

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1347

By: Newell of the House

and

4 Coates of the Senate
5

6
7 An Act relating to game and fish; creating the
8 Wildlife Bail Procedure Act; establishing the bail
9 procedure for persons arrested for certain
10 violations; providing for a written citation
11 containing certain information; requiring indication
12 of arraignment date; providing for place of
13 arraignment; providing for an agreement to appear
14 upon signature; establishing criteria for taking a
15 person into custody; requiring certain persons to be
16 taken into custody and appear before the court;
17 providing for posting of a bond; making the citation
18 a lawful complaint under certain circumstances;
19 establishing criteria for determining the failure to
20 comply with a wildlife citation; providing penalty
21 for failure to comply; defining certain term;
22 allowing for the issuance of a bench warrant under
23 certain circumstances; providing for suspension of
24 certain licenses for failing to comply with a
wildlife citation or sentence; establishing
procedures for suspension of a license; providing for
imposition of a reinstatement fee; providing for
deposit of the reinstatement fee; requiring waiver of
the reinstatement fee under certain circumstances;
making certain actions a misdemeanor; providing a
penalty; repealing 29 O.S. 2001, Sections 9-101, 9-
102, 9-103, 9-104 and 9-105, which relate to bail
procedures; providing for codification; and declaring
an emergency.

22 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
23 entire bill and insert

24 "An Act relating to game and fish; creating the
Wildlife Bail Procedure Act; providing short title;

1 establishing the bail procedure for persons arrested
2 for certain violations; providing for a written
3 citation containing certain information; requiring
4 indication of arraignment date; providing for place
5 of arraignment; providing for an agreement to appear
6 upon signature; establishing criteria for taking a
7 person into custody; requiring certain persons to be
8 taken into custody and appear before the court;
9 providing for posting of a bond; making the citation
10 a lawful complaint under certain circumstances;
11 establishing criteria for determining the failure to
12 comply with a wildlife citation; providing penalty
13 for failure to comply; defining certain term;
14 allowing for the issuance of a bench warrant under
15 certain circumstances; providing for suspension of
16 certain licenses for failing to comply with a
17 wildlife citation or sentence; establishing
18 procedures for suspension of a license; providing for
19 imposition of a reinstatement fee; providing for
20 deposit of the reinstatement fee; requiring waiver of
21 the reinstatement fee under certain circumstances;
22 making certain actions a misdemeanor; providing a
23 penalty; repealing 29 O.S. 2001, Sections 9-101, 9-
24 102, 9-103, 9-104 and 9-105, which relate to bail
procedures; providing for codification; and declaring
an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 9-111 of Title 29, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Wildlife Bail
Procedure Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 9-112 of Title 29, unless there
is created a duplication in numbering, reads as follows:

1 A. Except as otherwise provided by law, any person arrested for
2 a violation of any section of the Oklahoma Wildlife Conservation
3 Code shall be admitted to bail as follows:

4 1. Whenever a person is charged for any violation of any of the
5 wildlife laws of this state or rules adopted by the Wildlife
6 Conservation Commission pursuant to law, which violation is
7 punishable as a misdemeanor and the person is not immediately taken
8 into physical custody pursuant to state law, the officer shall
9 prepare a written citation containing a notice to appear in court,
10 the name and address of the person, the offense charged, the time
11 and place where the person shall appear in court and any other
12 pertinent information as may be necessary;

13 2. The arresting officer shall indicate on the citation the
14 date of the arraignment. The person charged shall appear in person
15 or by counsel at the stated time and place for arraignment;

16 3. The place specified in the citation for the arraignment
17 shall be before a judge of the district court within the county in
18 which the offense is alleged to have been committed and which has
19 jurisdiction of the offense; and

20 4. Except as otherwise provided by law, the person charged with
21 the violation shall agree to appear in court by signing at least one
22 copy of the written citation prepared by the arresting officer.
23 After signing, the officer shall deliver a copy of the citation to
24

1 the person. The officer shall not take the person into physical
2 custody for the violation if:

3 a. the arrested person is:

4 (1) a resident, or

5 (2) a nonresident of another state within the United
6 States which is a participant in the Interstate
7 Wildlife Violator Compact or any party within the
8 jurisdiction of the Interstate Wildlife Violator
9 Compact,

10 b. the arresting officer is satisfied as to the identity
11 of the arrested person and certifies the date and time
12 and the location of the violation,

13 c. the arrested person acknowledges the written promise
14 to appear in court as provided for on the citation,
15 and

16 d. the violation does not constitute:

17 (1) hunting or fishing while the hunting or fishing
18 license is under suspension, revocation, denial
19 or cancellation, or

20 (2) an arrest based upon an outstanding warrant.

21 B. A person charged with a violation listed in divisions (1)
22 and (2) of subparagraph d of paragraph 4 of subsection A of this
23 section shall be taken into custody and required to appear before
24 the court.

1 C. Except for any person charged with a violation requiring
2 restitution as set forth in Section 7-207 of Title 29 of the
3 Oklahoma Statutes or listed in divisions (1) and (2) of subparagraph
4 d of paragraph 4 of subsection A of this section or other applicable
5 law, upon approval of the district court, the person charged may
6 submit payment to the court in the amount of the minimum bond as
7 prescribed by law for a violation for which the person is charged if
8 the violation carries a minimum fine of Fifty Dollars (\$50.00) or
9 less and sign a plea of guilty or nolo contendere on the back of the
10 citation. A person charged who elects to follow the procedure
11 authorized in this subsection shall not be required to appear for
12 arraignment.

