

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1520

By: Rice

AS INTRODUCED

An Act relating to game and fish; amending 29 O.S.

1991, Section 4-107, as last amended by Section 5, Chapter 7, O.S.L. 1996 (29 O.S. Supp. 1996, Section 4-107), which relates to commercial wildlife breeders license; amending 29 O.S. 1991, Sections 4-122, as amended by Section 9, Chapter 318, O.S.L. 1994 and 4-123, as amended by Section 10, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1996, Sections 4-122 and 4-123), which relate to noncommercial wildlife breeders license; increasing license fees for commercial and noncommercial breeders licenses for the breeding, possessing and raising of certain bears and cats; providing for promulgation of rules relating to handling, care, treatment and transportation of certain bears and cats; increasing certain penalties for certain violations; providing for determination of certain penalties; providing for suspension, revocation, and nonrenewal of certain licenses; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 4-107, as last amended by Section 5, Chapter 7, O.S.L. 1996 (29 O.S. Supp. 1996, Section 4-107), is amended to read as follows:

Section 4-107. A. Except as otherwise provided for in this title, no person may breed, possess or raise native wildlife, except fish, amphibians, aquatic reptiles, aquatic invertebrates or exotic livestock, for commercial purposes without having first procured a license for such from the Director.

B. No person licensed under this section may sell cats specified in subsection D of this section or bears to any person who does not possess a commercial wildlife ~~breeder's~~ breeders license or noncommercial wildlife ~~breeder's~~ breeders license.

C. 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.

D. 1. Without exception, any person shall be licensed under this section who keeps or maintains on premises any bear or cat that will grow to reach the weight of fifty (50) pounds or more ~~and~~.

2. A person shall at all times keep such ~~wildlife~~ bear or cat confined, controlled and restrained in such manner so the life, limb or property of any person lawfully entering ~~such~~ the premises shall not be endangered.

3. The Oklahoma Wildlife Conservation Commission shall promulgate rules for regulating the handling, care, treatment and transportation of bears and cats that will grow to reach the weight of fifty (50) pounds or more by individuals possessing a commercial wildlife breeders license.

E. ~~The~~ 1. Except for a commercial wildlife breeders license for the breeding, possessing or raising of bears or cats that will grow to reach the weight of fifty (50) pounds or more, the fees for

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

2. The fee for a commercial wildlife breeders license for the breeding, possessing or raising of bears or cats that will grow to reach the weight of fifty (50) pounds or more and all renewals thereof shall be One Thousand Dollars (\$1,000.00).

F. Any 1. Except as otherwise provided by subsection G of this section, 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.

2. In addition, such person, if applicable, shall have his commercial wildlife breeders 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.

G. 1. Any person convicted of violating the provisions of this section or rules promulgated pursuant thereto related to the breeding, possessing or raising of bears and cats that will grow to reach the weight of fifty (50) pounds or more shall be punished by a fine of not less than Five Hundred Dollars (\$500.00). In determining the amount of the fine, consideration shall be given to the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, past history of violations, any show of good faith in attempting to achieve compliance with applicable requirements and such other matters as justice may require.

2. In addition, any person licensed pursuant to this section for the breeding, possessing or raising of such bears and cats shall have his commercial wildlife breeders license suspended, revoked or nonrenewed for violation of the provisions of this section.

SECTION 2. AMENDATORY 29 O.S. 1991, Section 4-122, as amended by Section 9, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1996, Section 4-122), is amended to read as follows:

Section 4-122. A. Individuals possessing the noncommercial wildlife breeders license are authorized to breed and/or raise such noncommercial wildlife for personal uses only. Such personal uses shall include, but not be limited to:

1. Breeding for a hobby;
2. Educational or scientific purposes;
3. Personal consumption;
4. Release on private property, except any bear or cat that will grow to reach the weight of fifty (50) pounds or more; and
5. Care and rehabilitation of sick or injured wildlife.

B. ~~The~~ 1. Except for a noncommercial wildlife breeders license for the breeding, possessing or raising of bears or cats that will grow to reach the weight of fifty (50) pounds or more, the fees for a license under this section and all renewals of such license shall be Five Dollars (\$5.00).

2. The fee for a noncommercial wildlife breeders license for the breeding, possessing or raising of bears or cats that will grow to reach the weight of fifty (50) pounds or more and all renewals thereof shall be Five Hundred Dollars (\$500.00).

C. Noncommercial wildlife breeders are required to abide by all provisions of Sections 5-601 and 5-602 of this title, except for those parts referring to the sale of wildlife, which is not authorized under this license.

D. The Oklahoma Wildlife Conservation Commission shall promulgate rules for regulating the handling, care, treatment and transportation of bears and cats that will grow to reach the weight of fifty (50) pounds or more by individuals possessing noncommercial wildlife breeders licenses.

SECTION 3. AMENDATORY 29 O.S. 1991, Section 4-123, as amended by Section 10, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1996, Section 4-123), is amended to read as follows:

Section 4-123. Any A. Except as otherwise provided by subsection B of this section, any person convicted of violating the provisions of ~~Sections~~ Section 4-121 or 4-122 of this title shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and if applicable, shall have his ~~breeder's~~ breeders 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.

B. 1. Any person convicted of violating the provisions of this section or rules promulgated pursuant thereto related to the breeding, possessing or raising of bears and cats that will grow to reach the weight of fifty (50) pounds or more shall be punished by a fine of not less than Five Hundred Dollars (\$500.00). In determining the amount of the fine, consideration shall be given to the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, past history of violations, any show of good faith in attempting to achieve compliance with applicable requirements and such other matters as justice may require.

2. In addition, any person licensed pursuant to the provisions of Section 4-121 of this title for the breeding, possessing or raising of such bears and cats shall have his noncommercial wildlife breeders license suspended, revoked or nonrenewed, for violation of the provisions of this section.

SECTION 4. This act shall become effective November 1, 1997.

