

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL NO. 1927___

By: Leist

AS INTRODUCED

An Act relating to animals; amending 4 O.S. 1991, Sections 85.1, as amended by Section 2, Chapter 36, O.S.L. 1993, 85.2, 98 and 99 (4 O.S. Supp. 1999, Section 85.1), which relate to domestic animals; adding to exclusions from definitions; defining term; authorizing the taking and killing of feral hogs; providing certain requirements; making certain actions unlawful; specifying penalties; and declaring an emergency.

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

SECTION 1. AMENDATORY 4 O.S. 1991, Section 85.1, as amended by Section 2, Chapter 36, O.S.L. 1993 (4 O.S. Supp. 1999, Section 85.1), is amended to read as follows:

Section 85.1 A. As used in this act, "domestic animals" shall include all domestic animals including but not limited to cattle, bison, hogs, sheep, goats, equidae, chickens or other poultry and exotic livestock. The term "domestic animals" shall not include dogs ~~and~~, cats and feral hogs.

B. As used in this section ~~the term "exotic:~~

1. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group; and

2. "Feral hog" means hogs (Sus Scrofa), including, but not limited to, Russian and European wild boar which are running at large upon public lands or upon private lands in this state whose owner is unknown in the vicinity of the premises where such feral hogs are found. If the owner of a stray hog is known, a hog running

at large upon public lands or upon private lands in this state shall not be considered feral until five (5) calendar days after escaping from domestic confinement. If notice is provided to adjacent landowners within those five (5) calendar days, the hog shall not be considered feral for an additional ten (10) calendar days.

SECTION 2. AMENDATORY 4 O.S. 1991, Section 85.2, is amended to read as follows:

Section 85.2 A. Any domestic animal found running at large upon public or private lands in the State of Oklahoma, whose owner is unknown in the vicinity of the premises where found, shall be known as an "estrays", and it shall be unlawful for any person, company or corporation or either of their employees or agents to take up an estray and retain possession of same, except as provided in this act.

B. Any person may take and kill feral hogs provided that:

1. Feral hogs taken on public property during any established hunting season must be taken with weapons and methods authorized by the State Department of Wildlife for that hunting season;

2. Feral hogs may be taken on any land where the hunter has legal access unless prohibited by the landowner; and

3. No person whose hunting license is revoked may take or kill feral hogs during the period of the revocation.

SECTION 3. AMENDATORY 4 O.S. 1991, Section 98, is amended to read as follows:

Section 98. All domestic animals shall be restrained by the owner thereof at all times and seasons of the year from running at large in the State of Oklahoma. Damages sustained by reason of such domestic animals trespassing upon lands of another shall be recovered in a manner provided by law. For the purpose of this act, domestic animals shall include cattle, horses, swine, sheep, goats, exotic livestock and all other animals not considered wild ~~but~~. The

term "domestic animals" shall not include domestic house pets or feral hogs.

SECTION 4. AMENDATORY 4 O.S. 1991, Section 99, is amended to read as follows:

Section 99. A. 1. Any person who ~~(1):~~

a. willfully omits to keep a domestic animal ~~he~~ such person owns or has charge of within a suitable enclosure, ~~or (2) allows such~~

b. allows the animal to be unrestrained or to run at large, with notice, actual or constructive, that the enclosure within which such animal is kept is open, or ~~(3) any~~

c. ~~other person who~~ knowingly causes a domestic animal to escape confinement shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each offense, or not more than thirty (30) days' imprisonment in the county jail for each offense, or by both such fine and imprisonment.

B. 1. No person shall willfully release any hog to live in a wild or feral state upon public land or upon private land.

2. Any person who violates this subparagraph shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00).

C. For the purpose of this act, the term "domestic animals" shall not include domestic house pets or feral hogs.

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.