

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1723

By: Duncan

AS INTRODUCED

An Act relating to game and fish; amending 29 O.S. 2001, Section 5-203.1, which relates to illegal hunting methods; modifying penalty for using illegal hunting methods; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 5-203.1, is amended to read as follows:

Section 5-203.1 A. No person may attempt to take, take, attempt to catch, catch, attempt to capture, capture, attempt to kill, or kill any deer, feral animal or other wildlife except fish and frogs by the use of a vehicle mounted spotlight or other powerful light at night, by what is commonly known as "headlighting". Provided, however, nothing in this section shall prevent one from possessing a .22 caliber rimfire rifle or .22 pistol and a light carried on his person while in pursuit of furbearers with hounds during the legal, open furbearers season, while possessing a valid hunting license.

B. Any person may use a shotgun, using No. 6 size shot or smaller, longbow, light and a call for the purpose of hunting predatory animals, provided that written permission is obtained from the local game warden for each twenty-four-hour period of hunting.

C. It shall be illegal to hunt from a boat with a firearm from sunset until one-half (1/2) hour before sunrise. This shall not

pertain to hunting of waterfowl enroute from bank to blind with unloaded shotguns.

D. No person may harass, attempt to capture, capture, attempt to take or take, kill or attempt to kill any wildlife with the aid of any motor-driven land, air or water conveyance, except a nonambulatory person may hunt from said conveyances with written permission of the Director. Provided, however, nothing in this Code shall prevent the use of motor-driven land or water conveyances for following dogs in the act of hunting, when use of said conveyances is restricted to public roads or waterways. Said conveyances may be used on private property for following dogs in the act of hunting with the landowner's or occupant's permission.

E. Employees of the State Department of Agriculture Wildlife Services Division and the United States Department of Agriculture Wildlife Services while engaged in wildlife management activities for the protection of agriculture, property, human health and safety and natural resources shall be exempt from the provisions of this section.

F. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished as follows:

1. For the first offense, by a fine of not less than Two Hundred Fifty Dollars (\$250.00) ~~for a first offense,~~ by confiscation pursuant to Section 5-402 of this title, or by both fine and confiscation; and

2. For a second offense, by a fine of not less than Five Hundred Dollars (\$500.00) ~~for a second offense or,~~ by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year, ~~or~~ by confiscation pursuant to Section 5-402 of this title, or by such fine, imprisonment and confiscation.

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.

50-1-5801 KB 01/18/05