

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1356

By: Auffet

4  
5 AS INTRODUCED

6 An Act relating to game and fish; amending 29 O.S.  
7 2001, Section 6-303, which relates to the taking of  
8 nongame fish; authorizing the taking of certain fish  
9 by grabhook or snagging; specifying types of fish,  
10 seasons, and waters allowed; providing definitions;  
11 and declaring an emergency.

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

13 SECTION 1. AMENDATORY 29 O.S. 2001, Section 6-303, is  
14 amended to read as follows:

15 Section 6-303. A. No person may take, kill, or catch or  
16 attempt to take, kill, or catch any nongame fish from the waters of  
17 this state or assist in any such endeavor in any manner except as  
18 follows:

19 1. By all legal hook and line methods in state waters legally  
20 open to these methods; ~~and~~

21 2. By nets or seines used to take nongame fish only in ~~such~~  
22 waters as are declared open to ~~such~~ nets or seines by the  
23 Commission. ~~Such~~ The nets or seines shall:

- 24 a. be hoop nets with a mesh size no smaller than  
three-inch square mesh, or gill nets, trammel nets, or

1 seines with a mesh size no smaller than four-inch  
2 square mesh, and

- 3 b. have the name and address of the owner attached  
4 thereto if the net is to be left unattended, and  
5 c. be attended once every twenty-four (24) hours.

6 Each license holder shall be limited to a maximum of three  
7 hundred (300) feet of net or a total of four hoop nets in the water  
8 at any time.

9 No fish taken pursuant to this noncommercial netting provision  
10 can be sold or transported from the state.

11 Noncommercial netting shall be prohibited statewide during April  
12 and May annually; ~~and~~

13 3. By arrows, gigs, ropes, ~~grab hooks~~, spears, and spearguns  
14 used by divers equipped with self-contained underwater breathing  
15 apparatus. ~~Such gigs~~ Gigs or spears may have no more than three  
16 points with not more than two barbs on each point; ~~and~~

17 4. By grabhooks or snagging used to take the same game and  
18 nongame fish that are allowed to be taken by gig as established by  
19 the Commission and during the same season and in all waters declared  
20 open to gigs by the Commission. For purposes of this section:

- 21 a. "grabs hooks" means a handheld hook, pole, or rope with  
22 a single hook attached used in the initial taking of a  
23 fish, and

1            b. "snagging" means the dragging of one single hook or  
2            one treble hook through the water attached to a hand-  
3            held line or fishing rod and line for the purpose of  
4            impaling fish;

5            5. By noodling; ~~and~~

6            ~~5-~~ 6. By cast nets and handheld dip nets used to take only  
7 nongame fish as bait for personal use in all waters of the state  
8 except those closed by the Commission. The cast nets shall have a  
9 mesh size no greater than three-eighths-inch square mesh; and

10           ~~6-~~ 7. By trawl nets pulled by motor-driven boats. ~~Such~~ Trawl  
11 nets may be used to take only nongame fish as bait for personal use  
12 in all waters of the state except those closed by the Commission.  
13 Trawl nets may not exceed three (3) feet in diameter with no greater  
14 than three-eighths-inch square mesh.

15           B. The Commission shall have authority to designate by  
16 regulation areas, waters of this state, or parts thereof for the  
17 taking, catching, or killing of nongame fish by noodling or by the  
18 use of arrows, gigs, cast nets, dip nets, spears, ropes, grab hooks,  
19 and spearguns used by divers equipped with self-contained underwater  
20 breathing apparatus, and to also designate the times such may be  
21 used.

22           C. 1. Except as otherwise provided in this subsection, any  
23 person convicted of violating the provisions of this section shall  
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1 be punished by the imposition of a fine not less than One Hundred  
2 Dollars (\$100.00).

3 2. Any person convicted of violating the provisions of this  
4 section by netting, snaglining or selling nongame fish shall be  
5 punished by imposition of a fine of not less than One Hundred  
6 Dollars (\$100.00), or by imprisonment in the county jail for a  
7 period not to exceed thirty (30) days, or by both such fine and  
8 imprisonment. Any person, upon conviction of a second or subsequent  
9 violation of the provisions of this section by netting, snaglining  
10 or selling nongame fish when said violation occurred within two (2)  
11 years of a previous conviction for violating said provisions, shall  
12 be punished by imposition of a fine of not less than Five Hundred  
13 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or  
14 by imprisonment in the county jail for a period not to exceed ninety  
15 (90) days, or by both such fine and imprisonment. In addition, all  
16 fishing licenses and all fishing privileges within the state of such  
17 person shall be revoked for a period of one (1) year from the date  
18 of such conviction.

19 D. Nothing in this section shall prohibit the taking of nongame  
20 fish by licensed commercial fishing and commercial minnow seining as  
21 provided for in Sections 6-201, 6-202 and 6-401 of this title.

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

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