

An Act

ENROLLED SENATE
BILL NO. 780

By: Brecheen of the Senate

and

McCall of the House

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

SUBJECT: Game and fish

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

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

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

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

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

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

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

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

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

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

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

9. Any legal resident or nonresident who is legally blind or who has any other physical impairment, as certified by a physician licensed in this state or any state which borders this state, which prevents the person from properly using fishing apparatus without the assistance of another person, and any one person actually accompanying and actually assisting such legally blind or otherwise physically impaired person while the latter is fishing. This certification shall be carried by the individual while fishing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wildlife Land Fund created pursuant to the provisions of Section 4-141 of this title.

G. Legal residents who have resided in this state for at least six (6) months and who are receiving Social Security Disability benefits, Supplemental Security Income benefits, disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, postal employees receiving disability benefits pursuant to 5, U.S.C., Section 8451 (1998) or legal residents who are one hundred percent (100%) disabled and are receiving disability payments from the Multiple Injury Trust Fund pursuant to Section ~~173~~ 403 of Title 85 of the Oklahoma Statutes, may purchase a disability fishing license from the Director for Ten Dollars (\$10.00) for five (5) years.

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

- a. for legal residents, Fifty Dollars (\$50.00), and
- b. for nonresidents, Ninety Dollars (\$90.00).

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

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

J. Unless a substitute license is purchased as provided for by subsection H of this section, any nonresident convicted of violating this section shall be punished by a fine of not less than Fifty

Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the county jail for a period not more than thirty (30) days, or by both such fine and imprisonment.

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

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

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

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

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

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

E. Any hunting or fishing license issued to a person by the Department of Wildlife Conservation shall be automatically revoked upon conviction of the person of violating the provisions of this section. The revocation shall be for a period set by the court of

not less than one (1) year nor more than ten (10) years. If the court does not set a period, the revocation shall be for one (1) year from the date of the conviction. During this period of revocation, the Department shall not issue the person a hunting or fishing license. If the court does not set a revocation period, the Department shall not issue that person a license within one (1) year of the conviction of the person pursuant to this section. A person who has a license or permit revoked pursuant to this section shall surrender the revoked license or permit to the court. The court shall send the Department of Wildlife Conservation the revoked license and a copy of the judgment of conviction. For purposes of this section, "conviction" shall include a plea of guilty or nolo contendere to an offense or the imposition of deferred adjudication for an offense.

SECTION 3. This act shall become effective November 1, 2013.

Passed the Senate the 7th day of May, 2013.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2013.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____