

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2546

6 By: Richardson

7 COMMITTEE SUBSTITUTE

8 An Act relating to game and fish; amending 29 O.S.
9 2001, Section 5-201, which relates to the means of
10 taking wildlife; clarifying statutory language;
11 prohibiting the hunting of wildlife by computer-
12 assisted remote control hunting; prohibiting the
13 selling or providing of facilities for the hunting of
14 wildlife by computer-assisted remote control hunting;
15 making certain exceptions; providing penalties;
16 authorizing the revocation of certain licenses for
17 violations; establishing fees for reinstatement of a
18 revoked license; defining certain term; providing for
19 codification; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 29 O.S. 2001, Section 5-201, is
22 amended to read as follows:

23 Section 5-201. A. Except as otherwise provided for in this
24 section, no person may utilize at any time, for the purpose of
25 killing or capturing any game mammal, game bird or nongame bird, the
26 following means:

27 1. Any trap, net, snare, cage, pitfall, baited hook or similar
28 device;

- 1 2. Any drug, poison, narcotic, explosive or similar substance;
- 2 3. Any swivel or punt gun of greater calibre than ten (10)
- 3 gauge;
- 4 4. Any device which generates electricity; or
- 5 5. Any device which noticeably suppresses noise from a firearm,
- 6 commonly known as a silencer.

7 B. Except as otherwise provided for in this section, no person
8 shall hunt wildlife by computer-assisted remote control hunting.

9 C. Except as otherwise provided for in this section, no person
10 shall engage in any activity that provides, sells, offers for sale,
11 assists in, or provides facilities for computer-assisted remote
12 control hunting of wildlife.

13 D. The following persons shall be exempt from the prohibition
14 in subsection A of this section:

15 1. The Director, departmental employees and authorized agents
16 when capturing wildlife for propagation or management purposes;

17 2. Any person, group or governmental agency the Director may by
18 written permit authorize, where any species of nongame birds are
19 causing a nuisance or undue economic loss, as may be determined by
20 the Director. Such permit shall state the method of control and
21 specific procedures and conditions as may be deemed appropriate by
22 the Director;

23 3. Any person possessing a scientific purposes license under
24 Section 4-118 of this title; or

1 4. Employees of the State Department of Agriculture Wildlife
2 Services Division and the United States Department of Agriculture
3 Wildlife Services while engaged in wildlife management activities
4 for the protection of agriculture, property, human health and safety
5 and natural resources.

6 E. A person shall be exempt from the prohibition in subsection
7 B of this section if the person is permanently physically disabled
8 so that the person is physically incapable of using a firearm,
9 crossbow, or conventional bow as certified in writing by a physician
10 licensed to practice medicine. A person who has received
11 certification as provided for in this paragraph shall have in their
12 possession written evidence of the certification while in the field
13 hunting.

14 F. A person shall be exempt from the prohibition in subsection
15 C of this section if the person is engaged in providing facilities
16 for, assisting in, selling, or offering for sale a computer-assisted
17 remote control hunting activity for a person who is physically
18 disabled as described in subsection E of this section. The
19 physically disabled person shall be physically present where the
20 hunting activity is occurring and be in control and operating the
21 computer-assisted remote control means to take wildlife.

22 ~~E. G. 1.~~ Any person convicted of violating the provisions of
23 subsection A of this section shall be punished by a fine of not less
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1 than One Hundred Dollars (\$100.00) nor more than Five Hundred
2 Dollars (\$500.00).

3 2. Any person convicted of violating the provisions of
4 subsection B or C of this section shall be punished by a fine of not
5 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
6 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
7 exceeding one (1) year, or by both the fine and imprisonment. In
8 addition, the court may order that the hunting or fishing license
9 and privileges of any person convicted of violating the provisions
10 of subsection B or C of this section be revoked for a period of not
11 less than one (1) year but not exceeding five (5) years. The cost
12 of reinstating a hunting or fishing license revoked pursuant to this
13 subsection for residents shall be Two Hundred Dollars (\$200.00) for
14 each license and for nonresidents shall be Five Hundred Dollars
15 (\$500.00) for each license. The reinstatement fee shall be in
16 addition to any other fees required for the hunting or fishing
17 license.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2-106.1a of Title 29, unless
20 there is created a duplication in numbering, reads as follows:

21 "Computer-assisted remote control hunting" means the use of a
22 computer or any other device, equipment, or software to remotely
23 control the hunting, taking, or attempt to take wildlife.

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

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