

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1734

By: Sparks

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5
6 AS INTRODUCED

7 An Act relating to game and fish; prohibiting taking
8 certain animals from or trespassing upon certain
9 licensed facilities; providing penalty; amending 29
10 O.S. 2001, Section 7-602, as amended by Section 20,
11 Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2007, Section
12 7-602), which relates to transporting wildlife;
13 requiring permit to transport certain cervidae;
14 providing for codification; and providing an
15 effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 7-209 of Title 29, unless there
19 is created a duplication in numbering, reads as follows:

20 A. No person shall:

21 1. Unlawfully take cervidae;

22 2. Trespass upon the premises of a facility licensed pursuant
23 to the Oklahoma Farmed Cervidae Act; or

24 3. Trespass upon the premises of a commercial hunting facility
licensed pursuant to the Oklahoma Wildlife Conservation Code.

B. Any person convicted of violating any of the provisions of
subsection A of this section shall be guilty of a felony.

1 SECTION 2. AMENDATORY 29 O.S. 2001, Section 7-602, as
2 amended by Section 20, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2007,
3 Section 7-602), is amended to read as follows:

4 Section 7-602. A. Except as otherwise provided by law, no
5 person may ship into or out of, transport into or out of, have in
6 possession with the intent to so transport, or cause to be removed
7 from this state:

8 1. Any wildlife or parts thereof, nests of wildlife, their eggs
9 or their young; or

10 2. Any endangered or threatened species.

11 B. Exceptions to paragraph 1 of subsection A of this section
12 are:

13 1. Dead fish or wildlife legally taken by licensed hunters or
14 fishermen for noncommercial purposes may be possessed, shipped, or
15 transported into or within the borders of this state if it is
16 accompanied by or has attached the appropriate certificate, license
17 or tag as may be required by the Oklahoma Wildlife Conservation
18 Code, rules, or the laws of another state;

19 2. Rough fish products that have been completely processed into
20 food or other products that legally taken fish may yield may be
21 exported from the state;

22 3. Any rough fish taken by licensed commercial fishermen who
23 have been issued a special permit as required by Section 4-105 of
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1 this title by the Director may be shipped, transported or exported
2 pursuant to the permit;

3 4. Any fish or wildlife lawfully bred or propagated may be
4 shipped or transported within the confines of this state or exported
5 out of this state;

6 5. Any wildlife for which the Director has given an individual
7 specific written authority for its transportation into or out of the
8 state; or

9 6. Any farmed cervidae licensed pursuant to the Oklahoma Farmed
10 Cervidae Act.

11 C. Except as otherwise provided by law, an owner or operator of
12 a commercially licensed hunting facility shall not transport
13 cervidae from one in-state hunt facility to another in-state hunt
14 facility without a permit issued by the Department of Wildlife
15 Conservation.

16 D. Any person convicted of violating the provisions of this
17 section shall be punished by a fine of not less than Fifty Dollars
18 (\$50.00) nor more than Two Hundred Dollars (\$200.00), or by
19 imprisonment in the county jail for a period not less than ten (10)
20 days nor more than sixty (60) days, or by both.

21 SECTION 3. This act shall become effective November 1, 2008.

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