

SB 362

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THE STATE SENATE
Wednesday, February 19, 2003

Senate Bill No. 362

SENATE BILL NO. 362 - By: SHURDEN of the Senate and SMITH (Dale) of the House.

An Act relating to game and fish; amending 29 O.S. 2001, Section 5-411, which relates to protected game; updating statutory language; prohibiting the sale of certain game by certain person; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2001, 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~~ Rocky Mountain bighorn sheep, wild turkey, or any subspecies except in open season under Section 5-401 of this title.

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~~ 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.

1 3. The provisions of this subsection shall not be construed to
2 prevent a hide, antlers or horns from a legally taken whitetail or
3 mule deer, elk, moose, antelope or Rocky Mountain bighorn sheep from
4 being sold or traded by a person who legally harvested or who
5 legally possesses the hide, antlers or horns, ~~including~~; provided,
6 however, a person who has obtained legal possession of the hide,
7 antlers, or horns after being given to the person for taxidermic
8 preparation shall not sell or offer for sale such hide, antlers or
9 horns. Any antlers or horns sold or traded pursuant to this
10 subsection shall have been removed from the skull of the animal in
11 such a way as to leave no portion of the skull attached.

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

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

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

21 C. Persons excepted from the provisions of this section are:

22 1. Department employees when in the performance of their
23 duties; and

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

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

7 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 2-13-03
8 - DO PASS, As Coauthored.