

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 780 By: Brecheen of the Senate
3 and
4 McCall of the House
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7 An Act relating to game and fish; amending 29 O.S.
8 Section 7-205, which relates to fines for persons
9 convicted of improper disposal of wildlife; raising
10 the minimum fine; and providing an effective date.

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12 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
13 and insert

14 "An Act relating to game and fish; amending 29 O.S.
15 2011, Section 4-110, which relates to fishing
16 licenses; providing for one-day fishing licenses for
17 nonresidents; amending 29 O.S. 2011, Section 7-205,
18 which relates to fines for persons convicted of
19 improper disposal of wildlife; raising the minimum
20 fine; providing for revocation of certain licenses
21 for violations; and providing an effective date.

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

24 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-110, is
amended to read as follows:

Section 4-110. A. Except as otherwise provided in the Oklahoma
Wildlife Conservation Code, no person shall fish, pursue, harass,

1 catch, kill, take in any manner, use, have in possession, sell, or
2 transport all or any portion of fish without having first procured a
3 license for such from the Director or from any of the authorized
4 agents of the Department of Wildlife Conservation. The Wildlife
5 Conservation Commission may designate two (2) days per year in which
6 residents and nonresidents may fish without first procuring a
7 fishing license pursuant to the provisions of this section.

8 B. The following legal residents of Oklahoma shall be exempt
9 from the annual fishing license requirements of subsection C of this
10 section and the following nonresidents shall be exempt from the
11 annual nonresident fishing licenses required pursuant to subsection
12 E of this section:

13 1. Legal residents under sixteen (16) years of age and
14 nonresidents under sixteen (16) years of age from states which do
15 not require nonresident fishing licenses for persons under sixteen
16 (16) years of age;

17 2. Legal residents sixty-five (65) years of age or older and
18 nonresidents sixty-five (65) years of age or older from states which
19 do not require nonresident fishing licenses for persons sixty-five
20 (65) years of age or older, provided a legal resident has obtained a
21 senior citizen lifetime fishing or combination hunting and fishing
22 license pursuant to the provisions of Section 4-114 of this title;

23 3. Legal residents born on or before January 1, 1923;

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1 4. Legal resident veterans having a disability of sixty percent
2 (60%) or more;

3 5. Legal resident owners or tenants, their spouses, parents,
4 grandparents, children and their spouses, grandchildren and their
5 spouses who fish in private ponds on land owned or leased by them;

6 6. Any legal resident or nonresident who is a patient of an
7 institution of the State of Oklahoma established for the care and
8 treatment of mental illness or alcohol or drug dependency or any
9 developmentally disabled person residing in any group home or other
10 institution or developmentally disabled persons when accompanied by
11 an attendant of the institution or legal guardian of the patient, or
12 when fishing on institutional property;

13 7. Any legal resident or nonresident under eighteen (18) years
14 of age who is in the legal and physical custody of the State of
15 Oklahoma or one of its agencies by court order;

16 8. Any legal resident or nonresident under eighteen (18) years
17 of age who is in the physical custody of a child care facility as
18 defined by Section 402 of Title 10 of the Oklahoma Statutes;

19 9. Any legal resident or nonresident who is legally blind or
20 who has any other physical impairment, as certified by a physician
21 licensed in this state or any state which borders this state, which
22 prevents the person from properly using fishing apparatus without
23 the assistance of another person, and any one person actually
24 accompanying and actually assisting such legally blind or otherwise

1 physically impaired person while the latter is fishing. This
2 certification shall be carried by the individual while fishing;

3 10. Nonresidents under fourteen (14) years of age;

4 11. Any legal resident or nonresident who is a Job Corps
5 trainee of this state, provided that the trainees shall have on
6 their persons a duly authorized identification card issued by their
7 respective Job Corps Center and shall present the card upon request,
8 in lieu of a fishing license. The trainees shall return their cards
9 to their respective Job Corps Center when the trainees leave their
10 respective Job Corps training programs;

11 12. Any legal resident having a proven disability which renders
12 the resident nonambulatory and confined to a wheelchair as certified
13 by a physician licensed in this state or any state which borders
14 this state;

15 13. Any legal resident who is fishing with a pole and line,
16 trotline, or throwline in streams, natural lakes, natural ponds, and
17 mine pits in the county in which the person is a resident, or in
18 streams, natural lakes, natural ponds, and mine pits which form a
19 part of the boundary line of the county in which the person is a
20 resident, when using any bait other than commercial or artificial
21 bait, blood, stink bait, cut fish, and shrimp; and

22 14. Any legal resident or nonresident participating in an
23 aquatic education event or clinic sanctioned by the Department of
24 Wildlife Conservation.

