

ENROLLED SENATE
BILL NO. 1463

By: Williamson of the Senate

and

Richardson of the House

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

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

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

1. Any trap, net, snare, cage, pitfall, baited hook or similar device;
2. Any drug, poison, narcotic, explosive or similar substance;

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

4. Any device which generates electricity; or

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

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

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

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

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

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

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

4. Employees of the State Oklahoma Department of Agriculture, Food, and Forestry 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.

~~E.~~ E. A person shall be exempt from the prohibition in subsection B of this section if the person is permanently physically disabled so that the person is physically incapable of using a firearm, crossbow, or conventional bow as certified in writing by a

physician licensed to practice medicine. A person who has received certification as provided for in this paragraph shall have in their possession written evidence of the certification while in the field hunting.

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

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

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

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

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

SECTION 3. 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.

Passed the Senate the 28th day of April, 2008.

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2008.

Presiding Officer of the House
of Representatives