

1 **SENATE FLOOR VERSION**

2 March 1, 2011

3 As Amended

4 SENATE BILL NO. 129

By: Russell of the Senate

and

Osborn of the House

6
7
8 **[hunting wildlife - Landowner's Hunting Freedom Act**
9 **- noncodification - effective date]**

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

12 SECTION 1. NEW LAW A new section of law not to be
13 codified in the Oklahoma Statutes reads as follows:

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

16 SECTION 2. AMENDATORY 29 O.S. 2001, Section 5-201, as
17 amended by Section 1, Chapter 104, O.S.L. 2008 (29 O.S. Supp. 2010,
18 Section 5-201), is amended to read as follows:

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

23 1. Any trap, net, snare, cage, pitfall, baited hook or similar
24 device;

- 1 2. Any drug, poison, narcotic, explosive or similar substance;
- 2 3. Any swivel or punt gun of greater calibre than ten (10)
- 3 gauge;
- 4 4. Any device which generates electricity; or
- 5 5. Any device which noticeably suppresses noise from a firearm,
- 6 commonly known as a ~~silencer~~ suppressor.

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

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

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

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

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

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

1 4. Employees of the Oklahoma Department of Agriculture, Food,
2 and Forestry Wildlife Services Division and the United States
3 Department of Agriculture Wildlife Services while engaged in
4 wildlife management activities for the protection of agriculture,
5 property, human health and safety and natural resources.

6 E. 1. The following persons shall be exempt from the
7 prohibition specified in paragraph 5 of subsection A of this
8 section:

9 a. any person hunting on property owned by the person,
10 and

11 b. any guest or other person hunting on property with the
12 permission of the owner of the property.

13 2. Nothing in this subsection shall be construed to exempt
14 landowners or their guests from the requirements and provisions of
15 the National Firearms Act regulations and tax requirements for
16 lawful use of such weapons.

17 F. A person shall be exempt from the prohibition in subsection
18 B of this section if the person is permanently physically disabled
19 so that the person is physically incapable of using a firearm,
20 crossbow, or conventional bow as certified in writing by a physician
21 licensed to practice medicine. A person who has received
22 certification as provided for in this paragraph shall have in their
23 possession written evidence of the certification while in the field
24 hunting.

1 ~~F.~~ G. A person shall be exempt from the prohibition in
2 subsection C of this section if the person is engaged in providing
3 facilities for, assisting in, selling, or offering for sale a
4 computer-assisted remote control hunting activity for a person who
5 is physically disabled as described in subsection E of this section.
6 The physically disabled person shall be physically present where the
7 hunting activity is occurring and be in control and operating the
8 computer-assisted remote control means to take wildlife.

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

13 2. Any person convicted of violating the provisions of
14 subsection B or C of this section shall be punished by a fine of not
15 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
16 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
17 exceeding one (1) year, or by both the fine and imprisonment. In
18 addition, the court may order that the hunting or fishing license
19 and privileges of any person convicted of violating the provisions
20 of subsection B or C of this section be revoked for a period of not
21 less than one (1) year but not exceeding five (5) years. The cost
22 of reinstating a hunting or fishing license revoked pursuant to this
23 subsection for residents shall be Two Hundred Dollars (\$200.00) for
24 each license and for nonresidents shall be Five Hundred Dollars

1 (\$500.00) for each license. The reinstatement fee shall be in
2 addition to any other fees required for the hunting or fishing
3 license.

4 SECTION 3. This act shall become effective November 1, 2011.

5 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 2-15-11
6 - DO PASS, As Amended and Coauthored.
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