

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1257

By: Russell

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6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.  
8 2001, Section 5-201, as amended by Section 1, Chapter  
9 104, O.S.L. 2008 (29 O.S. Supp. 2009, Section 5-201),  
which relates to means of taking wildlife; modifying  
prohibitions; and providing an effective date.

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

13 SECTION 1. AMENDATORY 29 O.S. 2001, Section 5-201, as  
14 amended by Section 1, Chapter 104, O.S.L. 2008 (29 O.S. Supp. 2009,  
15 Section 5-201), is amended to read as follows:

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

20 1. Any trap, net, snare, cage, pitfall, baited hook or similar  
21 device;

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

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

1 4. Any device which generates electricity; ~~or~~

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

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

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

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

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

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

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

22 4. Employees of the Oklahoma Department of Agriculture, Food,  
23 and Forestry Wildlife Services Division and the United States  
24 Department of Agriculture Wildlife Services while engaged in

1 wildlife management activities for the protection of agriculture,  
2 property, human health and safety and natural resources.

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

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

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

23 2. Any person convicted of violating the provisions of  
24 subsection B or C of this section shall be punished by a fine of not

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

14 SECTION 2. This act shall become effective November 1, 2010.

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