

1 procedures; providing for codification; and declaring
2 an emergency.

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

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

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

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

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

16 1. Whenever a person is charged for any violation of any of the
17 wildlife laws of this state or rules adopted by the Wildlife
18 Conservation Commission pursuant to law, which violation is
19 punishable as a misdemeanor and the person is not immediately taken
20 into physical custody pursuant to state law, the officer shall
21 prepare a written citation containing a notice to appear in court,
22 the name and address of the person, the offense charged, the time
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1 and place where the person shall appear in court and any other
2 pertinent information as may be necessary;

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

6 3. The place specified in the citation for the arraignment
7 shall be before a judge of the district court within the county in
8 which the offense is alleged to have been committed and which has
9 jurisdiction of the offense and is nearest or most accessible with
10 reference to the place where the alleged violation occurred; and

11 4. Except as otherwise provided by law, the person charged with
12 the violation shall agree to appear in court by signing at least one
13 copy of the written citation prepared by the arresting officer.
14 After signing, the officer shall deliver a copy of the citation to
15 the person. The officer shall not take the person into physical
16 custody for the violation if:

17 a. the arrested person is:

18 (1) a resident, or

19 (2) a nonresident of another state within the United
20 States which is a participant in the Interstate
21 Wildlife Violator Compact or any party within the
22 jurisdiction of the Interstate Wildlife Violator
23 Compact,

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- 1 b. the arresting officer is satisfied as to the identity
2 of the arrested person and certifies the date and time
3 and the location of the violation,
4 c. the arrested person acknowledges the written promise
5 to appear in court as provided for on the citation,
6 and
7 d. the violation does not constitute:
8 (1) hunting or fishing while the hunting or fishing
9 license is under suspension, revocation, denial
10 or cancellation,
11 (2) an arrest based upon an outstanding warrant, or
12 (3) a wildlife violation requiring restitution as set
13 forth in Section 7-207 of Title 29 of the
14 Oklahoma Statutes.

15 B. A person charged with a violation listed in divisions (1)
16 through (3) of subparagraph d of paragraph 4 of subsection A of this
17 section shall be taken into custody and required to appear before
18 the court.

19 C. Except for any person charged with a violation listed in
20 divisions (1) through (3) of subparagraph d of paragraph 4 of
21 subsection A of this section or other applicable law, upon approval
22 of the district court, the person charged may submit payment to the
23 court in the amount of the minimum bond as prescribed by law for a
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1 violation for which the person is charged if the violation carries a
2 minimum fine of Fifty Dollars (\$50.00) or less and sign a plea of
3 guilty or nolo contendere on the back of the citation. A person
4 charged who elects to follow the procedure authorized in this
5 subsection shall not be required to appear for arraignment.

6 D. If the form of a wildlife citation includes information
7 required by law and is signed by the preparing officer, the
8 citation, when filed with a court having jurisdiction, shall be
9 deemed to be a lawful complaint for the purpose of prosecution under
10 law.

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

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

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

20 2. Fully pay or satisfy all fines, court costs, restitution,
21 assessments or fees imposed as a part of the sentence of any
22 district court for violation of the wildlife laws of this state; or
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1 3. Otherwise comply with a wildlife citation as provided for in
2 the Oklahoma Wildlife Conservation Code.

3 B. A person may be considered guilty of failing to comply with
4 a wildlife citation as set forth in subsection A of this section
5 regardless of the disposition of the charge for which the citation,
6 complaint or charge was originally issued. Any person convicted of
7 failing to comply with a wildlife citation as set forth in
8 subsection A of this section shall be deemed guilty of a misdemeanor
9 and shall be fined not less than Twenty-five Dollars (\$25.00) or
10 more than One Hundred Dollars (\$100.00).

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

15 D. If the person charged fails to appear in court in person or
16 by counsel for arraignment on the charge against them, or fails to
17 arrange with the court within the time designated on the citation
18 for a future appearance, on motion of the district attorney, the
19 court shall issue a bench warrant for the arrest of the person
20 charged.

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

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

13 2. Upon receipt of a report from a district court of a failure
14 to comply with a wildlife citation or sentence as set forth in
15 paragraph 1 of this subsection the Department shall suspend or
16 forfeit the license, permit, stamp or other issue of the Department
17 held by the person until satisfactory evidence of compliance with
18 the wildlife citation or sentence of the district court is furnished
19 to the Department by the district court. Upon receipt of
20 notification of compliance from the district court, the Department
21 shall terminate the suspension action, unless the suspension is
22 otherwise required.

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

14 C. The district court shall waive the reinstatement fee
15 provided for in subsection B of this section if the failure to
16 comply with a wildlife citation was the result of the person
17 enlisting in or being drafted into the armed services of the United
18 States of America, being called into service as a member of a
19 reserve component of the military service of the United States of
20 America, volunteering for active duty or being called into service
21 as a member of the Oklahoma National Guard or volunteering for
22 active duty and being absent from Oklahoma because of military
23 service.

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

9 SECTION 5. REPEALER 29 O.S. 2001, Sections 9-101, 9-102,
10 9-103, 9-104 and 9-105, are hereby repealed.

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

15 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE AND
16 ENVIRONMENT, dated 02-16-2011 - DO PASS, As Coauthored.

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