

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 129

By: Russell

4
5
6 AS INTRODUCED

7 An Act relating to hunting wildlife; enacting the
8 Landowner's Hunting Freedom Act; amending 29 O.S.
9 2001, Section 5-201, as amended by Section 1, Chapter
10 104, O.S.L. 2008 (29 O.S. Supp. 2010, Section 5-201),
11 which relates to means of taking wildlife; clarifying
12 prohibition; exempting certain persons from certain
13 prohibition; clarifying applicability of exemption;
14 providing for noncodification; and providing an
15 effective date.

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

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

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

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

24 Section 5-201. A. Except as otherwise provided for in this
section, no person may utilize at any time, for the purpose of

1 killing or capturing any game mammal, game bird or nongame bird, the
2 following means:

3 1. Any trap, net, snare, cage, pitfall, baited hook or similar
4 device;

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

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

8 4. Any device which generates electricity; or

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

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

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

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

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

21 2. Any person, group or governmental agency the Director may by
22 written permit authorize, where any species of nongame birds are
23 causing a nuisance or undue economic loss, as may be determined by
24 the Director. Such permit shall state the method of control and

1 specific procedures and conditions as may be deemed appropriate by
2 the Director;

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

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

10 E. 1. The following persons shall be exempt from the
11 prohibition specified in paragraph 5 of subsection A of this
12 section:

13 a. any person hunting on property owned by the person,
14 and

15 b. any guest or other person hunting on property with the
16 permission of the owner of the property.

17 2. Nothing in this subsection shall be construed to exempt
18 landowners or their guests from the requirements and provisions of
19 the National Firearms Act regulations and tax requirements for
20 lawful use of such weapons.

21 F. A person shall be exempt from the prohibition in subsection
22 B of this section if the person is permanently physically disabled
23 so that the person is physically incapable of using a firearm,
24 crossbow, or conventional bow as certified in writing by a physician

1 licensed to practice medicine. A person who has received
2 certification as provided for in this paragraph shall have in their
3 possession written evidence of the certification while in the field
4 hunting.

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

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

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

1 less than one (1) year but not exceeding five (5) years. The cost
2 of reinstating a hunting or fishing license revoked pursuant to this
3 subsection for residents shall be Two Hundred Dollars (\$200.00) for
4 each license and for nonresidents shall be Five Hundred Dollars
5 (\$500.00) for each license. The reinstatement fee shall be in
6 addition to any other fees required for the hunting or fishing
7 license.

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

9

10 53-1-23 JT 1/4/2011 2:17:10 PM

11

12

13

14

15

16

17

18

19

20

21

22

23

24