1 C. Except as otherwise provided for in the Oklahoma Wildlife
2 Conservation Code, the resident fishing licenses issued pursuant to
3 the provisions of this section and the fee for each shall be:

4 1. Annual fishing license for legal residents eighteen (18)
5 years of age and older - Twenty-four Dollars (\$24.00);

6 2. Annual fishing license for legal residents sixteen (16) or
7 seventeen (17) years of age - Four Dollars (\$4.00); and

8 3. Two-day fishing license for legal residents - Fourteen
9 Dollars (\$14.00).

10 D. Of the fees collected pursuant to the provisions of
11 paragraphs 1 and 3 of subsection C of this section, Five Dollars
12 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
13 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
14 created pursuant to the provisions of Section 4-141 of this title.

15 E. Except as otherwise provided for in the Oklahoma Wildlife
16 Conservation Code, the nonresident fishing licenses issued pursuant
17 to the provisions of this section and the fee for each shall be:

18 1. Annual fishing license for nonresidents - Fifty-four Dollars
19 (\$54.00), provided the Commission may enter into reciprocity
20 agreements with states wherein nonresident license fees shall be in
21 conformity with such reciprocal agreements; ~~and~~

22 2. Six-day fishing license for nonresidents - Thirty-four
23 Dollars (\$34.00); and

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1 3. One-day fishing license for nonresidents - Fourteen Dollars
2 (\$14.00).

3 F. Of the fees collected pursuant to the provisions of
4 paragraphs 1 ~~and~~, 2 and 3 of subsection E of this section, Five
5 Dollars (\$5.00) of the annual license fee for nonresidents, ~~and~~ One
6 Dollar and fifty cents (\$1.50) of the six-day fishing license for
7 nonresidents fee and One Dollar and fifty cents (\$1.50) of the one-
8 day fishing license for nonresidents fee shall be deposited in the
9 Wildlife Land Acquisition Fund created pursuant to the provisions of
10 Section 4-132 of this title. Of the fees collected pursuant to the
11 provisions of paragraphs 1 ~~and~~, 2 and 3 of subsection E of this
12 section, Five Dollars (\$5.00) of the license fee shall be for the
13 Oklahoma Wildlife Land Stamp and shall be deposited in the Oklahoma
14 Wildlife Land Fund created pursuant to the provisions of Section 4-
15 141 of this title.

16 G. Legal residents who have resided in this state for at least
17 six (6) months and who are receiving Social Security Disability
18 benefits, Supplemental Security Income benefits, disability benefits
19 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a,
20 postal employees receiving disability benefits pursuant to 5,
21 U.S.C., Section 8451 (1998) or legal residents who are one hundred
22 percent (100%) disabled and are receiving disability payments from
23 the Multiple Injury Trust Fund pursuant to Section ~~173~~ 403 of Title
24 85 of the Oklahoma Statutes, may purchase a disability fishing

1 license from the Director for Ten Dollars (\$10.00) for five (5)
2 years.

3 H. 1. Any person arrested while violating the provisions of
4 this section who does not meet the requirements of subsection K of
5 this section, may purchase a substitute temporary thirty-day license
6 from the arresting game warden in lieu of posting bond. The fee for
7 a substitute license purchased pursuant to the provisions of this
8 subsection shall be:

9 a. for legal residents, Fifty Dollars (\$50.00), and

10 b. for nonresidents, Ninety Dollars (\$90.00).

11 2. Except as otherwise provided by this subsection, the fees
12 from licenses purchased pursuant to the provisions of this
13 subsection shall be deposited in the Wildlife Conservation Fund to
14 be used exclusively for developing, managing, preserving, and
15 protecting wildlife and wildlife habitat.

16 I. Unless a substitute license is purchased as provided for by
17 subsection H of this section, any resident of this state convicted
18 of violating the provisions of this section shall be punished by the
19 imposition of a fine of not less than Twenty-five Dollars (\$25.00)
20 nor more than Two Hundred Dollars (\$200.00) or by imprisonment in
21 the county jail for a period not to exceed thirty (30) days, or by
22 both said fine and imprisonment.

