

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 362

By: Shurden

AS INTRODUCED

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.

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 Rocky Mountain bighorn sheep from being sold or traded by a person who legally harvested or who legally possesses the hide, antlers or horns, ~~including;~~ provided,

however, a person who has obtained legal possession of the hide, antlers, or horns after being given to the person for taxidermic preparation shall not sell or offer for sale such hide, antlers or horns. Any antlers or horns sold or traded pursuant to this subsection shall have been removed from the skull of the animal 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 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 provisions of this section 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. 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.