

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 1463

By: Williamson of the Senate

and

Richardson of the House

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10 COMMITTEE SUBSTITUTE

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

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

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

Section 5-201. A. Except as otherwise provided for in this
section, no person may utilize at any time, for the purpose of

1 killing or capturing any game mammal, game bird or nongame bird, the
2 following means:

3 1. Any trap, net, snare, cage, pitfall, baited hook or similar
4 device;

5 2. Any drug, poison, narcotic, explosive or similar substance;

6 3. Any swivel or punt gun of greater calibre than ten (10)
7 gauge;

8 4. Any device which generates electricity; or

9 5. Any device which noticeably suppresses noise from a firearm,
10 commonly known as a silencer.

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

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

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

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

21 2. Any person, group or governmental agency the Director may by
22 written permit authorize, where any species of nongame birds are
23 causing a nuisance or undue economic loss, as may be determined by
24 the Director. Such permit shall state the method of control and

1 specific procedures and conditions as may be deemed appropriate by
2 the Director;

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

5 4. Employees of the ~~State~~ Oklahoma Department of Agriculture,
6 Food, and Forestry Wildlife Services Division and the United States
7 Department of Agriculture Wildlife Services while engaged in
8 wildlife management activities for the protection of agriculture,
9 property, human health and safety and natural resources.

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

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

3 G. 1. Any person convicted of violating the provisions of
4 subsection A of this section shall be punished by a fine of not less
5 than One Hundred Dollars (\$100.00) nor more than Five Hundred
6 Dollars (\$500.00).

7 2. Any person convicted of violating the provisions of
8 subsection B or C of this section shall be punished by a fine of not
9 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
10 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
11 exceeding one (1) year, or by both the fine and imprisonment. In
12 addition, the court may order that the hunting or fishing license
13 and privileges of any person convicted of violating the provisions
14 of subsection B or C of this section be revoked for a period of not
15 less than one (1) year but not exceeding five (5) years. The cost
16 of reinstating a hunting or fishing license revoked pursuant to this
17 subsection for residents shall be Two Hundred Dollars (\$200.00) for
18 each license and for nonresidents shall be Five Hundred Dollars
19 (\$500.00) for each license. The reinstatement fee shall be in
20 addition to any other fees required for the hunting or fishing
21 license.

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

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

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

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