23 J. Unless a substitute license is purchased as provided for by
24 subsection H of this section, any nonresident convicted of violating

1 this section shall be punished by a fine of not less than Fifty
2 Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by
3 imprisonment in the county jail for a period not more than thirty
4 (30) days, or by both such fine and imprisonment.

5 K. Any person producing proof in court that a current fishing
6 license issued by the Department of Wildlife Conservation to that
7 person was in force at the time of the alleged offense shall be
8 entitled to dismissal of a charge of violating this section upon
9 payment of court costs. If proof of a current fishing license
10 issued by the Department to the person that was in force at the time
11 of the alleged offense is presented to the court or district
12 attorney within seventy-two (72) hours after the violation, the
13 charge shall be dismissed without payment of court costs.

14 SECTION 2. AMENDATORY 29 O.S. 2011, Section 7-205, is
15 amended to read as follows:

16 Section 7-205. A. ~~No~~ Excluding furbearers and coyotes, no
17 person may capture, kill, mutilate or destroy any wildlife protected
18 by law and remove the head, claws, teeth, hide, antlers, horns or
19 any or all of such parts from the body with the intent to abandon
20 the body.

21 B. ~~No~~ Excluding furbearers and coyotes, no person may capture
22 or mutilate any living wildlife protected by law by removing the
23 claws, teeth, hide, antlers, horns or any or all of such parts from
24 the body.

1 C. No person may kill any wildlife protected by law and abandon
2 the body without disposing of the body in the most appropriate
3 manner.

4 D. Any person convicted of violating the provisions of this
5 section shall be punished by a fine of not less than ~~One Hundred~~
6 ~~Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00) nor more than One
7 Thousand Dollars (\$1,000.00), or by imprisonment in the county jail
8 for not more than one (1) year, or by both fine and imprisonment.

9 E. Any hunting or fishing license issued to a person by the
10 Department of Wildlife Conservation shall be automatically revoked
11 upon conviction of the person of violating the provisions of this
12 section. The revocation shall be for a period set by the court of
13 not less than one (1) year nor more than ten (10) years. If the
14 court does not set a period, the revocation shall be for one (1)
15 year from the date of the conviction. During this period of
16 revocation, the Department shall not issue the person a hunting or
17 fishing license. If the court does not set a revocation period, the
18 Department shall not issue that person a license within one (1) year
19 of the conviction of the person pursuant to this section. A person
20 who has a license or permit revoked pursuant to this section shall
21 surrender the revoked license or permit to the court. The court
22 shall send the Department of Wildlife Conservation the revoked
23 license and a copy of the judgment of conviction. For purposes of
24 this section, "conviction" shall include a plea of guilty or nolo

1 contendere to an offense or the imposition of deferred adjudication
2 for an offense.

3 SECTION 3. This act shall become effective November 1, 2013."
4 Passed the House of Representatives the 24th day of April, 2013.

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6 Presiding Officer of the House of
7 Representatives

8 Passed the Senate the ____ day of _____, 2013.

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10 Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 780

By: Brecheen of the Senate
and
McCall of the House

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7 An Act relating to game and fish; amending 29 O.S.
8 Section 7-205, which relates to fines for persons
9 convicted of improper disposal of wildlife; raising
10 the minimum fine; and providing an effective date.

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

12 SECTION 4. AMENDATORY 29 O.S. 2011, Section 7-205, is
13 amended to read as follows:

14 Section 7-205. A. No person may capture, kill, mutilate or
15 destroy any wildlife protected by law and remove the head, claws,
16 teeth, hide, antlers, horns or any or all of such parts from the
17 body with the intent to abandon the body.

18 B. No person may capture or mutilate any living wildlife
19 protected by law by removing the claws, teeth, hide, antlers, horns
20 or any or all of such parts from the body.

21 C. No person may kill any wildlife protected by law and abandon
22 the body without disposing of the body in the most appropriate
23 manner.

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1 D. Any person convicted of violating the provisions of this
2 section shall be punished by a fine of not less than ~~One Hundred~~
3 ~~Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00) nor more than One
4 Thousand Dollars (\$1,000.00), or by imprisonment in the county jail
5 for not more than one (1) year, or by both fine and imprisonment.

6 SECTION 5. This act shall become effective November 1, 2013.

7 Passed the Senate the 27th day of February, 2013.

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Presiding Officer of the Senate

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11 Passed the House of Representatives the ____ day of _____,

12 2013.

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Presiding Officer of the House
of Representatives

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