13 D. All persons charged with a violation requiring restitution
14 as set forth in Section 7-207 of Title 29 of the Oklahoma Statutes
15 shall be required to appear before the court.

16 E. If the form of a wildlife citation includes information
17 required by law and is signed by the preparing officer, the
18 citation, when filed with a court having jurisdiction, shall be
19 deemed to be a lawful complaint for the purpose of prosecution under
20 law.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 9-113 of Title 29, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. For purposes of the Wildlife Bail Procedure Act, "failure to
2 comply" with a wildlife citation by a person that has been issued
3 the citation means failure to:

4 1. Appear before a district court in response to a wildlife
5 citation and pay in full any fine, court costs, assessments or fees
6 imposed;

7 2. Fully pay or satisfy all fines, court costs, restitution,
8 assessments or fees imposed as a part of the sentence of any
9 district court for violation of the wildlife laws of this state; or

10 3. Otherwise comply with a wildlife citation as provided for in
11 the Oklahoma Wildlife Conservation Code.

12 B. A person may be considered guilty of failing to comply with
13 a wildlife citation as set forth in subsection A of this section
14 regardless of the disposition of the charge for which the citation,
15 complaint or charge was originally issued. Any person convicted of
16 failing to comply with a wildlife citation as set forth in
17 subsection A of this section shall be deemed guilty of a misdemeanor
18 and shall be fined not less than Twenty-five Dollars (\$25.00) or
19 more than One Hundred Dollars (\$100.00).

20 C. For purposes of the Wildlife Bail Procedure Act, the term
21 "citation" means any complaint, summons, notice to appear, ticket,
22 warrant, administrative fine or other official document issued for
23 the prosecution of the wildlife laws or rules of this state.

1 D. If the person charged fails to appear in court in person or
2 by counsel for arraignment on the charge against them, or fails to
3 arrange with the court within the time designated on the citation
4 for a future appearance, on motion of the district attorney, the
5 court shall issue a bench warrant for the arrest of the person
6 charged.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 9-114 of Title 29, unless there
9 is created a duplication in numbering, reads as follows:

10 A. 1. In addition to any other penalties provided for in the
11 Wildlife Bail Procedure Act or any other applicable law, when a
12 person fails to comply with a wildlife citation or a sentence for a
13 violation of wildlife laws or rules, the district court which has
14 jurisdiction of the citation or which issued the sentence shall mail
15 a notice to the person informing them that if they do not appear in
16 the district court or pay all fines, court costs, assessments or
17 fees, and any penalties imposed within thirty (30) days from the
18 date of mailing, the Oklahoma Department of Wildlife Conservation
19 shall be notified to begin procedures to forfeit or suspend any
20 license, permit, stamp or other issue of the Department held by the
21 person.

22 2. Upon receipt of a report from a district court of a failure
23 to comply with a wildlife citation or sentence as set forth in
24 paragraph 1 of this subsection the Department shall suspend or

1 forfeit the license, permit, stamp or other issue of the Department
2 held by the person until satisfactory evidence of compliance with
3 the wildlife citation or sentence of the district court is furnished
4 to the Department by the district court. Upon receipt of
5 notification of compliance from the district court, the Department
6 shall terminate the suspension action, unless the suspension is
7 otherwise required.

8 B. Except as provided for in subsection C of this section, when
9 the district court notifies the Department of Wildlife Conservation
10 of a failure to comply with a wildlife citation or failure to comply
11 with a sentence of the district, the court shall assess a
12 reinstatement fee of Fifty Dollars (\$50.00) for each charge or
13 sentence on which the person failed to make satisfaction, regardless
14 of the disposition of the charge for which the citation was
15 originally issued. The reinstatement fee shall be in addition to
16 any fine, court costs and other assessments, fees or penalties. The
17 district court shall remit all reinstatement fees to the Department
18 in accordance with the provisions of state law. The Department
19 shall deposit the entire amount of each reinstatement fee in the
20 Wildlife General Fund.

21 C. The district court shall waive the reinstatement fee
22 provided for in subsection B of this section if the failure to
23 comply with a wildlife citation was the result of the person
24 enlisting in or being drafted into the armed services of the United

1 States of America, being called into service as a member of a
2 reserve component of the military service of the United States of
3 America, volunteering for active duty or being called into service
4 as a member of the Oklahoma National Guard or volunteering for
5 active duty and being absent from Oklahoma because of military
6 service.

7 D. A person whose privileges have been suspended as provided
8 for in this section and who hunts, traps or fishes in this state,
9 who applies for or purchases any license or permit to hunt, trap, or
10 fish in this state, or who refuses to surrender any current hunting,
11 trapping or fishing licenses as required pursuant to this section
12 shall be deemed guilty of a misdemeanor and shall be fined not less
13 than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars
14 (\$500.00).

15 SECTION 5. REPEALER 29 O.S. 2001, Sections 9-101, 9-102,
16 9-103, 9-104 and 9-105, are hereby repealed.

17 SECTION 6. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.”

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1 Passed the Senate the 20th day of April, 2011.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2011.

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8 _____
9 Presiding Officer of the House
10 of Representatives