

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1540

By: Brecheen

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6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.
8 2011, Section 4-135, which relates to permits to
9 control certain nuisance; authorizing the Department
10 of Wildlife Conservation to issue permits for the use
of sound suppressors in certain circumstances; making
the permit for day use only; and providing an
effective date.

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

14 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-135, is
15 amended to read as follows:

16 Section 4-135. A. The Department of Wildlife Conservation is
17 authorized to issue permits to landowners, lessees, or their
18 designated agents and to any entity of state, county, or local
19 government to control nuisance or damage by any species of wildlife
20 including, but not limited to, beaver, coyote, deer, bobcat,
21 raccoon, and crow under rules promulgated by the Oklahoma Wildlife
22 Conservation Commission. The permits may be issued without
23 limitation by statewide season regulations, bag limits or methods of
24 taking. The Department is authorized to issue permits for hunting

1 feral swine with a firearm sound suppressor to any landowner, lessee
2 or designated agent of the landowner or lessee who is authorized to
3 possess a firearm sound suppressor, as evidenced by payment and
4 possession of the required federal tax stamp issued by the Bureau of
5 Alcohol, Tobacco, Firearms and Explosives. Such a permit shall be
6 for hunting feral swine between the hours of one-half (1/2) hour
7 before sunrise to one-half (1/2) hour after sunset only. A
8 permitted landowner, lessee or a designated agent of the landowner
9 or lessee may, with a valid permit issued pursuant to this section,
10 control the wildlife specified in this subsection and feral swine at
11 night to protect marketable agricultural crops, livestock, or
12 processed feed, seed or other materials used in the production of an
13 agricultural commodity.

14 B. Except as otherwise specified in this subsection, the permit
15 to hunt at night shall be valid for a period of up to one (1) year
16 from the date the permit was issued. Each landowner, lessee, or
17 designated agent with a valid permit shall be required to have a
18 current agricultural exemption permit issued by the Oklahoma Tax
19 Commission.

20 C. Notwithstanding the provisions of Section 5-203.1 of this
21 title, a landowner, lessee, or designated agent of the landowner or
22 lessee with a valid permit may use a headlight carried on the person
23 while hunting at night. Nothing in this section shall authorize the
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1 use of a headlight mounted on a vehicle or the use of a headlight
2 from a public roadway.

3 D. Any person who has been convicted of, or pled guilty to, a
4 violation of Section 5-203.1 or Section 5-411 of this title within
5 the previous three (3) years shall not be eligible to receive a
6 permit pursuant to this section. The permit can be issued by the
7 local game warden in the county for which the permit is to be used
8 or by the Law Enforcement Division of the Department of Wildlife
9 Conservation.

10 E. Notwithstanding the provisions of Section 1289.13 of Title
11 21 of the Oklahoma Statutes, it shall be lawful for any private
12 landowner or designated employee of the landowner or lessee to have
13 a chamber-loaded firearm on property owned by the landowner, and to
14 use the firearm for the purpose of controlling nuisance or damage by
15 any wildlife or feral swine. Nothing in this section shall
16 authorize any convicted felon to carry a firearm.

17 SECTION 2. This act shall become effective November 1, 2012.

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