the person intends to hold the pelts for later sale. Written notification shall be made on a form prescribed by the Department.

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

SECTION 2. AMENDATORY 29 O.S. 1991, 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, 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, offer for sale or buy or offer to buy an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, rocky mountain bighorn sheep, wild turkey, or any subspecies

or any parts thereof, except as otherwise provided by rules ~~and~~  
~~regulations~~ prescribed by the Oklahoma Wildlife Conservation  
Commission or by law.

3. The provisions of this subsection shall not be construed to  
prevent a hide, antlers or horns from a legally taken whitetail or  
mule deer ~~to be, elk, moose, antelope or bighorn sheep from being~~  
sold or traded by a person who legally harvested or who legally  
possesses ~~a deer~~ the hide, antlers or horns. Any antlers or horns  
sold or traded shall have been removed from the skull of the deer in  
such a way as to leave no portion of the skull attached and cut into  
pieces of not more than twelve (12) inches in length.

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

2. Any meat, head, hide or any part of the carcass of any  
wildlife not legally taken shall be subject to immediate seizure by  
a game warden.

3. ~~Provided, the~~ 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 3. AMENDATORY 29 O.S. 1991, Section 7-503, as  
amended by Section 17, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1995,  
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; ~~provided, the.~~ The carcasses or any parts thereof

of legally acquired furbearing animals or coyotes may be purchased, bartered, traded, sold or offered for sale.

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. Any horns and antlers may be sold only as provided for in Section 5-411 of this title.

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. Any horns and antlers may be sold only as provided for in Section 5-411 of this title.

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.

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 4. This act shall become effective July 1, 1996.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-8646

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