

THE HOUSE OF REPRESENTATIVES  
Tuesday, February 26, 2008

Committee Substitute for  
House Bill No. 2546

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2546 - By: RICHARDSON of the House and WILLIAMSON of the Senate.

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:

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

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

- 6 1. Any trap, net, snare, cage, pitfall, baited hook or similar device;
- 7 2. Any drug, poison, narcotic, explosive or similar substance;
- 8 3. Any swivel or punt gun of greater calibre than ten (10) gauge;
- 9 4. Any device which generates electricity; or

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

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

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

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

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

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

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

19           4. Employees of the State Department of Agriculture Wildlife Services Division and  
20 the United States Department of Agriculture Wildlife Services while engaged in wildlife  
21 management activities for the protection of agriculture, property, human health and  
22 safety and natural resources.

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

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

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

16 2. Any person convicted of violating the provisions of subsection B or C of this  
17 section shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00)  
18 nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not  
19 exceeding one (1) year, or by both the fine and imprisonment. In addition, the court may  
20 order that the hunting or fishing license and privileges of any person convicted of  
21 violating the provisions of subsection B or C of this section be revoked for a period of not  
22 less than one (1) year but not exceeding five (5) years. The cost of reinstating a hunting

1 or fishing license revoked pursuant to this subsection for residents shall be Two Hundred  
2 Dollars (\$200.00) for each license and for nonresidents shall be Five Hundred Dollars  
3 (\$500.00) for each license. The reinstatement fee shall be in addition to any other fees  
4 required for the hunting or fishing license.

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES, dated 02-25-  
15 08 - DO PASS, As Amended and Coauthored.