STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1426 By: Biggs

AS INTRODUCED

An Act relating to game and fish; amending 29 O.S. 2011, Section 4-101, which relates to license usage; adding information to be included during wildlife check-in; providing for electronic check-in of wildlife; modifying penalties for certain violations; requiring certain licenses to be revoked upon violation of certain offenses for a specified time period; directing the court to send copy of the judgment; defining term; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-101, is amended to read as follows:

Section 4-101. A. All licenses and permits issued by the Director of Wildlife Conservation, the Department of Wildlife Conservation or by any of its agents shall be used only in conformity with the provisions of this title and the rules promulgated by the Oklahoma Wildlife Conservation Commission.

B. All persons making application for any licenses required by this section shall produce a valid license to operate a motor

vehicle or other positive proof of identification, age and residency, and any such license issued shall show such data as well as the date and time of issuance.

C. All licenses are nontransferable. No person shall alter, change, lend or transfer any license. No person shall use or borrow a license which has not been issued to that person by the Director, the Department or by any of its agents pursuant to the provisions of this section.

D. No person may engage in activities requiring a license without that person's carrying such license on their person and producing the same for an inspection upon the demand of any Oklahoma citizen or game warden.

E. Any person required to produce a license must also identify themselves as the person to whom such license was issued, and failure or refusal to comply shall be deemed prima facie evidence of a violation of this section.

F. Unless otherwise provided in this Code:

1. Hunting licenses issued pursuant to paragraph 1 of subsection C and paragraphs 1 and 3 of subsection E of Section 4-112 of this title and paragraphs 1 and 3 of subsection B of Section 4-113 of this title shall expire on December 31 of the year issued. Hunting licenses issued pursuant to paragraph 2 of subsection C and paragraphs 2 and 4 of subsection E of Section 4-112 of this title and paragraphs 2 and 4 of subsection B of Section 4-113 of this

title shall expire on June 30 of the fiscal year issued. All other licenses shall terminate December 31 for the year issued; and

2. Any person convicted of violating any of the provisions of this title may have any or all licenses held by that person or the privilege of applying for, purchasing or exercising the benefits conferred by the licenses revoked by the Department in accordance with rules promulgated by the Commission or by a court of competent jurisdiction for a period of not less than one (1) year. For purposes of this paragraph, a court conviction, a plea of guilty, a plea of nolo contendere, the imposition of a deferred or suspended sentence by a court, or forfeiture of bond shall be deemed a conviction.

G. Should any license or permit issued pursuant to Part 1 of Article IV of this title be lost or destroyed, duplicates will be issued by the Department at a fee of One Dollar and fifty cents ($1.50).

H. Upon harvesting any whitetail or mule deer, or any other wildlife where the hunter, according to Commission rules, is required to check the wildlife in at a Department check station, the taker of the wildlife shall:

1. Securely attach the name of the taker, time of harvest, date of harvest and license number to the carcass of the wildlife;

2. ~~Transport to and check~~ Check in the carcass of the wildlife ~~at the nearest hunter~~ electronically using the online check station

~~that is open or with an authorized Department employee~~ provided on the official website of the Oklahoma Department of Wildlife Conservation or as prescribed by rule of the Commission, no later than midnight of the day the wildlife was harvested; and

3. Not remove evidence of the sex of the animal until after the carcass of the animal has been checked in.

I. It shall be unlawful for any license or permit holder to ~~knowingly~~ make a false statement or give false information to any ~~person operating an~~ authorized hunter check station or to an authorized Department employee when complying with the provisions of subsection H of this section. Information which may be collected at a Department check station shall include but not be limited to the name, address, license or permit number and signature of the taker, the date, time, county, method or weapon of the kill, sex and weight of carcass, whether or not the animal was taken on public hunting land and if so in what area, or any other information which may be required by the Commission.

J. 1. Any person convicted of violating the provisions of this section or of making a false statement or giving any false information in order to acquire any license or permit, pursuant to the provisions of this section, shall be punishable by a fine of not less than ~~Twenty-five Dollars ($25.00)~~ Two Hundred Fifty Dollars ($250.00) nor more than ~~One Hundred Dollars ($100.00)~~ Seven Hundred Fifty Dollars ($750.00), or by imprisonment in the county jail for a

period not to exceed ten (10) days, or by both such fine and imprisonment.

2. 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 or 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.

K. Any person who has had their license privileges revoked shall not be entitled to purchase, apply for, or exercise the benefits conferred by any license until the revocation period has expired or the person has obtained approval from the Director. Any

person violating the provisions of this subsection, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in a county jail for a term of not more than ninety (90) days or by both the fine and imprisonment. Upon conviction under this subsection, the previously granted license revocation period shall be extended by two (2) additional years.

SECTION 2. This act shall become effective November 1, 2013.

54-1-6623 CJB 01/15/13