

**EHB 2326**

**THE STATE SENATE**  
**Tuesday, April 4, 2000**

**ENGROSSED**

**House Bill No. 2326**

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.

1        2. No person shall sell, offer for sale or buy or offer to buy  
2 an antelope, moose, whitetail or mule deer, bear, elk, mountain  
3 lion, rocky mountain bighorn sheep, wild turkey, or any subspecies  
4 or any parts thereof, except as otherwise provided by rules  
5 prescribed by the Oklahoma Wildlife Conservation Commission or by  
6 law.

7        3. The provisions of this subsection shall not be construed to  
8 prevent a hide, antlers or horns from a legally taken whitetail or  
9 mule deer, elk, moose, antelope or bighorn sheep from being sold or  
10 traded by a person who legally harvested or who legally possesses  
11 the hide, antlers or horns, including a person who has obtained  
12 legal possession of the hide, antlers, or horns after being given to  
13 the person for taxidermic preparation. Any antlers or horns sold or  
14 traded shall have been removed from the skull of the deer in such a  
15 way as to leave no portion of the skull attached.

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

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

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

4           C. Persons excepted from the above are:

5           1. Department employees when in the performance of their  
6 duties~~;~~ and

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

9           SECTION 2.           AMENDATORY           29 O.S. 1991, Section 7-503, as  
10 last amended by Section 4, Chapter 135, O.S.L. 1996 (29 O.S. Supp.  
11 1999, Section 7-503), is amended to read as follows:

12           Section 7-503. A. Except as otherwise provided for by law, no  
13 person may buy, barter, trade, sell or offer, or expose for sale all  
14 or any part of any fish or wildlife or the nest or eggs of any bird,  
15 protected by law. The carcasses or any parts thereof of legally  
16 acquired furbearing animals or coyotes may be purchased, bartered,  
17 traded, sold or offered for sale.

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

1 C. All wildlife or parts thereof seized pursuant to the  
2 provisions of this section and determined to be unfit for release in  
3 a suitable locale shall be sold. The proceeds from said sale shall  
4 be deposited in the Wildlife Conservation Fund.

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

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

20 F. The animal, bird, fish, or part thereof shall be confiscated  
21 by the arresting authority and forwarded to the Commission to be  
22 held until the matter is resolved. If a person violating the  
23 provisions of this section is convicted, the Commission shall retain

1 and properly dispose of the confiscated animal, bird, fish, or part  
2 thereof. If a person accused of violating the provisions of this  
3 section is acquitted, the confiscated animal, bird, fish, or part  
4 thereof shall be returned to the possession of the person from whom  
5 it was confiscated.

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

12 Subsequent violations of the provisions of this section shall be  
13 punishable by a fine of not less than One Thousand Dollars  
14 (\$1,000.00), or by imprisonment in the county jail for a period not  
15 less than ten (10) days nor more than sixty (60) days, or by both  
16 said fine and imprisonment.

17 SECTION 3. This act shall become effective November 1, 2000.

18 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 3-30-00 - DO PASS.