

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1743

By: Russell

4  
5  
6 AS INTRODUCED

7 An Act relating to hunting wildlife; creating the  
8 Landowner's Hunting Freedom Act; amending 29 O.S.  
9 2011, Section 5-201, which relates to means of taking  
10 wildlife; clarifying prohibition; exempting certain  
11 persons from specified prohibition; clarifying  
12 applicability of exemption; providing for  
13 noncodification; and providing an effective date.

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

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

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

19 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-201, is  
20 amended to read as follows:

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

1. Any trap, net, snare, cage, pitfall, baited hook or similar  
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 Oklahoma Wildlife Conservation Director, departmental  
16 employees and authorized agents when capturing wildlife for  
17 propagation or management purposes;

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

24

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

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

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

11 a. any person hunting on property owned by the person,  
12 and

13 b. any guest or other person hunting on property with the  
14 permission of the owner of the property.

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

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

1 possession written evidence of the certification while in the field  
2 hunting.

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

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

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

1 of reinstating a hunting or fishing license revoked pursuant to this  
2 subsection for residents shall be Two Hundred Dollars (\$200.00) for  
3 each license and for nonresidents shall be Five Hundred Dollars  
4 (\$500.00) for each license. The reinstatement fee shall be in  
5 addition to any other fees required for the hunting or fishing  
6 license.

7 SECTION 3. This act shall become effective November 1, 2012.

8

9 53-2-1940 JM 1/19/2012 5:01:02 PM

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24