

1 **SENATE FLOOR VERSION**

2 April 7, 2011

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1347

By: Newell of the House

and

Coates of the Senate

8 An Act relating to game and fish; creating the
9 Wildlife Bail Procedure Act; providing short title;
10 establishing the bail procedure for persons arrested
11 for certain violations; providing for a written
12 citation containing certain information; requiring
13 indication of arraignment date; providing for place
14 of arraignment; providing for an agreement to appear
15 upon signature; establishing criteria for taking a
16 person into custody; requiring certain persons to be
17 taken into custody and appear before the court;
18 providing for posting of a bond; making the citation
19 a lawful complaint under certain circumstances;
20 establishing criteria for determining the failure to
21 comply with a wildlife citation; providing penalty
22 for failure to comply; defining certain term;
23 allowing for the issuance of a bench warrant under
24 certain circumstances; providing for suspension of
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.

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

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

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

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

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

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

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

24

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

6 4. Except as otherwise provided by law, the person charged with
7 the violation shall agree to appear in court by signing at least one
8 copy of the written citation prepared by the arresting officer.

9 After signing, the officer shall deliver a copy of the citation to
10 the person. The officer shall not take the person into physical
11 custody for the violation if:

12 a. the arrested person is:

13 (1) a resident, or

14 (2) a nonresident of another state within the United
15 States which is a participant in the Interstate
16 Wildlife Violator Compact or any party within the
17 jurisdiction of the Interstate Wildlife Violator
18 Compact,

19 b. the arresting officer is satisfied as to the identity
20 of the arrested person and certifies the date and time
21 and the location of the violation,

22 c. the arrested person acknowledges the written promise
23 to appear in court as provided for on the citation,
24 and

1 d. the violation does not constitute:

2 (1) hunting or fishing while the hunting or fishing
3 license is under suspension, revocation, denial
4 or cancellation, or

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

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

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

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

1 E. If the form of a wildlife citation includes information
2 required by law and is signed by the preparing officer, the
3 citation, when filed with a court having jurisdiction, shall be
4 deemed to be a lawful complaint for the purpose of prosecution under
5 law.

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

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

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

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

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

20 B. A person may be considered guilty of failing to comply with
21 a wildlife citation as set forth in subsection A of this section
22 regardless of the disposition of the charge for which the citation,
23 complaint or charge was originally issued. Any person convicted of
24 failing to comply with a wildlife citation as set forth in

1 subsection A of this section shall be deemed guilty of a misdemeanor
2 and shall be fined not less than Twenty-five Dollars (\$25.00) or
3 more than One Hundred Dollars (\$100.00).

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

8 D. If the person charged fails to appear in court in person or
9 by counsel for arraignment on the charge against them, or fails to
10 arrange with the court within the time designated on the citation
11 for a future appearance, on motion of the district attorney, the
12 court shall issue a bench warrant for the arrest of the person
13 charged.

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

17 A. 1. In addition to any other penalties provided for in the
18 Wildlife Bail Procedure Act or any other applicable law, when a
19 person fails to comply with a wildlife citation or a sentence for a
20 violation of wildlife laws or rules, the district court which has
21 jurisdiction of the citation or which issued the sentence shall mail
22 a notice to the person informing them that if they do not appear in
23 the district court or pay all fines, court costs, assessments or
24 fees, and any penalties imposed within thirty (30) days from the

1 date of mailing, the Oklahoma Department of Wildlife Conservation
2 shall be notified to begin procedures to forfeit or suspend any
3 license, permit, stamp or other issue of the Department held by the
4 person.

5 2. Upon receipt of a report from a district court of a failure
6 to comply with a wildlife citation or sentence as set forth in
7 paragraph 1 of this subsection the Department shall suspend or
8 forfeit the license, permit, stamp or other issue of the Department
9 held by the person until satisfactory evidence of compliance with
10 the wildlife citation or sentence of the district court is furnished
11 to the Department by the district court. Upon receipt of
12 notification of compliance from the district court, the Department
13 shall terminate the suspension action, unless the suspension is
14 otherwise required.

15 B. Except as provided for in subsection C of this section, when
16 the district court notifies the Department of Wildlife Conservation
17 of a failure to comply with a wildlife citation or failure to comply
18 with a sentence of the district, the court shall assess a
19 reinstatement fee of Fifty Dollars (\$50.00) for each charge or
20 sentence on which the person failed to make satisfaction, regardless
21 of the disposition of the charge for which the citation was
22 originally issued. The reinstatement fee shall be in addition to
23 any fine, court costs and other assessments, fees or penalties. The
24 district court shall remit all reinstatement fees to the Department

1 in accordance with the provisions of state law. The Department
2 shall deposit the entire amount of each reinstatement fee in the
3 Wildlife General Fund.

4 C. The district court shall waive the reinstatement fee
5 provided for in subsection B of this section if the failure to
6 comply with a wildlife citation was the result of the person
7 enlisting in or being drafted into the armed services of the United
8 States of America, being called into service as a member of a
9 reserve component of the military service of the United States of
10 America, volunteering for active duty or being called into service
11 as a member of the Oklahoma National Guard or volunteering for
12 active duty and being absent from Oklahoma because of military
13 service.

14 D. A person whose privileges have been suspended as provided
15 for in this section and who hunts, traps or fishes in this state,
16 who applies for or purchases any license or permit to hunt, trap, or
17 fish in this state, or who refuses to surrender any current hunting,
18 trapping or fishing licenses as required pursuant to this section
19 shall be deemed guilty of a misdemeanor and shall be fined not less
20 than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars
21 (\$500.00).

22 SECTION 5. REPEALER 29 O.S. 2001, Sections 9-101, 9-102,
23 9-103, 9-104 and 9-105, are hereby repealed.

24

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

5 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 4-5-11 -
6 DO PASS, As Amended.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24