

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL 1743

6 By: Russel, Newberry, Shortey,  
7 Ivester, Marlatt, Treat,  
8 Brinkley, Childers, David,  
9 Schulz, Brecheen, Eason  
10 McIntyre, Ellis, Simpson,  
11 Johnson (Rob) and Justice  
12 of the Senate

13 and

14 Osborn, Sanders, Lockhart,  
15 Bennett, Kern and Roberts  
16 (Sean) of the House

17 CONFERENCE COMMITTEE SUBSTITUTE

18 An Act relating to wildlife; creating the Landowner's  
19 Hunting Freedom Act; providing short title; amending  
20 29 O.S. 2011, Section 5-201, which relates to means  
21 of taking wildlife; clarifying language; exempting  
22 certain persons from prohibition for using a certain  
23 device; clarifying application of exemption on  
24 certain requirements and provisions of certain laws;  
adding a penalty; allowing a court to order a  
revocation of certain licenses; providing for  
noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be

codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Landowner's  
Hunting Freedom Act".

1 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-201, is  
2 amended to read as follows:

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

7 1. Any trap, net, snare, cage, pitfall, baited hook or similar  
8 device;

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

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

12 4. Any device which generates electricity; or

13 5. Any device which noticeably suppresses noise from a firearm,  
14 commonly known as a ~~silencer~~ suppressor.

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

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

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

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

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

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

9        4. Employees of the Oklahoma Department of Agriculture, Food,  
10 and Forestry Wildlife Services Division and the United States  
11 Department of Agriculture Wildlife Services while engaged in  
12 wildlife management activities for the protection of agriculture,  
13 property, human health and safety and natural resources.

14        E. 1. The following persons shall be exempt from the  
15 prohibition specified in paragraph 5 of subsection A of this  
16 section:

17            a. any person hunting on property owned by the person,  
18                    and

19            b. any guest or other person hunting on property with the  
20                    permission of the owner of the property.

21        2. Nothing in this subsection shall be construed to exempt any  
22 person from the requirements and provisions of the National Firearms  
23 Act and regulations and tax requirements for lawful use of a weapon  
24 as described in paragraph 5 of subsection A of this section.

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

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

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

22        2. Any person convicted of violating the provisions of  
23 subsection B or C of this section shall be punished by a fine of not  
24 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five

1 Hundred Dollars (\$500.00) or by imprisonment in the county jail not  
2 exceeding one (1) year, or by both the fine and imprisonment. In  
3 addition, the court may order that the hunting or fishing license  
4 and privileges of any person convicted of violating the provisions  
5 of subsection B or C of this section be revoked for a period of not  
6 less than one (1) year but not exceeding five (5) years. The cost  
7 of reinstating a hunting or fishing license revoked pursuant to this  
8 subsection for residents shall be Two Hundred Dollars (\$200.00) for  
9 each license and for nonresidents shall be Five Hundred Dollars  
10 (\$500.00) for each license. The reinstatement fee shall be in  
11 addition to any other fees required for the hunting or fishing  
12 license.

13 3. Any person convicted of a wildlife offense which involves a  
14 species of wildlife listed in Section 5-411 of this title, involves  
15 a species of wildlife referenced in Section 5-412 of this title or  
16 involves the unlawful possession, taking or killing of the wildlife  
17 from an unlawful hunt, chase, trap, capture, shooting, killing or  
18 slaughter while using a suppressed firearm during the commission of  
19 the wildlife offense, in addition to any other penalty otherwise  
20 provided for in law, shall be punished by a fine of not less than  
21 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars  
22 (\$1,000.00) or by imprisonment in the county jail not exceeding one  
23 (1) year, or by both the fine and imprisonment. In addition, the  
24 court may order that the hunting or fishing license and privileges

1 of the person be revoked for a period of not less than one (1) year  
2 but not exceeding five (5) years.

3 SECTION 3. This act shall become effective November 1, 2012.

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