ENGROSSED HOUSE
BILL NO. 2326

By: Tyler of the House

and

Shurden of the Senate

An Act relating to game and fish; amending 29 O.S. 1991, Section 5-411, as amended by Section 3, Chapter 135, O.S.L. 1996 (29 O.S. Supp. 1999, Section 5-411), which relates to hunting, buying or selling certain species; allowing certain persons to sell legally obtained hide, antlers, or horns; amending 29 O.S. 1991, Section 7-503, as last amended by Section 4, Chapter 135, O.S.L. 1996 (29 O.S. Supp. 1999, Section 7-503), which relates to prohibition on buying or selling certain protected species; providing an exception for certain persons who legally obtain wildlife or parts of wildlife; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 5-411, as amended by Section 3, Chapter 135, O.S.L. 1996 (29 O.S. Supp. 1999, 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 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, elk, moose, antelope or bighorn sheep from being sold or traded by a person who legally harvested or who legally possesses the hide, antlers or horns, including a person who has obtained legal possession of the hide, antlers, or horns after being given to the person for taxidermic preparation. 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.

B. 1. It shall be unlawful for any person to have in ~~his~~ their 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. 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~~.~~; and

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

SECTION 2. AMENDATORY 29 O.S. 1991, Section 7-503, as last amended by Section 4, Chapter 135, O.S.L. 1996 (29 O.S. Supp. 1999, 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. 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.

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~~ possess 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. Persons who have obtained legal possession of wildlife or parts of wildlife after being given to the person for taxidermic preparation or processing of the meat for consumption shall be permitted to dispose of such, unless otherwise prohibited by law, under rules established by the Oklahoma Wildlife Conservation Commission.

F. 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.~~ G. 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 3. This act shall become effective November 1, 2000.

Passed the House of Representatives the 6th day of March, 2000.

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Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 2000.

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President of the Senate